

DRAFT

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE RELATING TO SHARK TOUR OPERATIONS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Findings and purpose. The Council finds that sharks have been revered throughout Hawaiian history; sharks, called manō in Hawaiian, continue to carry great cultural, historical, and spiritual significance for many Native Hawaiians and others who value the Hawaiian culture; the manō is regarded by some people in Maui County as their `aumakua, a protective ancestral spirit; and the General Plan directs the County government to preserve Maui County's cultural resources. The Council further finds that shark tours—the practice of charging residents and visitors to venture into ocean waters to feed and view sharks for entertainment—is disrespectful of Hawaiian culture; raises public-safety concerns for swimmers, surfers, and other ocean users; and may be disruptive of ocean ecology and, consequently, Maui County's natural environment. The Council also finds that the health, safety, and general welfare of Maui County residents will be promoted by prohibiting shark tour operations.

SECTION 2. Title 6, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 6.02

PROHIBITION OF SHARK TOUR OPERATIONS

Sections:

- Section 6.02.010 Definition.
- Section 6.02.020 Prohibition.
- Section 6.02.030 Violation—Penalty.

6.02.010 Definition. For purposes of this chapter, the following term is defined:

“Shark tour operations” means the maintenance of an office, the collection, distribution, marketing, or advertising of tickets for sale, or other business activity conducted by a person in Maui County for the purpose of charging residents or visitors to venture into ocean waters to feed and view sharks for entertainment. This term does not include educational or cultural expeditions or endeavors for which a participation fee is not required.

6.02.020 Prohibition. Shark tour operations are prohibited.

6.02.030 Violation—Penalty. Any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or imprisoned not more than one year or both.”

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:dmr:09-151b