

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

August 24, 2004

Committee
Report No.

04-140

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning and Land Use Committee, having met on August 3, 2004, makes reference to County Communication No. 04-169, from the County Clerk, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.12A, MAUI COUNTY CODE, RELATING TO NONCOMMERCIAL SIGNS". The purpose of the proposed bill is to bring the County Code into consistency with Act 194 (2003), which amended Section 445-112(11), Hawaii Revised Statutes, by deleting the provision that political campaign signs "shall be permitted only for a period of seventy-five days preceding a general or special election and for a period of ten days following such election".

By correspondence dated July 27, 2004, the Chair of your Committee transmitted correspondence dated October 29, 1996, from Special Deputy Attorney General Madeleine Austin to Governor Benjamin J. Cayetano, opining that durational limitations on political campaign signs are unconstitutional.

At its meeting, your Committee met with a Deputy Corporation Counsel.

Your Committee noted that political campaign signs can have negative aesthetic impacts and that, therefore, good taste dictates that they only be displayed during election season. However, your Committee also noted the County's apparent inability to continue to impose durational limitations on political campaign signs because of both constitutional and statutory restrictions. Nonetheless, your Committee acknowledged its ability to regulate the location and size of political campaign signs by ordinance. Indeed, Section 16.12A.030 of the County Code already limits political campaign signs to 18 square feet. Your Committee suggested that the Council may wish to consider additional legislation to regulate political campaign signs, if necessary, in the future.

Consistent with the Deputy Corporation Counsel's legal advice, your Committee voted to recommend passage of the proposed bill on first reading. Your Committee also voted to file the communication.

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Your Planning and Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2004), attached hereto, entitled " A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.12A, MAUI COUNTY CODE, RELATING TO NONCOMMERCIAL SIGNS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 04-169 be FILED.

Adoption of this report is respectfully requested.

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WAYNE K. NISHIKI **Chair**

DANNY A. MATEO **Member**

G. RIKI HOKAMA **Vice-Chair**

MICHAEL J. MOLINA **Member**

ROBERT CARROLL **Member**

JOSEPH PONTANILLA **Member**

JO ANNE JOHNSON **Member**

CHARMAINE TAVARES **Member**

DAIN P. KANE **Member**