

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, AGRICULTURE,  
AND RECREATION COMMITTEE**

October 2, 2009

**Committee  
Report No.** \_\_\_\_\_

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

Chair and Members:

Your Economic Development, Agriculture, and Recreation Committee, having met on September 17, 2009, makes reference to County Communication No. 09-204, from Councilmember Jo Anne Johnson, relating to the matter of prohibiting alcohol within the boundaries of Kamaole Beach Park I, Kihei.

By correspondence dated August 3, 2009, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK I".

The purpose of the proposed bill is to prohibit the consumption of any intoxicating liquor, as defined in Section 281-1, Hawaii Revised Statutes, while within the boundaries of Kamaole Beach Park I, located on South Kihei Road, Kihei.

The Director of Parks and Recreation was concerned about the behavior of two groups of individuals that regularly drink alcohol at Kamaole Beach Park I. She stated that these individuals purchase alcohol at the liquor store across the street and spend most of the day drinking at the park.

A representative from the Department of Police informed your Committee that several fights have been reported at the Kamaole Beach parks, some of which involved the use of weapons. He said that many of the park users involved in these fights were consuming alcohol. He supported prohibiting the consumption of alcohol at Kamaole Beach Park I, which is adjacent to Charley Young Park, where alcohol consumption has recently been prohibited. Prohibiting alcohol consumption at Kamaole Beach Park I would eliminate the need for park users and police officers to determine where one park ends and the other park begins.

Your Committee was concerned about the public's perception that the County is setting a precedent for prohibiting alcohol at all County parks. Your Committee noted

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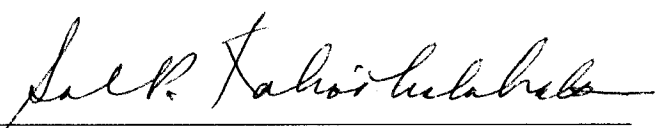
that recent prohibitions as well as future prohibitions should be determined on a case-by-case basis, taking into consideration the circumstances specific to each park.

Your Committee voted 5-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Johnson, Vice-Chair Kaho`ohalahala, and members Baisa, Molina and Pontanilla voted "aye".

Your Economic Development, Agriculture, and Recreation Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2009), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK I", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-204 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
SOL P. KAHO`OHALAHALA, Vice-Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK I

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

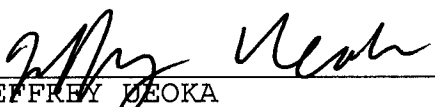
SECTION 1. Chapter 13.04, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"13.04.049 Alcohol prohibition for Kamaole Beach Park I in Kihei. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with the Maui County Code, it is unlawful for any person to consume any intoxicating liquor, as defined in Section 281-1, Hawaii Revised Statutes, while within the boundaries of Kamaole Beach Park I, located at 2400 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County of Maui."

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

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

APPROVED AS TO FORM  
AND LEGALITY:

  
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JEFFREY DEOKA  
Deputy Corporation Counsel  
County of Maui

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