

COUNCIL OF THE COUNTY OF MAUI

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

September 7, 2012

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 August 16, 2012, makes reference to County Communication 11-305, from Councilmember Mike White, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PROHIBITING ALCOHOL IN COUNTY PARKS WHERE YOUTH CENTERS ARE LOCATED".

The purpose of the proposed bill is to prohibit the consumption of intoxicating liquor within the boundaries of any County park containing a youth center.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality. The revised proposed bill prohibits the consumption of intoxicating liquor while within the boundaries of any County park or recreational facility located within a 1,500-foot radius of a youth center. The revised proposed bill also incorporates definitions for the terms "youth center" and "intoxicating liquor", and nonsubstantive revisions.

Your Committee notes that the City and County of Honolulu currently prohibits the consumption of intoxicating liquor while within the boundaries of all public parks, with a few permitted exceptions.

Your Committee further notes that the proposed bill would impact the following County parks: Waiale Park, Kenolio Recreational Complex, Lahaina Recreation Center Park, and Lower Paia Park. Intoxicating liquor is currently prohibited in the following parks that are located within a 1,500-foot radius of a youth center, due to their proximity to public or private schools: Eddie Tam Park, Haiku Park and Community Center, Hana Community Center and District Complex and Ball Park, Lanai Gymnasium and Tennis Courts, Mitchell Pauole Center, and Paukukalo Park.

The Deputy Director of Parks and Recreation informed your Committee that the Department is generally in support of the proposed prohibition. The Deputy Director

COUNCIL OF THE COUNTY OF MAUI

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

September 7, 2012
Page 2

**Committee
Report No. _____**

noted that the Department will need time to analyze the proposed bill and develop the applicable departmental policies and procedures.

A representative of the Department of Police informed your Committee that the Department is in support of the proposed bill. The representative noted that proper park signage and public assistance will increase the consistency and effectiveness of enforcement.

Your Committee notes that youth centers have programs and activities for youth that can conclude around 10:00 p.m. Therefore, your Committee requested that the proposed bill be revised to extend the prohibition from 5:00 p.m. to 10:00 p.m.

Your Committee further notes that Section 13.04.040(B)(11), Maui County Code, prohibits the consumption of intoxicating liquor in any park from 11:00 p.m. to 6:00 a.m., with a few exceptions. To eliminate any potential confusion for public park users, your Committee considered revising this prohibition to begin at 10:00 p.m. to eliminate the one hour discrepancy.

The Deputy Director of Parks and Recreation informed your Committee that the Department is concerned about the potential impact that changing the prohibition to begin at 10:00 p.m. instead of 11:00 p.m. would have on community center users. According to the Deputy Director, the additional hour would give community center users more time to dispose of any intoxicating liquor before the 11:00 p.m. prohibition begins. The Deputy Director requested more time to analyze such a change.

Your Committee notes that the phrase "intoxicating liquor" does not need to be defined because the phrase "consume any intoxicating liquor" is already defined in Section 13.04.020, Maui County Code. Therefore, your Committee recommended that the definition of "intoxicating liquor" be deleted. Your Committee also recommended that the prohibition at Keopuolani Park be rephrased to reflect the deletion of the definition of "intoxicating liquor" while maintaining the intent of the prohibition.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair White, Vice-Chair Cochran, and members Carroll, Couch, and Pontanilla voted "aye". Committee members Baisa and Hokama were excused.

COUNCIL OF THE COUNTY OF MAUI

ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE

September 7, 2012
Page 3


Committee
Report No. _____

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

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

1. That Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PROHIBITING ALCOHOL IN COUNTY PARKS WHERE YOUTH CENTERS ARE LOCATED", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-305 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MIKE WHITE, Chair

ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04,
MAUI COUNTY CODE, PROHIBITING ALCOHOL IN COUNTY PARKS WHERE YOUTH
CENTERS ARE LOCATED

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

SECTION 1. Section 13.04.020, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Youth center” means any building, structure, or facility, including all necessary attendant or related facilities and equipment, that is owned or operated by a nonprofit entity or by the County for the exclusive use by the youth of the community that promotes the health, safety, or general welfare of youth.”

SECTION 2. Chapter 13.04, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“13.04.044 Alcohol prohibition for certain parks. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with this code, it is unlawful for any person to consume any intoxicating liquor while within the boundaries of the following parks:

1. Kalama Park, located at 1900 South Kihei Road, Kihei, Maui, Hawaii, and Cove Park, located at 2120 Iliili Road, Kihei, Maui, Hawaii. The land comprising Kalama Park and Cove Park is identified in State Executive Order No. 854, as amended by State Executive Order No. 1184, as the land set aside for public park purposes, to be under the control and management of the County of Maui;

2. South Maui Community Park, located at 1501 Liloa Drive, Kihei, Maui, Hawaii;

3. Keopuolani Park, provided that this prohibition shall not apply to the Maui Arts & Cultural Center;

4. Kamehameha Iki Park and Maluuluolele Park, located in Lahaina, Maui, Hawaii;

5. Honokowai Beach Park, located on Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified in State Executive Order No. 2029 as the public land set aside to be under the control and management of the County of

Maui, and further identified as tax map key number (2) 4-4-001:046, and further comprising tax map key number (2) 4-4-001:047;

6. Charley Young Park, located at 2200 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 3344 as the land set aside for public right-of-way and beach purposes to be under the control and management of the County of Maui; and

7. 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 3. Section 13.04.040, Maui County Code, is amended by amending subsection B to read as follows:

“B. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with [the Maui County Code,] this code, it is unlawful for any person, within the limits of any park or recreational facility to:

1. Distribute, post, or place any commercial handbill or circular, notice, or other advertising material;
2. Wash, polish, or repair cars or other vehicles;
3. Store, repair, or condition any boat, canoe, raft, or other vessel;
4. Park or operate any vehicle on grassed and sand areas with the exception of a personal mobility device;
5. Use or operate loudspeakers;
6. Dance on any gymnasium floor;
7. Engage in archery;
8. Kindle, build, maintain, or use any fire other than in a grill or hibachi;
9. Consume any intoxicating liquor[, as defined in section 281-1, Hawaii Revised Statutes,] while within the boundaries of any park or recreational facility, if any boundary of that park or recreational facility is located within a one-thousand five hundred foot radius of any boundary of any public or private school, [or] preschool, or youth center, between the hours of [six] 6:00 a.m. and [five] 10:00 p.m., [Mondays] Monday through [Fridays,] Friday, except [state] State and County holidays;
10. Consume any intoxicating liquor at any time in any public restroom;
11. Consume any intoxicating liquor between the hours of [eleven] 11:00 p.m. and [six] 6:00 a.m. in any park or recreational facility, except civic and community centers, provided that this prohibition shall not apply to Molokai.”

SECTION 4. Sections 13.04.041 and 13.04.042, Maui County Code, are repealed.

[“13.04.041 Alcohol prohibition for Kalama Park and Cove Park 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 Kalama Park, located at 1900 South Kihei Road, Kihei, Maui, Hawaii, or while within the boundaries of Cove Park, located at 2120 Iiili Road, Kihei, Maui, Hawaii. The land comprising Kalama Park and Cove Park is identified in state executive order no. 854, as amended by state executive order no. 1184, as the land set aside for public park purposes, to be under the control and management of the County of Maui.

13.04.042 Alcohol prohibition for South Maui Community Park 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 South Maui Community Park, located at 1501 Liloa Drive, Kihei, Maui, Hawaii.”]

SECTION 5. Sections 13.04.045, 13.04.046, 13.04.047, 13.04.048, and 13.04.049, Maui County Code, are repealed.

[“13.04.045 Alcohol prohibition for Keopuolani Park. 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 Keopuolani Park, provided that this prohibition shall not prohibit the consumption of intoxicating liquor at the Maui arts and cultural center.

13.04.046 Alcohol prohibitions for Kamehameha Iki Park and Malu`ulu`olele Park in Lahaina. 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 either Kamehameha Iki Park or Malu`ulu`olele Park.

13.04.047 Alcohol prohibition for Honokowai Beach Park in Lahaina. 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 Honokowai Beach Park, located on Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified in State Executive Order No. 2029 as the public land set aside to be under the control and management of the County of Maui, and further identified as Tax Map Key

Number: (2) 4-4-001:046, and further comprising Tax Map Key Number: (2) 4-4-001:047.

13.04.048 Alcohol prohibition for Charley Young Park 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 Charley Young Park, located at 2200 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 3344 as the land set aside for public right-of-way and beach purposes to be under the control and management of the County of Maui.


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 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY OOKA
Department of the Corporation Counsel
County of Maui

edr:misc:024abill02;jkn