

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
FACILITIES COMMITTEE**

December 19, 2008

**Committee
Report No.**

08-165

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

Chair and Members:

Your Public Works and Facilities Committee, having met on December 3, 2008, makes reference to County Communication No. 08-269, from the Director of Parks and Recreation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO RECREATIONAL AREA REGULATIONS".

The purposes of the proposed bill are to: (1) authorize certain individuals, including Park Security Officers, to issue citations for violations of Chapter 13.04, Maui County Code, relating to recreational area regulations; and (2) clarify the penalties for such violations.

At its meeting, your Committee met with the Director of Parks and Recreation; the Deputy Chief of Police; the Special Events Coordinator, Department of Parks and Recreation; and a Deputy Corporation Counsel.

There was no public testimony.

The Director provided a brief overview of the matter. She stated that the proposed bill would increase her Department's ability to fulfill their mission to keep the parks safe.

The Deputy Chief of Police stated that the Department of Police is in complete support of the proposed bill. He informed your Committee that the Department of Police has provided training for the Park Security Officers to assist them in enforcing the rules in a safe and well-documented manner. He further stated that the Department of Police will fully cooperate with the Department of Parks and Recreation, as needed.

The Special Events Coordinator stated that seven Park Security Officers are currently employed, which includes one officer on Molokai. She stated that these officers cover all districts except East Maui and Lanai. She further stated that the Department will initiate a program to educate the public and introduce the officers to the community.

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The Deputy Corporation Counsel stated that the courts have recommended that the County clarify the enforcement powers of the Park Security Officers when the Department of Parks and Recreation began issuing citations earlier this year. He stated that the proposed bill resulted from this recommendation.

Your Committee reviewed the supervisory structure of the program and the impact of the potential requirement of court appearances on the officers' ability to patrol the parks. Your Committee encouraged the Department to utilize their officers wisely, given the limited number of officers currently employed.

Your Committee revised the title of the proposed bill to read "A BILL FOR AN ORDINANCE TO AUTHORIZE PARKS SECURITY OFFICERS TO ENFORCE CHAPTER 13.04, MAUI COUNTY CODE". The revised title provides more detail regarding the purpose of the proposed bill.

Your Committee voted to recommend passage of the revised proposed bill and filing of the communication.

Your Committee is in receipt of a revised proposed bill, incorporating your Committee's suggested revisions.

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Bill No. _____ (2008), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AUTHORIZE PARKS SECURITY OFFICERS TO ENFORCE CHAPTER 13.04, MAUI COUNTY CODE", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 08-269 be FILED.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member



MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member

ORDINANCE NO. _____

BILL NO. (2008)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO RECREATIONAL AREA REGULATIONS

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:

"13.04.235 Citations. A. Police officers, park security officers, authorized law enforcement personnel, and other authorized department enforcement personnel may issue citations for violations of this chapter and violations of rules adopted under section 13.04.220 of this chapter.

B. There shall be provided for use by the individuals authorized to issue citations under subsection A, a form of summons or citation for use in citing violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts of the second circuit, and shall be so designed to include all necessary information to make the same valid within the laws of the State. In every case when a citation is issued, the original of the citation shall be given to the violator; provided, in the case of an unattended vehicle, the individuals authorized to issue citations under subsection A, upon finding the vehicle, shall take the vehicle's registration number and any other information displayed on the vehicle that may identify its registered owner and shall conspicuously affix to the vehicle the original of the citation, the citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name, so long as the citation identifies the vehicle by its license plate number or vehicle identification number.

C. Every citation shall be consecutively numbered and each copy shall bear the number of its respective original."

SECTION 2. Section 13.04.230, Maui County Code, is amended to read as follows:

"13.04.230 Penalties. A. Any person [violating] who is determined to have violated any provision of this chapter, except sections 13.04.040(E) and 13.04.320, shall[, upon conviction,] be [subject to a fine up to] fined not less than \$150 and not more than \$500.

B. Except for violations relating to parking in parking spaces reserved for persons with disabilities, any person who violates section 13.04.040(E) shall be fined not less than \$50 and not more than \$500.

C. Any person who violates section 13.04.040(E) by parking without a valid placard or special license plate in parking spaces reserved for persons with disabilities shall be fined not less than \$250 and not more than \$500; provided, a person with a disability who has been issued a valid placard or special license plate that is currently in effect, and who fails to display the placard or license plate while parked in a space reserved for persons with disabilities, shall be fined not less than \$25 and not more than \$100."


SECTION 3. Section 13.04.320, Maui County Code, is amended to read as follows:

"13.04.320 Penalties. Any person operating a commercial ocean recreational activity without a permit shall, upon conviction, be guilty of a petty misdemeanor subject to a fine [up to] of not less than \$750 and not more than \$1,000, or imprisonment for not more than thirty days, or both."

SECTION 4. 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 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:


JEFFREY TEOKA
Deputy Corporation Counsel
County of Maui

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