

ORDINANCE NO. 5047

BILL NO. 16 (2020)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010,  
MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS

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

SECTION 1. The purpose of this ordinance is to prohibit or suspend the processing of an application for land use on a lot that is the subject of a pending enforcement action by the Planning Department.

SECTION 2. Section 19.510.010, Maui County Code, is amended by amending subsection C to read as follows:

“C. Application [Completeness Review] completeness review. 1. [Review of Applications for Completeness by the Planning Director.] All applications required by this title shall be submitted to the [planning] director. [Not more than] Within fifteen business days [from the date upon which] after receiving an application [is received], the [planning] director shall review the application [to] and determine if the application is complete or incomplete. If the application is complete, the [planning] director shall continue processing the application. If the application is incomplete, the [planning] director shall provide the applicant with a written statement that identifies the portions of the application [determined to be] that are incomplete. In addition to incompleteness as determined by the director, an application is automatically incomplete, at any stage of the application process, if it is for or relates to land use on a lot or on a unit in a condominium property regime that is the subject of an unresolved enforcement action by the department, if the department has sent a notice of warning or notice of violation for the enforcement action. However, an application is not automatically incomplete if: a) the applicant pays all fines associated with the unresolved enforcement action as required by the director, and b) approval of the application would resolve the enforcement action. An enforcement action is unresolved until all fines as determined by the director have been paid.

2. For all community plan amendment and change in zoning applications deemed complete, the [planning] director shall prepare a report that [shall include] includes an assessment and detailed explanation for each requirement set forth in [section] subsection 19.510.010(D). The report shall include all relevant data, studies, agency reports, and any other information relied upon by the [planning] director in finding that an application is complete.

3. The [planning] director shall transmit the report to the council and the appropriate planning commission as a part of the report [that is] required by [section] subsection 19.510.020(A)(5) or 19.510.040(A)(3).

4. The [planning] director shall prepare an updated report for each amendment made to the application and transmit the updated report to the council and appropriate planning commission.”

SECTION 3. Repealed material is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the bracketing or underscoring.

SECTION 4. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:



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MICHAEL J. HOPPER  
Department of the Corporation  
Counsel

County of Maui  
2019-0101/2019-0709  
PSLU-37 2020-01-08 Ord Amd 19.510.010

WE HEREBY CERTIFY that the foregoing BILL NO. 16 (2020)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of February, 2020, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Excused	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 10th day of February, 2020.

DATED AT WAILUKU, MAUI, HAWAII, this 10th day of February, 2020:

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2020 FEB 10 PM 12: 52  
OFFICE OF THE MAYOR

ALICE L. LEE, CHAIR  
Council of the County of Maui

KATHY L. KAOHU, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 12th DAY OF February, 2020.

MICHAEL P. VICTORINO, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5047 of the County of Maui, State of Hawaii.

KATHY L. KAOHU, COUNTY CLERK  
County of Maui

Passed First Reading on January 24, 2020  
Effective date of Ordinance February 12, 2020

RECEIVED  
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OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5047, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

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County Clerk, County of Maui