

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19.04, MAUI COUNTY CODE, TO AUTHORIZE COMMERCIAL FILMING AND PHOTOGRAPHY ACTIVITY IN ALL ZONING DISTRICTS WITH A FILM PERMIT AND TO AMEND TITLE 5 TO ESTABLISH FILM PERMITS

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

SECTION 1. The purpose of this ordinance is to authorize commercial filming and photography in all zoning districts, subject to obtaining a film permit.

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Commercial filming and photography” means filming and photography for commercial purposes that involves an active crew of three or more people and the use of filming equipment such as cameras, sound and lighting equipment, electrical power generators, dolly and dolly tracks, props, sets, and other grip and electrical gear necessary for film production.”

SECTION 3. Section 19.04.020, Maui County Code, is amended to read as follows:

“19.04.020 Compliance. A. Buildings and subdivisions. No building or structure shall be erected, structurally enlarged, or maintained unless it complies with the requirements of the building code of the County. No land shall be subdivided unless the subdivision complies with the provisions of this title.

B. Permitted uses in each district. There may be permitted in the districts three categories of uses: principal, accessory, and special. Any use that is not expressly listed as a permitted principal, accessory, or special use is prohibited. Unless otherwise expressly prohibited elsewhere in this title, restricted use lots and the uses

allowed thereon are permitted in all districts, and commercial filming and photography is permitted in all districts.

SECTION 4. Chapter 19.04, Maui County Code, is amended by adding a new section to be appropriately inserted at to read as follows:

“19.04.026 Commercial filming and photography.
Commercial filming and photography is allowed in all zoning districts, subject to the following limitations:

A. If on State property, the activity shall be authorized by a valid film permit from the State of Hawaii Film Office throughout the duration of the activity.

B. If on County property, the activity shall be authorized by a valid film permit from the Maui County Film Office throughout the duration of the activity, and must comply with all permit conditions.

C. If on private property, the activity shall be authorized by a valid film permit from the Maui County Film Office throughout the duration of the activity, and must comply with all permit conditions.

D. The activity must not involve any change in the use of, or structures located on, the subject property unless such change is lawful or properly permitted.”

SECTION 5. Title 5 Maui County Code, is amended by adding a new chapter to be appropriately inserted and to read as follows:

Chapter 5.XX Commercial filming and photography.

5.XX.010 – Purpose and Intent. The purpose and intent of this chapter is to allow permits to be issued for commercial filming and photography on County-owned or private land, subject to conditions to ensure that surrounding properties will not be negatively impacted.

5.XX.020 – Definitions. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following terms shall be defined as follows:

“Commercial filming and photography” means the same as defined in Section 19.04.040.

“County film permit” means written approval from the Maui County Film Office to conduct commercial filming and photography on County or private lands.

“State film permit” means written approval from the State Film Office to conduct commercial filming and photography on State lands.

5.XX.030 – Permit required. A County film permit is required for any commercial filming and photography on County-owned or private lands in Maui County. A State film permit is required for any commercial filming or photography on State-owned lands in Maui County. The Maui County Film Office shall create an application process to issue County film permits, including criteria and requirements that must be met for a permit to be issued.

5.XX.040 – Conditions. All County film permits shall include the following conditions; additional conditions can be imposed by the Maui County Film Office as appropriate to the activity and site:

A. If on private property, the owner of the property shall provide written notice of the activity to owners and residents of all properties within 500 feet of the subject property. Such notice shall be provided no less than fourteen days prior to the initiation of the activity, shall describe the activity and its duration, and shall provide contact information for a responsible party, on the appropriate island, who shall respond to questions and concerns from property owners and the County. Proof of such notice shall be provided to the Maui County Film Office.

B. The activity shall not result in material annoyance, inconvenience, or discomfort to the neighborhood or to the public, such as from excessive noise, lighting, and traffic, beyond such impacts that would ordinarily occur with any use permitted on the property. All parking and staging must occur onsite; no parking or staging may use on-street parking.

C. If on private property, the activity shall involve no outdoor activities before 8:00 a.m. and after 9:00 p.m., and no indoor activities before 7:00 a.m. and after 12:00 a.m., including setup and breakdown, unless prior written approval is obtained from the Maui County Film Office to ensure that there will be no detrimental impacts to neighboring properties. If on County property, the Maui County Film Office shall establish time limits on the activity as appropriate to the site.

D. The activity shall not cause any change in the use of the subject property, unless such change is lawful or properly permitted. The Maui Film Office must review and approve all lighting and staging plans.

E. Commercial filming and photography is subject to Hawaii Revised Statutes Section 205A-71, Artificial Light on Shoreline and Ocean Waters. Any filming at night (from sundown to sunrise) requires consultation with State and County Film Offices to ensure compliance with county, state and federal laws; the activity must follow any mitigation measures provided by the Film Offices to protect endangered or threatened species that may be present or nesting in the vicinity of filming.

F. Two complaints submitted to the Maui Film Office from owners or residents of different properties within 500 feet from the subject property shall result in suspension of the activity until the issue has been resolved through the Maui County Film Office.

G. All other applicable required permits and approvals shall be obtained.

5.XX.050 – Permit fee. A. The Maui County Film Office shall charge a fee for all County film permits as established in the annual budget of the County.

5.XX.060 – Enforcement. A. The Maui County Film Office shall provide copies of all County film permits to the planning department. Violations of any County film permit condition could constitute a violation of Title 19 and be enforced by the planning department. The Maui County Film Office shall retain records of any permit violations; no property owner who has been found to be in violation of permit requirements or conditions may obtain a film permit.

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, 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:

Department of the Corporation Counsel
County of Maui