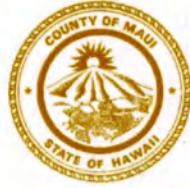


RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
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FOURTH EMERGENCY PROCLAMATION RELATING TO WILDFIRES

By the authority vested in me as Mayor of the County of Maui, by the Revised Charter of the County of Maui (1983), as amended, and the Constitution and laws of the State of Hawai'i, I, RICHARD T. BISSEN, JR., Mayor of the County of Maui of the State of Hawai'i, hereby determine, designate, and proclaim as follows:

WHEREAS, on August 8, 2023 I issued my Emergency Proclamation and declared an imminent danger of a state of emergency in all or any portion of the County of Maui; and

WHEREAS, on August 11, 2023, I issued my Second Emergency Proclamation; and

WHEREAS, on August 15, 2023, I issued my Third Emergency Proclamation; and

WHEREAS, since then several large wildfires have devastated Lāhainā, have caused the death of at least 115 persons with anticipation that the number of deaths will rise, and have also caused catastrophic property damage in the Lāhainā area, as well as in portions of Kula and Olinda; and

WHEREAS, these fires have burned homes, burned thousands of acres, cut off communications, forced road and school closures, and caused evacuations of Lāhainā and portions of Upcountry; and

WHEREAS the continuing catastrophic conditions that affect the health and safety of a large number of people make it necessary for me to supplement my emergency proclamation in order to ensure a continued and effective County-wide response to the conditions caused by wildfires; and

WHEREAS, Chapter 127A Hawai'i Revised Statutes, provides for the establishment of County Organizations for emergency management and

disaster relief with the Mayor having direct responsibility and authority over emergency management within the County; and

WHEREAS, very dry conditions and strong and potentially damaging easterly winds caused by the passage of Hurricane Dora to the south of the State continue to contribute to the wildfire danger; and

WHEREAS, these fires threaten to cause damages, losses, and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and to affect the economy of the County, and has the potential to be of such a nature as to warrant rehabilitative assistance from the County; and

WHEREAS, due to the possibility of imminent disaster due to property damage and/or bodily injury to residents of the County, and the need for government agencies and representatives from the private sector to mobilize and provide immediate services to our island residents, a Civil Defense state of emergency is authorized pursuant to Chapters 127A, Hawai'i Revised Statutes, as amended.

WHEREAS, the anticipated occurrence of a severe, sudden, and extraordinary event of damaging high winds and very dry conditions threatens to cause damage, loss, and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and to affect the economy of Maui County, and is expected to be of such a nature as to warrant rehabilitative assistance from the County and the State; and

WHEREAS, there is need for government agencies and representatives from the private sector to mobilize and provide immediate services to County residents and to mitigate hazardous situations in advance of the weather effects from Hurricane Dora; and

WHEREAS, pursuant to sections 127A-14(b), Hawai'i Revised Statutes ("Haw. Rev. Stat.") the Mayor is authorized to declare by proclamation whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under Chapter 127A, Haw. Rev. Stat., and the expenditure of funds thereunder; and

WHEREAS, pursuant to §127A-13(b)(2), Haw. Rev. Stat., the Mayor may suspend any County law that impedes or tends to impede, or that may be

detrimental to, the expeditious and efficient execution of, or conflict with, emergency functions; and

WHEREAS, Haw. Rev. Stat. §127A-13(b)(4) further provides that the Mayor may direct and control mandatory evacuation of the civilian population; and

WHEREAS, Haw. Rev. Stat. §127A-13(b)(5) further provides that the Mayor may exercise any additional emergency functions to the extent necessary to prevent hoarding, waste, destruction of materials, supplies, commodities, accommodations, facilities, and services to effectuate equitable distributions as the public welfare may require; and

WHEREAS, Haw. Rev. Stat. §127A-12(a)(5), the Mayor may direct or control, as may be necessary for emergency management, alerts, warnings, notifications, and activations; warnings and signals for alerts and any type of warning device, system, or method to be used in connection therewith; partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters; and

WHEREAS, pursuant to Haw. Rev. Stat. §127A-12(c)(17), the Mayor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Haw. Rev. Stat., notwithstanding that powers in Haw. Rev. Stat. §127A-13(b) may only be exercised during an emergency period.

NOW, THEREFORE, I, RICHARD T. BISSEN, JR., Mayor of the County of Maui, pursuant to the authority vested in me as the Mayor of the County of Maui as set forth above, in order to promote and protect the public health, safety, and welfare of the residents and visitors of the County of Maui, do hereby proclaim, determine, declare, and find that:

1. There is imminent danger of a state of emergency in all or any portion of the County of Maui, as of the date and time of this Proclamation; and
2. Any public property of the County, real or personal, may be possessed, used, managed, controlled, or reallocated as I require for the purposes of emergency management functions under Haw. Rev. Stat. Chapter 127A, including parks, playgrounds, and other public or private buildings; and

3. The provisions, in whole or in part, of Haw. Rev. Stat. Chapter 103D and Haw. Rev. Stat. §§ 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4 that impede or tend to impede the expeditious discharge of the functions of emergency management, or that compliance therewith is impracticable due to existing conditions and, therefore, such provisions shall not apply to any such emergency management functions; and
4. Without regard to Haw. Rev. Stat. Chapters 76, 78, and 88, agencies, officials, officers, employees of the County and other persons may be ordered and directed as I deem necessary to carry out emergency management functions under Haw. Rev. Stat. Chapter 127A; and
5. The provisions of the Maui County Code, in whole or in part, shall be suspended including, but not limited to Title 10 (vehicles and traffic), Title 11 (public transit), Title 12 (streets, sidewalks and public places), Title 14 (public services), Title 16 (buildings and construction), Title 19 (zoning) and Title 20 (environmental protection), Chapter 2.20 (intergovernmental agreements), §§ 3.12.060 and 3.12.070 (purchasing procedures), § 3.96.030(8) (emergency fund), Chapter 3.48 (payment of real property taxes), Chapter 3.56 (gifts and donations), and Section 9-9, Revised Charter of the County of Maui (1983, as amended) to the extent that they impede the expeditious discharge of emergency management functions as defined in HRS 127A-2 and as directed or approved by a State, County or Federal agency, in direct response to, and or management or remediation of the fire affected areas for the purpose of securing public health and safety, or when the compliance therewith is impracticable due to existing conditions. Any project that is constructed under this Proclamation shall be removed within 90 days of the end of this Proclamation, or shall obtain approval under existing State, Federal and County laws; and
6. All County officers and employees shall be required to take all steps requested by the State of Hawai'i Director of Department of Health to qualify the County of Maui for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the County of Maui for the expenses it incurs in addressing this emergency; and
7. Pursuant to Sections 127A-12(a)(5), 127A-13(b)(3), and 127A-13(b)(4), Haw. Rev. Stat., the Director of the Maui Emergency Management Agency is, as may be necessary for emergency


management, directed to take appropriate actions to direct or control:

- a. Alerts, warnings, notifications, and activations;
 - b. Warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith;
 - c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
 - d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic before, during, and after alerts, emergencies, or disasters;
 - e. Shut off water mains, gas mains, electric power connections, or suspension of other services; and
 - f. Mandatory evacuation of the civilian population.
8. Pursuant to Section 127A-12(c), Haw. Rev. Stat., in order to provide emergency disaster relief, I hereby direct all County agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger; and
9. Pursuant to Haw. Rev. Stat. § 127A-12(a)(5)(D), § 127A-12(c)(12), and § 127A-25, entry to the Lāhainā wildfire disaster area is prohibited unless authorized by law. The “Lāhainā wildfire disaster area” includes the area delineated by government placed barriers; and
10. Pursuant to Haw. Rev. Stat. § 127A-12(a)(5)(D), § 127A-12(c)(12), and § 127A-25, a curfew from 10:00 p.m. to 6:00 a.m. is established in those areas designated by Maui Police Department checkpoints. Only West Maui residents with proof of residency and authorized personnel will be allowed to enter the delineated area during the curfew period as specified above.

Violation of this proclamation is a misdemeanor, subject to penalty pursuant to Haw. Rev. Stat. § 127A-29.


I FURTHER DECLARE that this proclamation supersedes Mayor Richard T. Bissen’s August 15, 2023 Third Emergency Proclamation. This Proclamation of Emergency is effective September 7, 2023, and shall terminate on the first to occur of (1) sixty (60) days after the date of this Proclamation, or (2) issuance of a Declaration of Termination of Emergency issued by the undersigned, whichever

occurs first. Pursuant to this Proclamation, I hereby exercise any and all powers listed in Haw. Rev. Stat. Chapter 127A.



RICHARD T. BISSEN, JR., Mayor
County of Maui
September 8, 2023

APPROVED AS TO FORM AND LEGALITY:



VICTORIA J. TAKAYESU
Corporation Counsel
LF2023-1216
2023-09-08 Fourth Emergency Proclamation