

ORDINANCE NO. 4120

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BILL NO. 24 (2014)

OFFICE OF THE MAYOR

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PROHIBITING TOBACCO USE AND TOBACCO PRODUCTS IN COUNTY PARKS

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

SECTION 1. The purpose of this ordinance is to protect and promote public health by banning smoking in public parks under the jurisdiction of the County. The Council finds that this ordinance is more stringent than Part I, Chapter 328J, Hawaii Revised Statutes.

SECTION 2. Section 13.04.020, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size and shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

"Cigar" means any roll for smoking made wholly or in part of tobacco if such product is wrapped in any substance containing tobacco.

"Smoke" or "smoking" means inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar or pipe.

"Tobacco products" means tobacco in any form, other than cigarettes, that is prepared or intended for consumption or for personal use by humans, including cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco."

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

"A. Within the limit of any park or within any recreational facility, it is unlawful for any person to:

1. Abandon any vehicle or other personal property or leave any vehicle or other personal property unattended for a period in excess of twenty-four hours;
2. Throw or dispose of any refuse or any waste material except in a receptacle designated for such;
3. Permit any animal, except as hereinafter provided in subsection D [of this section], to enter and to remain within the confines of any park area;
4. Destroy, injure, deface, or remove in any manner any public structure, sign, equipment, monument, or device;
5. Discharge firearms, air rifles, or spring guns, except at a range established and regulated for that specific purpose;
6. Defecate or urinate on the grounds or improvements of any park or recreational facility, except in properly functioning toilets or urinals in public restrooms;
7. Engage in smoking or the use of tobacco products."

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 UEOKA
Deputy Corporation Counsel
County of Maui

WE HEREBY CERTIFY that the foregoing BILL NO. 24 (2014)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 22nd day of April, 2014, by the following vote:

Gladys C. BAISA Chair	Robert CARROLL Vice-Chair	Eleanora COCHRAN	Donald G. COUCH, JR.	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
Aye	Excused	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 22nd day of April, 2014.

DATED AT WAILUKU, MAUI, HAWAII, this 22nd day of April, 2014.

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OFFICE OF THE MAYOR

GLADYS C. BAISA, CHAIR
Council of the County of Maui

DENNIS A. MATEO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 22 DAY OF April, 2014.

ALAN M. ARAKAWA, MAYOR
County of Maui

KEITH A. REGAN
ACTING 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. 4120 of the County of Maui, State of Hawaii.

DENNIS A. MATEO, COUNTY CLERK
County of Maui

Passed First Reading on April 4, 2014.
Effective date of Ordinance April 22, 2014

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4120, 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

County Clerk, County of Maui

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