

ORDINANCE NO. 5419

BILL NO. 108, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS

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

SECTION 1. The 2016 Hawaii Housing Planning Study (“Study”) states the Homeless Point-In-Time count for the County of Maui was 1,137, an 18.6 percent increase from the year before. In addition, the Study identifies 5.8 percent of households in the County of Maui as “hidden homeless” households where someone living in the household does not have the resources to buy or rent their own place, and an additional 23.9 percent of households are at risk of being homeless.

Sweeps of homeless encampments merely shift people from one place to another. Multiple solutions are needed to address the growing homeless population. The purpose of this bill is to enact an ordinance in accordance with Section 291C-113, Hawaii Revised Statutes (“HRS”), to establish a pilot project allowing homeless people to temporarily use their vehicles for purposes of human habitation on County of Maui property. Without this enabling ordinance, use of any vehicle for human habitation between the hours of 6:00 p.m. and 6:00 a.m. while the vehicle is parked on any roadway, street, highway, or other public property is prohibited by Section 291C-112, HRS.

SECTION 2. Chapter 10.76, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“10.76.076 County parking lots used for human habitation. A. Definitions. Whenever used in this section, unless the context otherwise requires:

“Department” means a department established under chapter 2.12.

“Director” means the director of a department established under chapter 2.12.

“Purposes of human habitation” includes use of a vehicle as a dwelling place, living abode, or sleeping place, for Maui County residents only.

B. People can use their vehicles for purposes of human habitation within the area designated by the director at parking lots managed by the department, subject to the following:

1. Human habitation within vehicles is permitted from 7:00 p.m. to 7:00 a.m., or such hours depending on the location so as not to interfere with the parking lot’s open hours for the general public.

2. Vehicles must enter and exit from the parking lot in accordance with the hours designated in subsection (B)(1), or as authorized by the director.

3. At least one gates to the parking lot must remain unlocked.

4. Each person within the vehicle must register with department staff or other personnel authorized by the director upon entering the parking lot.

5. No cooking, including on a grill or hibachi, is permitted.

6. Department staff, or other personnel authorized by the director, must monitor the parking lot during the hours designated in subsection (B)(1).

7. All county, state, and federal laws, rules, and regulations must be complied with, including section 13.04A.070, relating to general prohibitions applicable to all parks and recreation facilities.

C. The council must review this section within twelve months after the commencement of a pilot project in accordance with this section.”

SECTION 3. Section 13.04A.070, Maui County Code, is amended by amending subsection B to read as follows:

“B. Except as otherwise authorized by permit, license, lease, or contract issued in accordance with this code, within the limits of any park or recreational facility, it is unlawful for any person to:

1. Be present during designated closed hours for that park or recreational facility, or between the hours of 10:00 p.m. and 6:00 a.m., or when closed to the public [pursuant to] under section 13.04A.040(B)(1)[.], except as authorized under chapter 10.76.

2. Distribute, post, or place any commercial handbill, circular, notice, or other advertising material.

3. Wash, polish, or repair cars or other vehicles.

4. Store, repair, or condition any boat, canoe, raft, or other vessel.

5. Park or operate any vehicle on grassed or sand areas with the exception of a personal mobility device.

6. Use or operate loudspeakers.

7. Dance on any gymnasium floor.

8. Engage in archery.

9. Kindle, build, maintain, or use any fire other than in a grill or hibachi.

10. Display or set off fireworks.

11. Engage in commercial activity, including catering or other commercial food distribution.

12. Provide classes, lessons, teaching, or instruction.

13. Bring into, possess, or dispose of any human or animal remains.

14. Feed any animal or animals, or stage any food or water for any animal or animals, except as provided in subsection D.

15. Manage feral animal colonies. Any colony management authorized by a permit, license, lease, or contract issued in accordance with this code must be designed to reduce and eliminate the colony.

16. Consume any intoxicating liquor:

- a. Between the hours of 10:00 p.m. and 6:00 a.m.

- b. At any time in any public restroom.

- c. Within a one thousand five hundred foot radius of the boundary of any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, or high school, or youth center, between the hours of 6:00 a.m. and 10:00 p.m., except on weekends[,] and State and County holidays.”

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 takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

paf:pmg:22-200a

INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING

WE HEREBY CERTIFY that the foregoing BILL NO. 108, CD1, FD1 (2022)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 23rd day of August, 2022, by the following vote:

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

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 23rd day of August, 2022.

DATED AT WAILUKU, MAUI, HAWAII, this 23rd day of August, 2022.

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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 8th DAY OF September, 2022.



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. **5419** of the County of Maui, State of Hawaii.



KATHY L. KAOHU, COUNTY CLERK
County of Maui

Passed First Reading on August 5, 2022

Effective date of Ordinance September 8, 2022

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OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. **5419**, 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