

OFFICE OF THE COUNTY CLERK
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, May 29, 2019, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2746

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES

This Bill proposes to amend Chapter 8 and Chapter 10 of the Kaua'i County Code 1987, as amended, relating to enforcement, legal procedures, and penalties. The purpose of this Bill is to strengthen existing mechanisms to assist the Planning Department with its enforcement of the codes, statutes, and regulations that it has the authority to enforce.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the proposed Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2746 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 24, 2019, by the following vote:

AYES: Brun, Chock, Cowden, Evslin, Kagawa, Kualī'i, Kaneshiro	TOTAL – 7,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
RECUSED & NOT VOTING: None	TOTAL – 0.

Līhu'e, Hawai'i
April 25, 2019

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'Ē, KAUA'I, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – May 1, 2019)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this bill is to strengthen existing mechanisms to assist the Planning Department with its enforcement of the codes, statutes, and regulations that it has the authority to enforce. The proposed revisions and additions will better enable the Department to:

(a) Notify the property owner of a violation where service cannot be attained;

(b) Place a lien on property where the owner has refused to rectify the violation or pay their civil fine within thirty (30) days of the County's notice of violation and order;

(c) Provide for education, training, and legal representation opportunities utilizing the Planning Enforcement Account within Fund 251 where such is not available now; and 4) clarify the applicable enforcement section for violations of Chapter 10, Kauai County Code 1987, as amended.

SECTION 2. Chapter 8, Section 3.5(b), Kauai County Code 1987, as amended, is amended to read as follows:

"(b) Civil Fines.

(1) If the Director of the Planning Department determines that any person, firm or corporation is not complying with a notice of violation, the Director may have the party responsible for the violation served, by mail or delivery, or by posting of the property which address is the most current address reflected in the Real Property tax records, or by publishing such notice in a newspaper of general circulation in the County of Kaua'i should previous notification efforts not be accepted, with an order pursuant to this Section. The order may require the party responsible for the violation to do any or all of the following: (A) correct the violation within the time specified in the order; (B) pay a civil fine not to exceed ten thousand dollars (\$10,000.00) in the manner, at the

(5) The Director may place a lien on the property if the violation has not been corrected or the civil fine imposed has not been paid within thirty (30) days of the order.

(A) Said lien shall be recorded with the State of Hawai'i, Bureau of Conveyances or registered in the Office of the Assistant Registrar of the Land Court, and shall identify the owner's name, address of the property, tax map key number of the property, and include copies of pertinent documentation as to the failure of the property owner to pay the civil fine. Any cost incurred in the filing of the lien shall be part of the lien for the civil fine set forth.

(B) The lien may be enforced and foreclosed by action of the Director in circuit court, and the proceedings before the circuit court shall be conducted in the same manner and form as ordinary foreclosure proceedings. If the owners or claimants of the property against which a lien is sought to be foreclosed are at the time out of the County or cannot be served within the County, or if the owners are unknown, and the fact shall be made to appear by affidavit to the satisfaction of the court, and it shall in like manner, appear prima facie that a cause of action exists against such owners or claimants or against the property described in the complaint, or that such owners or claimants are necessary or proper parties to the action, the court may grant an order that the service may be made in the manner provided by Chapter 634, H.R.S. In any such case it shall not be necessary to obtain judgment and have execution issued and returned unsatisfied, before proceeding to foreclose the lien in the manner provided.

(C) The Director or subordinate shall, at the expense of the debtor, upon payment of the amount of the lien, execute and deliver to the debtor a sworn satisfaction, which shall be entered in the general indexes of the Bureau of Conveyances or noted on the certificate if a notation of the original notice was made on any Land Court Certificate of Title.

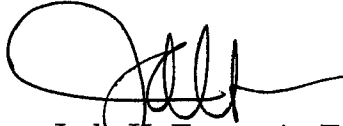
(6) There is hereby established and created an account to be known as the "Planning Enforcement Account" within Fund 251. The fines collected pursuant to this Section are hereby deemed appropriated upon receipt and may be expended to retain independent contractors to assist in the enforcement of the Comprehensive Zoning Ordinance and other Codes, Statutes, or regulations the Planning Department has the authority to enforce. The fines may also be expended for materials, supplies, education, training, and legal representation, and equipment

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2746, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 24, 2019, by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
April 25, 2019



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i