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OFFICE OF
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 Thursday, November 12, 2020, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2805

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION

This Bill proposes to amend Chapter 19, Article 1, Kaua'i County Code 1987, as amended, by adding a new Section 19-1.20, which would enable the Department of Parks & Recreation to conduct a study to determine the degree of harm to the County's beach parks and to allow parking fees to be collected from non-residents, which shall be used to protect the beach parks from future harm. This Bill is intended to address the need to replenish the resources that have and will continue to be depleted by the overuse of the County's beach parks.

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 Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at their subsequent meetings. Meeting notices are posted at least six (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. 2805 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 7, 2020, by the following vote:

AYES:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 6,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Brun	TOTAL - 1*,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
October 7, 2020

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

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – October 16, 2020)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1,
KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO PUBLIC PARKS AND RECREATION**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds that there is a need to replenish the resources that have and continue to be depleted by overuse of the County's beach parks. The Council also finds that there is a need for a study to be conducted to determine the degree of harm resulting from overuse of the beach parks, as well as the controls that may be necessary to address any future harm.

The purpose of this Ordinance is to enable the Department of Parks & Recreation to conduct a study to determine the degree of harm to the County's beach parks and to collect parking fees which shall be used to protect the beach parks from future harm. Real property taxes paid by Kauai residents are used in part to fund the ongoing maintenance of the County's beach parks and parking lots, and therefore Kauai residents shall be exempt from County beach park fees.

SECTION 2. Chapter 19, Article 1, Kauai County Code 1987, as amended, is hereby amended by adding a new Sec. 19-1.20 to read as follows and all other and prior ordinances or parts of ordinances in conflict herewith are hereby repealed.

"Sec. 19-1.20 Managed Parking at County Beach Parks.

(a) This Section addresses the findings of a study or studies to be conducted by the Department of Parks and Recreation for the purpose of determining the need to implement controls on parking at certain County beach parks. The study shall include, but is not limited to, a traffic count, and documentation of safety concerns and traffic concerns.

(b) Subject to subsection (c) below, residents of the County of Kauai shall not be charged for parking according to this Section but will be subject to all other provisions.

(c) All rental cars and rented cars shall be subject to this Section to include charges relating to parking.

(d) Parking related operation, maintenance, management, and enforcement shall be determined by the Department of Parks and Recreation.

(e) Allocation of revenue. All revenues derived from parking fees authorized by this Section shall be used to benefit the County beach parks located within the district in which the fees were collected.

(f) In any violation of this Section, the license plate number or vehicle registration identification number of the parked vehicle shall

constitute prima facie evidence that the registered owner of the vehicle was responsible and accountable for the illegal parking.

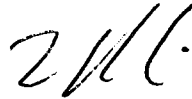
(g) It shall be unlawful not to comply with any provision of this Section. Any person violating any provision of this Section shall be punished by a fine consistent with Section 19-1.4(d). For the first offense, any person violating any provision of this Section shall be punished by a fine of not less than one hundred dollars (\$100.00). For the second violation of like offense, the punishment shall be a fine of not less than two hundred dollars (\$200.00). For all violations in excess of two (2) of like offenses, the punishment shall be a fine of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances."

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



LUKE A. EVSLIN



MASON K. CHOCK

DATE OF INTRODUCTION

October 7, 2020

Līhu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2805, which on first reading was ordered to print by the Council of the County of Kaua'i at its meeting held on October 7, 2020, by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
October 7, 2020



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

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