

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR



Mayor's Emergency Rule #26

Purpose:

The County of Kaua'i continues to recognize the presence of COVID-19 in our community. While the County and its partners have successfully vaccinated many Kaua'i residents, the number of COVID-19 cases have continued to rise, in part due to the Delta variant, a highly contagious virus strain. The Delta variant creates considerable risk of infection for not only non-vaccinated members of our community, but also vaccinated members. COVID-19 remains a threat to the health, safety, and welfare to Kaua'i residents.

In 2021, the State Legislature in Act 185 amended Hawai'i Revised Statutes (HRS) § 127A-29 and HRS Chapter 291D to adopt a range of lesser penalties for violations and noncompliance with state and county emergency rules. HRS § 127A-29 now allows for implementation of alternative, lesser offenses and penalties than a misdemeanor to make enforcement more meaningful and efficient.

This Mayor's Emergency Rule #26 creates a new set of emergency period infractions for noncompliance with the Governor's Emergency Proclamation Related to the COVID-19 Response ("Governor's Proclamation") and the Governor's Executive Order No. 21-05. In particular, this rule establishes fines for individuals and entities that do not comply with statewide rules on:

- the wearing of face coverings;
- indoor and outdoor gathering sizes;
- guidelines for restaurants, bars, and social establishments;
- notifying and consulting with the County in regard to professional events and following County rules for those professional events; and
- restrictions on indoor capacity.

Furthermore, this Mayor's Emergency Rule #26 grants the County's liquor control investigators and park security officers the power to enforce this rule and issue notices of emergency period infractions in addition to the Kaua'i Police Department. Park security officers may also issue notices of parking-related traffic infractions.

Rule:

This rule has the force and effect of law pursuant to HRS § 127A-12, § 127A-25, § 127A-29, HRS Chapter 291D, and the Governor's Proclamation.

A. Gatherings, Restaurants, Bars, and Social Establishments Under Governor's Executive Order No. 21-05

1. Any individual violating Governor's Executive Order No. 21-05 shall be guilty of an emergency period infraction and fined \$250.00 for each infraction.

2. Any owner or operator of a restaurant, bar, or social establishment violating or not enforcing Governor's Executive Order No. 21-05 shall be guilty of an emergency period infraction and fined \$500.00 for each infraction.
3. Any professional organizer, social host, individual, or owner or operator of an entity organizing or hosting a gathering or event violating or not enforcing Governor's Executive Order No. 21-05 shall be guilty of an emergency period infraction and fined \$500.00 for each infraction.
4. Any owner or operator of a gym violating or not enforcing Governor's Executive Order No. 21-05 shall be guilty of an emergency period infraction and fined \$500.00 for each infraction.

B. Face Covering Requirements Under Section II.A of the Governor's Proclamation

1. Any individual violating Section II.A of the Governor's Proclamation shall be guilty of an emergency period infraction and fined \$250.00 for each infraction.
2. Any owner or operator of any business or operation violating or not enforcing Section II.A of the Governor's Proclamation shall be guilty of an emergency period infraction and fined \$500.00 for each infraction.

C. Additional County Officials Who May Issue Notices of Emergency Period Infractions and Traffic Infractions

In addition to any police officers, law enforcement officers, or other officers under HRS Chapter 291D, liquor control investigators under the Kaua'i Department of Liquor Control and park security officers under the Kaua'i Department of Parks and Recreation shall have the authority to enforce this rule and issue notices of emergency period infractions.

Furthermore, park security officers under the Kaua'i Department of Parks and Recreation shall have the authority to issue notices of parking-related traffic infractions under HRS Chapter 291D.

Term:

Effective upon the concurrence of the Governor, subject to modification.



Derek S.K. Kawakami
Mayor

APPROVED FOR FORM & LEGALITY:



Aaron D. Larrimore
Deputy County Attorney

CONCURRENCE:

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large loop at the end.

David Y. Ige
Governor of Hawai'i
Or
Major General Kenneth Hara
Director, HI-EMA

DATE OF CONCURRENCE:

Sep 3, 2021