

ORDINANCE NO. 3397

BILL NO. 44 (2006), DRAFT 1

A BILL FOR AN ORDINANCE GRANTING CHERIE ATTIX A CONDITIONAL PERMIT TO OPERATE THE HALE HOOKIPA INN, A TRANSIENT VACATION RENTAL, WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 32 PAKANI PLACE, MAKAWAO, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Cherie Attix to operate the Hale Hookipa Inn, a transient vacation rental, within the County R-3 Residential District. The site is identified for real property tax purposes by Tax Map Key Number: (2)2-4-018:063, comprising approximately 21,079 square feet of land situated at 32 Pakani Place, Makawao, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for a period of one year from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this one-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable, unless the Council approves the transfer by ordinance.
4. That Cherie Attix, her successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at her own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive

liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as a named additional insured, insuring and defending Cherie Attix and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Cherie Attix of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as a named additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.

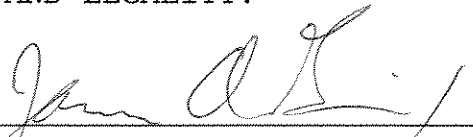
5. That Cherie Attix shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That Cherie Attix shall obtain a Certificate of Compliance for the transient vacation rental from the Department of Planning. Said Certificate shall be issued upon compliance with Conditional Permit conditions and applicable County codes and prior to initiation of the transient vacation rental operation.
7. That Cherie Attix shall have and shall maintain a current and valid transient accommodations tax (TAT) license and general excise tax (GET) license for the transient vacation rental on the property. That Cherie Attix shall submit the Annual Reconciliation Statements for the TAT and GET licenses to the Department of Planning at the time of extension request.
8. That Cherie Attix shall install mounted accessible fire extinguishers in each guest bedroom and smoke detectors

inside and outside of each guest room, and shall post evacuation plans in each guest room.

9. That all parking shall be on-site and approved by the Department of Public Works and Environmental Management as to materials and configuration.
10. That Cherie Attix shall inform guests that all parking shall be on-site and that the public right-of-way shall not be used.
11. That there shall be no physical alterations to the historic guest house (the Gomes residence) without the prior approval of the Cultural Resources Commission.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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WE HEREBY CERTIFY that the foregoing BILL NO. 44 (2006), Draft 1


1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 22nd day of August, 2006, by the following vote:

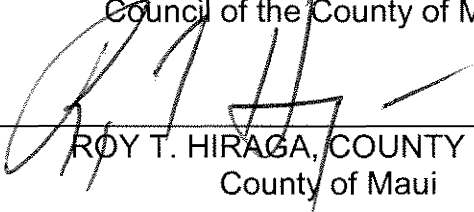
G. Riki HOKAMA Chair	Robert CARROLL Vice-Chair	Michelle ANDERSON	Jo Anne JOHNSON	Dain P. KANE	Dennis A. MATEO	Michael J. MOLINA	Joseph PONTANILLA	Charmaine TAVARES
No	Aye	Aye	Aye	Excused	Excused	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 23rd day of August, 2006.


DATED AT WAILUKU, MAUI, HAWAII, this 23rd day of August, 2006.

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OFFICE OF THE MAYOR

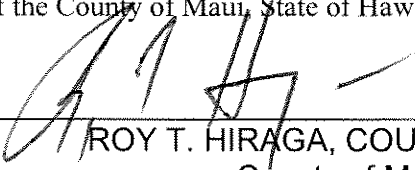

G. RIKI HOKAMA, CHAIR
Council of the County of Maui


ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 23 DAY OF August, 2006.


ALAN M. ARAKAWA, 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. 3397 of the County of Maui, State of Hawaii.


ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on August 14, 2006.
Effective date of Ordinance August 23, 2006.

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OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3397, 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