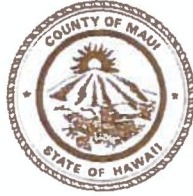


MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director



COUNTY OF MAUI
OFFICE OF THE MAYOR
200 SOUTH HIGH STREET
WAILUKU, HI 96793

PUBLIC HEALTH EMERGENCY RULES, AMENDED APRIL 27, 2020

By the authority vested in me as Mayor of the County of Maui, by the Revised Charter of the County of Maui (1983), as amended ("Charter"), the Constitution and laws of the State of Hawaii, I, MICHAEL P. VICTORINO, Mayor of the County of Maui of the State of Hawaii, hereby amend, adopt and promulgate the following rules, pursuant to Section 127A-25, Hawaii Revised Statutes ("HRS"), which has the force and effect of law. Violation of any of the following rule is punishable as a misdemeanor, with fines of up to \$5,000, up to a year in jail, or both. Supplemental guidance, attached to these rules as Exhibit "A", provide clarification of essential business activities.

The virus that causes Coronavirus 2019 Disease ("COVID-19") is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety. Because of the dangerous conditions caused by the risk of the rapid spread of the virus and the need to protect the residents and visitors to Maui County, staying at home or in a place of lodging is mandated with the exception of conducting certain essential activities, defined below.

I. Definitions

A. Essential Activities include:

1. Tasks essential to maintain health and safety, such as obtaining medicine or seeing a doctor.
2. Getting necessary services or supplies for an individual or that individual's family or household members, such as getting food, pet food, and supplies necessary for staying at home.
3. Engaging in solitary outdoor activity, such as walking, hiking, running, ocean sports (surfing, stand-up paddle boarding, kayaking, or fishing).
4. Performing work related to operation of an essential business or essential government functions (defined below).
5. Caring for a family member in another household.
6. Caring for elderly, minors, dependents, person with disabilities, or other vulnerable persons.

B. Operation of an Essential Business includes:

1. Healthcare operations, including home health workers.
2. Essential infrastructure, including operation of public transportation and utilities.
3. Grocery stores, food banks, convenience stores.
4. Businesses that provide necessities of life for economically disadvantaged individuals and shelter facilities.
5. Pharmacies, health care supply stores, and health care facilities.
6. Gas stations, auto repair facilities, safety inspection stations, and auto supply stores.
7. Financial institutions.
8. Refuse collection.
9. Hardware, lumber, and other building material stores.
10. Maintenance service providers, such as plumbers, electricians, exterminators, yard or ground maintenance, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and businesses.
11. Laundromats and laundry service providers.
12. Businesses that primarily ship or deliver groceries, food, and goods.
13. Childcare facilities providing services that enable essential employees to go to work.
14. Newspapers, television, radio, and other media.

15. Construction and maintenance, public and private, provided it is conducted in workplaces in a manner that ensures worker safety, including social distancing requirements.
16. Agricultural operations, including delivery and shipment of flowers, provided measures are implemented to ensure worker safety, including social distancing requirements.
17. Businesses that supply other essential businesses with the support or supplies necessary to operate, e.g., chemical supply companies.
18. Business conducting legally mandated activities.
19. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities.
20. Funeral, mortuary, cremation, burial, cemetery, and related services.
21. Educational institutions, both public and private, K – 12 schools, colleges and universities, for purposes of facilitating distance learning, performing critical research or performing essential functions.
22. Hotels and motels, to the extent used for lodging; and service providers to hotels and motels that provide services that are necessary to maintaining the safety, sanitation, and essential operations of the hotel and/or motel. The operation of Bed and Breakfast Homes and Short Term Rental Homes is permitted but only for purposes of providing housing to exempt personnel defined in Rule 13 or by approval of the Mayor.
23. Golf courses so long as sanitization standards and social distancing requirements are followed.

C. Government Functions: Includes all services needed to ensure the continuing operation of the government agencies that provide for the health, safety, and welfare of the public.

D. Social Distancing includes maintaining at least a six-foot social distance from other individuals, covering coughs and sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, not shaking hands, and wearing a face mask or covering when outside the residence or place of lodging in compliance with guidance from the Centers for Disease Control, unless more strict requirements are imposed by any government entity, employer, or professional organization.

II. RULES

Rule 1: All individuals currently within the County are ordered to stay at their residence or place of lodging. All persons may leave their residence or place of lodging to conduct Essential Government Functions, or to operate Essential Businesses, as defined in these Rules.

Individuals may leave their residence or place of lodging to conduct Essential Activities, provided that such activities are conducted by only two (2) members of the household unless the presence of an additional household member(s), including elderly, minors, dependents, person with disabilities, or other vulnerable persons, is absolutely necessary.

Persons over the age of 5 years old shall wear a face mask or cloth face covering the nose and mouth while in public, as recommended by the CDC. This requirement shall not apply to persons engaging in permissible outdoor exercise activities, so long as social distancing requirements are maintained. This rule shall also not apply to those entering financial institutions, to anyone who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the covering without assistance.

Rule 2: County meetings or hearings, including contested case hearings, are suspended. Provided that meetings or hearings may be held to the extent such meetings or hearings are conducted by telephone or video conference as determined solely by the County department providing administrative assistance to the board or commission.

Rule 3: Any County deadline or automatic approval of any permit application or contested case matter under the Maui County Code or the administrative rule of any County department, board, or commission that is currently pending, is hereby continued to the latter of the following: 60 days after the date of the County's Proclamation of Emergency of Disaster, dated March 4, 2020, as may be extended; the Declaration of Termination of Emergency issued by the undersigned; or 60 days from the date of the current deadline or automatic approval as of the date of the adoption of these Rules. This Rule applies only to deadlines for action imposed by ordinance or administrative rule on any County departments, boards, and commissions. This Rule does not extend any permit condition of any existing permit that has already been approved. This Rule does not extend the time for filing of an appeal for matters that have already been decided.

Rule 4: All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in these Rules.

Rule 5: Any concentration of individuals outside their home must be limited to workers providing essential services and social distancing must be practiced.

Rule 6: Businesses and entities that provide essential services must implement social distancing procedures. In addition, employees with direct public contact or who handle food shall be required to wear a mask

or other face covering. Employers shall allow employees to voluntarily wear their own masks or face coverings.

Rule 7: Restaurants and cafes that serve food within the premises shall be closed for inside seating but will be allowed to provide takeout and delivery service.

Rule 8: All bars, nightclubs, theaters, public gathering venues, and tourist attractions are ordered closed.

Rule 9: Locations of public gathering such as gyms, recreation facilities, clubhouses, condominium common areas, playgrounds, dog parks, and other places of public gathering are ordered closed.

Rule 10: County parks and beach parks are ordered closed except for the following:

"Duke" Maliu Regional Park	253 KAMEHAMEHA V HWY	KAUNAKAKAI
Hana Ball Park	0 HAUOLI RD	HANA
Kahului Community Park	275 UHU ST	KAHULUI
Keanae Park	0 KEANAE RD	HANA
Keopuolani Regional Park	100 KANALOA AVE	KAHULUI
Kilohana Park	0 KILOHANA DR	KIHEI
Lahaina Recreation Center	245 SHAW ST	LAHAINA
Lanai Entry Park (Next to Fire Station)	0 FRASER AVE	LANAI
Liloa Drive Bike Trail	0 LILOA DR	KIHEI
Napili Park	0 MAIHA ST	LAHAINA
New Kula Ballfield (aka Kula Recreation Center)	50 CALASA RD	KULA
Pukalani Park	90 PUKALANI ST	MAKAWAO
South Maui Community Park	1501 LILOA DR	KIHEI
Hana Beach Park (Hana Bay)	0 KEAWA PL	HANA
Hoaloha Park	0 W KAAHUMANU AVE	KAHULUI
Ho'okipa Beach Park	0 HANA HWY	PAIA
Kamaole I	2400 S KIHEI RD	KIHEI
Kamaole II	0 S KIHEI RD	KIHEI
Kamaole III	2760 S KIHEI RD	KIHEI
Lower Paia Park	19 HANA HWY	PAIA
One Ali'i Park	0 KAMEHAMEHA V HWY	KAUNAKAKAI
Wahikuli Wayside Park	0 HONOAPIILANI HWY	LAHAINA
Waiehu Beach Park	0 LOWER WAIEHU BEACH RD	WAILUKU

Rule 11: Non-essential businesses shall close, provided that non-essential businesses may conduct “minimum basic operations.” Minimum basic operations do not include in-person public/customer interactions and are limited to the minimum activities necessary to maintain the value of the business’s inventory, ensure security, and process payroll and employee benefits.

Rule 12: Essential businesses may remain open but are required to implement measures to ensure social distancing, such as limiting the number of individuals within the premises. To limit exposure to the virus for those most vulnerable, all stores selling groceries and household consumer products shall provide shopping hours where only people over the age of 60, or who have pre-existing medical conditions, will be permitted to shop. Notice of the date and time for special shopping hours shall be posted at the front entrance of each store.

A maximum of two (2) members of a household may enter any essential business. Only if absolutely necessary, additional household members, including minors and person with disabilities, may accompany the members of their household.

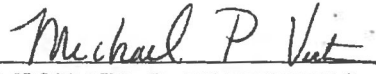
Rule 13: All first responders, emergency management personnel, emergency dispatchers, and law enforcement personnel, as well as others working to support essential governmental or essential business functions are categorically exempt from these Rules.

Rule 14: All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, must be limited

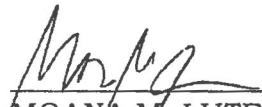
to essential activities or operation of essential business or essential government function.

Rule 15: Golf courses shall be permitted to open with the following mandates: each golf cart shall have no more than one person unless they are members of the same household, each cart shall have its own rake for sand trap restoration, no refreshments will be allowed by sales cart or standalone water stations, no sharing or touching of each other's golf equipment, sanitation of each golf cart shall be shall be conducted after each round is completed, and all social distancing measures shall be adhered to.

These rules shall take effect on April 30, 2020 at 11:00 p.m. and repeal the Emergency Rules promulgated April 9, 2020. With the exception of Rule 3, these Rules shall be repealed upon the earlier of: 1) subsequent promulgation or 2) May 31, 2020.


MICHAEL P. VICTORINO
Mayor
County of Maui
April 27, 2020

APPROVED:


MOANA M. LUTEY
Corporation Counsel
County of Maui

REVIEWED ON BEHALF OF GOVERNOR IGE BY:

Arvid Y. Ige

Print Name:

Title:

Date: