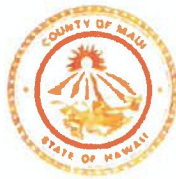


**MICHAEL P. VICTORINO**  
Mayor

**SANDY K. BAZ**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

**PUBLIC HEALTH EMERGENCY RULES, AMENDED MAY 6, 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 "C", provide clarification of allowed and prohibited 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, persons 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, and farmer's markets.
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, 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.

**C. Designated Businesses and Operations include:**

1. Golf courses, as restricted in the Supplemental Guidance (Exhibit C).
2. Safety inspection stations.
3. Auto dealerships, as restricted in the Supplemental Guidance (Exhibit C).
4. Retail and repair services.
5. Photographers and photo studios.
6. Food courts for pickup and delivery only; no customer seating.
7. Condominium or apartment common areas, as restricted in the Supplemental Guidance (Exhibit C).

**D. 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.

## **II. RULES**

**Rule 1:** All individuals currently within the County are ordered to stay at their residence or place of lodging, except as provided in these Rules. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, “place of residence” means the person’s individual hotel room or unit. To the extent persons use shared or outdoor spaces (e.g., condominium common areas, pools, barbecue areas) when outside their residence, they must comply with the social distancing requirements set forth herein, as ordered by the State of Hawaii, or as instructed by the CDC, whichever is more stringent.

Individuals may leave their residence or place of lodging to conduct Essential Activities, operation of Essential Businesses, Essential Government Functions, or Designated Businesses or Operations, 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.

**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 May 1, 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:** Pursuant to guidance from the CDC, any gathering of more than 10 people is prohibited unless specifically allowed under these Rules. Members of a single residential or family unit sharing the same address are not prohibited from gathering.

**Rule 5:** Persons engaging in allowed activities, essential, and designated businesses or operations shall implement the following social distancing requirements:

- a. Face covering. Persons over the age of 5 years old shall wear a face mask or cloth covering the nose and mouth while in public settings, meaning in the vicinity of other people who are not members of the same household, as recommended by the CDC (See Exhibit C). 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. This rule shall also not apply to individuals or members of the same household traveling in a vehicle.

- b. High risk populations. Elderly and others at high risk for Covid-19 are urged to stay in their residences to the extent possible, except to seek medical care.
- c. Persons who are sick. Persons who are sick, have a fever, cough, or who are exhibiting symptoms such as shortness of breath, difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except to seek medical care.
- d. Six-foot distances. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Essential and designated businesses or operations shall designate with signage, tape, or other means six-foot spacing for employees and customers waiting in line. Essential and designated businesses or operations shall monitor and enforce the six-foot distancing requirement, whether outside

waiting lines or as customers move about inside a facility. Stores with aisles shall use signage to indicate one-way access to the extent feasible. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

- e. Limited customer occupancy. Each essential or designated business or operation shall determine and enforce the maximum number of workers and customers that may be accommodated while maintaining the specified separation distance and limiting the number of individuals within a facility at any one time.
- f. Sanitizing products. Essential and designated businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
- g. Disinfection. Essential and designated businesses or operations shall regularly disinfect all high-touch surfaces.
- h. Safeguards for high-risk populations. Essential businesses shall implement processes to safeguard elderly and high-risk customers, such as exclusive shopping hours, which shall be conspicuously posted and enforced.

- i. Pickup at store or delivery. To the extent feasible, essential and designated businesses or operations shall provide for online ordering and purchase of goods, delivery, and customer pickup of orders outside the facility.
- j. Signage. Essential and designated businesses or operations shall post a sign at the entrance of the facility informing employees and customers that they shall, at a minimum: Wear CDC recommended face coverings while in the business or operation; avoid entering the business if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; not shake hands or engage in unnecessary physical contact.

**Rule 6:** Restaurants and cafes that serve food within the premises shall be closed for customer seating but will be allowed to provide takeout and delivery service.

**Rule 7:** All bars, nightclubs, theaters, public gathering venues, and tourist attractions are ordered closed.

**Rule 8:** Locations of public gathering such as gyms, recreation facilities, clubhouses, playgrounds, dog parks, and other places of public gathering are ordered closed.

**Rule 9:** County parks and beach parks are ordered closed except for those listed in Exhibit "A", attached. County parks and beach parks will be open from 7:00 a.m. through 7:00 p.m.



**Rule 10:** Businesses not listed as essential businesses or designated businesses and operations shall close, provided that such 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 11:** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, shall be limited to activities that are permitted under these rules.

In the event that any of the above-listed rules conflict with any rule, proclamation, or mandate of Governor David Y. Ige, the more stringent rule shall apply.

These rules shall take effect on May 11, 2020 at 12:01 a.m. and repeal the Emergency Rules promulgated May 1, 2020. With the exception of Rule 3, these Rules shall be repealed upon the earlier of: 1) subsequent promulgation or 2) May 31, 2020.



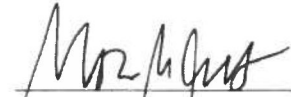
MICHAEL P. VICTORINO

Mayor

County of Maui

May 6, 2020

APPROVED:

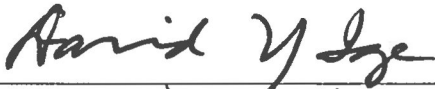


MOANA M. LUTEY

Corporation Counsel

County of Maui

REVIEWED ON BEHALF OF GOVERNOR DAVID Y. IGE BY:



Print Name: David Y. Ige

Title: Governor, State of Hawaii

Date: May 7, 2020

"Duke" Malii 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

**EXHIBIT "A"**