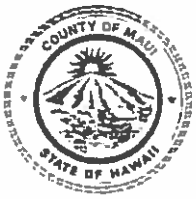
MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director



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

PUBLIC HEALTH EMERGENCY RULES

By the authority vested in me as Mayor of the County of Maui, by 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 adopt and promulgate the following rules, pursuant to Section 127A-25, which have the force and effect of law. Violation of any of the following rules is punishable as a misdemeanor, with fines of up to $5,000, up to a year in jail, or both.

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, sheltering in place (that is, staying at home or in a place of lodging) is greatly encouraged with the exception of certain essential activities, defined below. Based upon this public health emergency, these rules restrict the congregation of the public.

I. Definitions

A. Essential activities (except for those in quarantine) 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 and supplies, pet food, and getting supplies necessary for staying at home;
3. Engaging in solitary or sole group outdoor activity, such as walking, hiking, running, or golfing, provided that you maintain at least six feet of social distancing;
4. Performing work related to operation of an essential business or essential government function (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 construction of housing and 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 and auto repair facilities;
7. Banks;
8. Refuse collection;
9. Hardware stores, plumbers, electricians, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and businesses;
10. Laundromats and laundry service providers;
11. Businesses that primarily ship or deliver groceries, food, and goods directly;
12. Childcare facilities providing services that enable essential employees to go to work;
13. Roles required for any Essential Business to "maintain basic operations," which include security, payroll, and similar activities.

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

II. RULES

Rule 1: Meetings or hearings, including contested case hearings, conducted by boards and commissions established under the Charter or the Maui County Code are suspended, provided that meetings or hearings may be conducted to the extent the Governor of the State of Hawaii has suspended the requirements of Chapters 91 (administrative procedures) and 92 (public agency meetings and records), HRS, and sufficient capability exists to conduct such meetings or hearings by telephone or video conference as determined by the County department providing administrative assistance to the board or commission.

Rule 2: 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 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 3: Gatherings of more than 10 individuals outside the home or place of lodging are prohibited.

Rule 4: 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 5: All bars, nightclubs, theaters, public gathering venues, and tourist attractions are ordered closed.

Rule 6: Gyms, recreation facilities, and other places of public gathering are ordered closed.

Rule 7: Grocery stores, farmers markets, supermarkets, food banks, convenience stores and gas stations that engage in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and other household consumer products, gasoline and products necessary to maintain the safety, sanitation, and essential operation of residences may remain open. To limit exposure to the virus for those most vulnerable, all stores selling the above-listed 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.

Rule 8: 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 9: Vehicular transportation, including public transportation, must be limited to essential activities or operation of

essential business or essential government function, such as travel to and from work and medical appointments.

These rules shall take effect on Friday, March 20, 2020 at 7:45 a.m. and, with the exception of Rule 2, shall be repealed upon the earlier of: 1) subsequent promulgation or 2) 60 days after the date of the County's Proclamation of Emergency Disaster dated March 4, 2020.

MICHAEL P. VICTORINO
Mayor
County of Maui
March 18, 2020

APPROVED:

MOANA M. LUTEY
Corporation Counsel
County of Maui