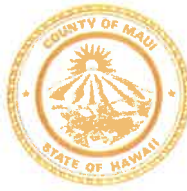


**MICHAEL P. VICTORINO**  
Mayor

**SANDY K. BAZ**  
Managing Director



**OFFICE OF THE MAYOR**  
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OFFICE OF THE MAYOR  
COUNTY OF MAUI

**PUBLIC HEALTH EMERGENCY RULES, AMENDED APRIL 9, 2020**

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 amend, adopt and promulgate the following rule, 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.

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 now 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, 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, provided measures are implemented to ensure worker safety, including a 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. 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.

**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 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, golf courses, clubhouses, condominium common areas, and other places of public gathering are ordered closed.

**Rule 10:** County parks, golf course, and beach parks are ordered closed.

**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:** Easter Weekend Curfew shall require that all persons remain indoors and no one shall be allowed to use any mode of transportation with wheel(s), including, but not limited to: vehicles, motorcycles, bicycles, scooters, etc. on any road in the County of Maui from 11:00 p.m. on April 10, 2020 through 5:00 a.m. daily. This curfew will be lifted at 5:00 a.m. on Monday, April 13, 2020.

This rule shall not apply to emergency responders, security vehicles, transportation used to and from work, and for tasks essential to health and safety, such as seeing a doctor or obtaining medication.

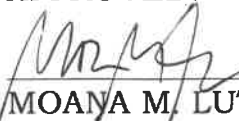
These rules shall take effect on April 10, 2020 at 11:00 p.m. and repeal the Emergency Rules promulgated March 22, 2020. With the exception of Rules 3 and 15, these Rules shall be repealed upon the earlier of: 1) subsequent promulgation or 2) April 30, 2020.



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MICHAEL P. VICTORINO  
Mayor  
County of Maui  
April 9, 2020

APPROVED:



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MOANA M. LUTEY  
Corporation Counsel  
County of Maui