

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

RECEIVED

Notice is hereby given that the Kaua'i County Council will hold a public hearing on Wednesday, June 12, 2024, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

24 MAY 17 10:32

Bill No. 2922

COUNTY CLERK
COUNTY OF KAUAI

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REFRESHMENT CONCESSIONS AND INTOXICATING LIQUOR IN PARKS FACILITIES

This Bill proposes to: (1) allow the sale of intoxicating liquor at the Wailua Golf Course and allow any person of legal drinking age to possess and consume intoxicating liquor purchased from the golf course concessionaire; and (2) allow the sale of intoxicating liquor at County stadium facilities for community and special events as authorized by a Special License or Catering Permit issued by the Liquor Control Commission and a Special Use Permit issued by the Director of Parks & Recreation. Further details regarding requirements and limitations are set forth in the Bill. This Bill is based on the recommendation of the Department of Parks and Recreation that: (1) Wailua Golf Course patrons desire the ability to purchase intoxicating liquor for consumption at the golf course to enhance the existing food and beverage concessions options; and (2) many special event organizers have requested permission to sell intoxicating liquor to promote the increasing demand for multi-purpose usage of County stadium facilities.

Any person may testify at the public hearing, and at any Council and Committee Meeting (at which time any Bill may be amended). Meeting notices and full-text Bills are available at least six (6) days in advance at the Office of the County Clerk, Council Services Division and kauai.gov/Government/Council/Webcast-Meetings. Written testimony may be submitted via counciltestimony@kauai.gov, mail, or fax. For further information, please call (808) 241-4188.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the Kaua'i County Council passed on first reading and ordered to print Bill No. 2922 during the May 15, 2024 Council Meeting, by the following vote:

AYES:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
May 15, 2024

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – May 22, 2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REFRESHMENT CONCESSIONS AND INTOXICATING LIQUOR IN PARKS FACILITIES

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. Based on the recommendation of the Department of Parks and Recreation, the Council finds that: (1) Wailua Golf Course patrons desire the ability to purchase intoxicating liquor for consumption at the golf course to enhance the existing food and beverage concessions options; and (2) many special event organizers have requested permission to sell intoxicating liquor to promote the increasing demand for multi-purpose usage of County stadium facilities. Subject to the details set forth in this Ordinance, the purpose of this Ordinance is to: (1) allow the sale of intoxicating liquor at the Wailua Golf Course and allow any person of legal drinking age to possess and consume intoxicating liquor purchased from the golf course concessionaire; and (2) allow the sale of intoxicating liquor at County stadium facilities for community and special events as authorized by a Special License or Catering Permit issued by the Liquor Control Commission and a Special Use Permit issued by the Director of Parks & Recreation.

SECTION 2. Chapter 19, Article 1, Section 19-1.17 (Refreshment Concession), Kaua'i County Code 1987, as amended, is hereby amended as follows:

“Sec. 19-1.17 Refreshment Concession.

(a) Unless the concession is of the type and nature so as to require competitive bidding pursuant to Chapter 102, Hawai'i Revised Statutes, the refreshment concession for any Type III, Type IV, Type V or Type VI activity may be awarded to the person or organization who has been granted a permit by the Director to engage in Type III, Type IV, Type V or Type VI activities.

(b) If the Type III, Type IV, Type V or Type VI permittee declines to operate the concession, the Director may, at his or her discretion, award the concession to any school, church, or other non-profit organization who is on the refreshment concession list as provided in Subsection (d) of this Section.

(c) The Director may, at his or her discretion, award the concession for Type I and Type II activities to any school, church or other non-profit organization who is on the refreshment concession list as provided in Subsection (d) of this Section.

(d) Non-profit organizations who wish to operate a refreshment concession as provided in Subsections (b) and (c) of this Section shall file a written application to

the Director and provide proof of non-profit status at the time of application. The Director shall maintain a list of all non-profit organizations who are authorized to operate a refreshment concession and award the concession in the order of the list.

(e) [No alcoholic beverages] Intoxicating liquor shall not be sold at a refreshment concession[.], except for sales at:

(1) The restaurant concession at the Wailua Golf Course and within the boundaries of the Wailua Golf Course as set forth in Section 19-3.5(b), excluding the parking lot area, and

(2) County stadium facilities as authorized by a Special License or Catering Permit issued by the Liquor Control Commission and a Special Use Permit issued by the Director.”

SECTION 3. Chapter 19, Article 3, Section 19-3.5 (Prohibiting Intoxicating Liquor Within the Golf Course), Kaua‘i County Code 1987, as amended, is hereby amended as follows:

“Sec. 19-3.5 [Prohibiting] Intoxicating Liquor Within the Golf Course.

(a) It shall be unlawful for any person to possess or consume any intoxicating liquor at any time within the boundaries of the golf [course,] course property, including the parking lots, except [in areas licensed for consumption by the Liquor Commission.] as provided by Section 19-3.5(b). Any person convicted of violating this Section, or as the same may be amended or supplemented, shall [be punished by a fine not exceeding five hundred dollars (\$500.00) nor less than fifty dollars (\$50.00).], upon conviction, be guilty of a petty misdemeanor punishable by up to thirty (30) days of imprisonment, a fine not exceeding one thousand dollars (\$1,000.00), or both. In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances.

(b) It shall be lawful for any person of legal drinking age to possess and consume intoxicating liquor within the boundaries of the golf course in areas licensed for consumption by the Liquor Control Commission provided that the person: purchased the intoxicating liquor from the golf course concessionaire, provides proof of purchase upon request, and is otherwise lawfully permitted to possess or consume intoxicating liquor.”

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:



ADDISON BULOSAN
(By Request)

DATE OF INTRODUCTION:

May 15, 2024

Lihu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2922, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on May 15, 2024, by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
May 15, 2024



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i