

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8
OF THE KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO THE COMPREHENSIVE ZONING ORDINANCE

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

SECTION 1. Findings and Purpose.

The Council of the County of Kaua'i finds that there is a compelling need to regulate single-family transient vacation rentals on Kaua'i. Single-family transient vacation rentals are occurring at a greater rate and inflicting a larger impact on the community of Kaua'i than was ever anticipated in the County's original Comprehensive Zoning Ordinance. While this type of visitor unit could be compatible with the character and nature of Kaua'i and while it has certain positive advantages to the community and is desirable in terms of offering a mix of accommodations to the visitor, the uncontrolled proliferation of vacation rentals in residential and other areas outside the Visitor Destination Areas (VDAs) is causing significant negative impacts to certain residential neighborhoods, foreshadowing similar potential impacts on other areas of the island

The County General Plan, updated in the year 2000, recognizes this need by its policy for "Alternative Visitor Accommodations," which reads as follows:

4.2.8.2 Alternative Visitor Accommodations

(a) The County of Kaua'i shall recognize alternative visitor accommodations, such as B&Bs, vacation rentals, inns, cabins, and retreat centers.

(b) The County shall enact clear standards and permit processes for regulating alternative visitor accommodation structures and operations in Residential, Agriculture, Open, and Resort zoning districts.

(c) County development standards and permit processes shall be scaled to the size and potential impact of the use:

[. . .]

(d) Permitting processes should consider the cumulative impact that a large concentration of alternative visitor units can have on a residential neighborhood."

Census data shows that seasonal rentals account for 45% of the new housing units built on Kaua'i between 1990 and 2000, a greater percentage than housing built for long-term renters (14%) or for owner-occupied use (36%). Since 2000, out of the 2,050 new residential units, 1,070 have been built for the seasonal homes market and less than half have been for local families to rent (46) or own (936). The potential for vacation rental use increases the value and thus the selling price and investment rating of property on Kaua'i, which increases prices and adds another potential layer of speculation in the real estate market. This also means that the limited available infrastructure and resources on Kaua'i, including roads, water,

sewer capacity, building materials, and contractor time are being used primarily for expensive second or third homes rather than the primary home needs of local residents.

In oceanfront or other places of premium real estate value, second and third homes and vacation rentals (often one and the same) are displacing traditional neighborhoods where people of low and moderate income have been able to live in the past. Besides contributing to a lack of affordable housing in the community, this is changing the social character of neighborhoods where neighbors used to know each other. This has tended to make these neighborhoods more vulnerable to crime. While regulating single-family vacation rentals will not guarantee more affordable housing, it will dampen speculation and bring a halt to uncontrolled growth and cumulative impacts of vacation rentals which have affected the traditional neighborhoods of 'Anini and Hā'ena, and which could or are beginning to also affect neighborhoods such as Waimea Valley, Kekaha, and the makai side of Kapa'a Town.

The Council also finds that the transient accommodation and general excise taxes on various vacation rentals are sometimes not being paid, causing a loss of revenue to state and county governments and a failure to pay for impacts associated with visitors.

The purpose of this bill is to restore a balance between primary residences and single-family transient vacation rentals by: 1) requiring registration of vacation rentals or nonconforming use certificates and setting standards for all vacation rentals, 2) explicitly prohibiting new single-family vacation rentals outside visitor destination areas (multi-family vacation rentals are already so prohibited), and 3) identifying and allowing nonconforming uses where single-family vacation rentals have been operating lawfully prior to approval of this bill.

This bill does not apply to a bed and breakfast unit ("Homestay"). It is the intention of the Council to address these units as a separate matter after establishing a regulatory framework for single-family transient vacation rentals. Homestays are presently regulated through the use permit process.

Once the number of nonconforming uses are established, attrition is monitored, the Planning Department has demonstrated effective enforcement of this law, a framework for Homestay operations is established, and the County has adopted a functional plan for agricultural and rural lands, as well as a functional plan for tourism, the community could decide to allow additional single-family transient vacation rentals outside the VDA based on certain terms and conditions, or to continue the policy established here either "as is," or as modified consistent with the functional plans.

In order to promote a high quality of life for all people on this island, to preserve the residential character of neighborhoods, to encourage the diversity of incomes and backgrounds that has made Kaua'i a special place of aloha, and to promote health and safety and the general welfare, the Council of the County of Kaua'i does hereby enact the following law.

SECTION 2. Section 8-1.5, Kaua'i County Code 1987, as amended, is hereby amended by adding or amending the following definitions to read as follows:

“Guest House” means a building with a floor area of no more than five hundred (500) square feet, contains no kitchen, is used for dwelling purposes by guests, and is located on a parcel of at least nine thousand (9,000) square feet that contains one (1) or more dwelling units.

“Homestay” means an owner-occupied dwelling unit in which overnight accommodations are provided to transient guests for compensation, for one hundred eighty (180) days or less, within the same dwelling unit in which the owner or lessee resides or in a guest house.

“Registration Number” means a number assigned to a Transient Vacation Rental in a Visitor Destination Area by the Finance Director upon registration of said rental.

“Transient or Transients” means any person who owns, rents, or uses a dwelling unit or a portion thereof for one hundred eighty (180) days or less, and which dwelling unit is not the person’s primary residence under the Internal Revenue Code. This definition shall not apply to nonpaying guests of the family occupying the unit, patients or clients in health care facilities, full-time students, employees who receive room and/or board as part of their salary or compensation, military personnel, low-income renters receiving rental subsistence from state or federal governments, or overnight accommodations provided by nonprofit corporations or associations for religious, charitable, or educational purposes where no rental income is transacted.

[“Transient Vacation Rentals” means rentals in a multi-unit building for visitors over the course of one (1) or more years, with the duration of occupancy less than thirty (30) days for the transient occupant.]

“Transient Vacation Rental” means a dwelling unit which is provided to transient occupants for compensation or fees, including club fees, or as part of interval ownership involving persons unrelated by blood, with a duration of occupancy of one hundred eighty (180) days or less.

“Single-Family Transient Vacation Rental” means a single-family dwelling unit, other than a homestay, which is used as a transient vacation rental.

“Multi-Family Transient Vacation Rental” means a multi-family dwelling unit which is used as a transient vacation rental.

“Visitor Destination Area or VDA” are those areas designated as Visitor Destination Areas on County of Kaua'i zoning maps.”

SECTION 3. Section 8-3.1, Kaua'i County Code 1987, as amended, is hereby amended by adding a new subsection (e) to read as follows:

“(e) To maintain the character and integrity of communities within residential districts and to support residents in continuing to live and raise their families in these neighborhoods.”

SECTION 4. Section 8-3.3, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-3.3 Generally Permitted Residential Uses And Structures.

(a) The following types of residential uses and structures are permitted in districts R-1, R-2, R-4, and R-6 so long as the dwelling unit limitations established in Sec. 8-3.2 are not exceeded:

- (1) Single-family detached dwellings;
- (2) Accessory structures and uses, including one (1) guest house on a lot or parcel 9,000 square feet or larger;
- (3) Two (2) multiple-family dwelling units or two (2) single-family attached dwelling units upon a parcel of record as of June 30, 1980; and
- (4) Notwithstanding subsection (3) above, multiple family and single family attached dwellings developed pursuant to a Federal, State or County housing program.

(b) Multiple-family and single-family attached dwellings are permitted in districts R-10 and R-20 in addition to those types of residential uses and structures permitted under Subsection (a) above.

(c) Public and private parks and home businesses are permitted in all districts.

(d) Adult Family Boarding and Family Care Homes that comply with all State Department of Social Services and Housing and State Department of Health rules, regulations and requirements provided, however, that the Planning Director may require a use permit for such applications that may create adverse impacts to the health, safety, morals, convenience and welfare of the neighborhood or community that the proposed use is located.

(e) Transient Vacation Rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas.”

SECTION 5. Section 8-4.3, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-4.3 Generally Permitted Resort Uses And Structures.

The following types of uses and structures are permitted in RR-10 and RR-20 Districts, so long as the dwelling unit limitations established in Sec. 8-4.2 are not exceeded and provided that each use or structure is incidental to or accessory to resort development:

- (1) Accessory structures and uses
- (2) Apartment hotels
- (3) Automobile service and storage
- (4) Barber shop and beauty shop
- (5) Commercial recreation
- (6) Gift shops
- (7) Golf courses

- (8) Home business
- (9) Hotels
- (10) Laundromat
- (11) Libraries
- (12) Motels
- (13) Museums
- (14) Police and fire stations
- (15) Public parks and monuments
- (16) Restaurants and food service
- (17) Retail cleaning outlets
- (18) Retail clothing shops
- (19) Retail food and drug shops
- (20) Shoe repair shops
- (21) Single family detached dwellings
- (22) Transient Vacation Rentals, provided they are located within designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas.

SECTION 6. Section 8-5.3, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-5.3 Generally Permitted Uses And Structures.

(a) Neighborhood Commercial. The following uses and structures are permitted in neighborhood commercial districts:

- (1) Accessory uses and structures
- (2) Automobile services
- (3) Churches, temples and monasteries
- (4) Clubs, lodges and community centers
- (5) Household services
- (6) Museums, libraries and public services
- (7) Personal services, such as barber shops, laundromats, and shoe repair shops
- (8) Professional offices
- (9) Public parks and monuments
- (10) Retail shops and stores
- (11) Restaurants and food services
- (12) Single family detached dwellings on lots or parcels of no less than six thousand (6,000) square feet, and to a density not to exceed six (6) units per acre.

(13) Transient Vacation Rentals, provided they are located within designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. Such uses are prohibited in non-VDA areas.

(b) General Commercial. The following types of uses and structures are permitted in general commercial districts:

- (1) Accessory uses and structures
- (2) Automobile sales, repair and storage
- (3) Automobile services
- (4) Churches, temples and monasteries
- (5) Clubs, lodges and community centers
- (6) Commercial indoor amusement and parks
- (7) Department stores

- (8) Hotels and motels
- (9) Household services
- (10) Light manufacturing, such as handicrafts and garment fabrication
- (11) Minor food processing, such as cracked seeds, jellies, candies and ice cream
- (12) Museums, libraries and public services
- (13) Offices and professional buildings
- (14) Parking garages
- (15) Personal services
- (16) Public offices and buildings
- (17) Public parks and monuments
- (18) Research and development
- (19) Restaurants and food services
- (20) Retail sales
- (21) Supermarkets and shopping centers
- (22) Transient Vacation Rentals, provided they are located within designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. Such uses are prohibited in non-VDA areas.
- ~~[(22)](23)~~ Transportation terminals and docks
- ~~[(23)](24)~~ Warehouses
- ~~[(24)](25)~~ Wholesale outlets”

SECTION 7. Section 8-5.4, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-5.4 Uses And Structures In Commercial Districts That Require A Use Permit.

(a) Neighborhood Commercial. The following uses and structures in neighborhood commercial districts require a use permit:

- (1) Animal hospitals
- (2) Automobile sales, repair and storage
- ~~[(3) Botanic and zoologic gardens]~~
- (3) Botanical and zoological gardens
- (4) Communications facilities
- (5) Construction materials storage
- (6) Diversified agriculture
- (7) Food processing and packaging
- (8) Light manufacturing
- (9) Multiple family dwellings and single family attached dwellings
- (10) Private and public utilities and facilities
- (11) Project development in accordance with Article 18 of this Chapter
- (12) Research and development
- (13) Schools and day care centers
- (14) Warehouses
- (15) Any other use or structure which the Planning Director finds to be similar in nature to those listed in this section and appropriate to the District.

(b) General Commercial. The following uses and structures in general commercial districts require a use permit:

- (1) Animal hospitals
- (2) Bars
- [(3) Botanic and zoologic gardens]
- (3) Botanical and zoological gardens
- (4) Commercial outdoor amusement
- (5) Communications facilities
- (6) Construction materials storage
- (7) Diversified agriculture
- (8) Food processing and packaging
- (9) Nightclubs and cabarets
- (10) Private and public utilities and facilities
- (11) Project development in accordance with Article 18 of this Chapter
- (12) Residential dwellings, detached, attached or multi-family
- (13) Schools and day care centers
- (14) Warehouses
- (15) Any other use or structure which the Planning Director finds to be similar in nature to those listed in this section and appropriate to the Planning Director.”

SECTION 8. Section 8-17.3, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-17.3 Permitted Locations for Multi-Family Transient Vacation Rentals. Subject to the limitations contained in Section 8-17.5, multi-family transient vacation rentals are allowed:

- (a) In Hotels in Resort or Commercial Districts; and
- (b) In Resort Districts and Residential Districts [when such districts are located] within the visitor destination areas [of Poipu, Lihue, Wailua-Kapaa or Princeville,] as more particularly designated on County of Kauai [Visitor Destination Area] zoning maps.”

SECTION 9. Section 8-17.5, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-17.5 Existing Time Share and Multi-family Transient Vacation Rental Uses.

- (a) [Existing] Time Share Units, Time Share Plans and Multi-Family Transient Vacation Rentals [in Projects] Existing On or Before September 22, 1982, That Are Not Located in Visitor Destination Areas. [Nothing in this Article shall impair the use in a project of an existing time share unit, an existing time share plan, or an existing transient vacation rental when such project is not located within the visitor destination areas described in Section 8-17.2. All such existing time share units, time share plans and transient vacation rentals in such a project shall be regulated according to the terms, if any, of the project instruments.] Time share units, time share plans, or multi-family transient vacation rentals existing on or before September 22, 1982 that are not located within the visitor destination areas described in Section 8-17.2 may continue as allowed uses. However, no additional time

share units, time share plans, or multi-family transient vacation rentals outside the visitor destination area shall be created [in such a project after the effective date of this section, nor shall the terms of the project instrument be amended or modified after the effective date of this section in any manner that will allow an increase in the number of time share units, time share plans, or transient vacation rentals within the project.] after September 22, 1982. The uses left unimpaired by this subsection shall not be lost by the failure to exercise the use unless it clearly appears that the use has been abandoned for a period in excess of two years. This subsection shall not apply to hotels in Resort or Commercial Districts.

(b) [Existing] Time Share Units, Time Share Plans And Transient Vacation Rentals in Projects Located Within Visitor Destination Areas[.] existing on or before September 22, 1982. Time share units and time share plans in [existing] projects existing on or before September 22, 1982, and located within [the visitor destination] areas described in [Section 8-17.2] Section 8-17.3 shall be regulated in accordance with the provisions of Section 8-17.4.”

SECTION 10. Section 8-17.6, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-17.6 Penalty.

An owner of any unit which is operated in violation of this Article, [together with] and/or any other person, firm, company, association, partnership or corporation violating any provision of this Article, shall each be fined not less than \$500 nor more than \$10,000 for each offense. This civil fine may be in addition to any criminal fines. If any person fails to [remove] cease such violation within one month, such person shall be subject to a new and separate violation for each day the violation continues to exist.

(a) Actions by County Attorney. The County Attorney may file a civil action to enjoin any violation of this Article and collect any penalties provided for by this Article.

(b) Disposition of Fines. All fines imposed for violations of this Article shall be paid to the Director of Finance to the credit of the Development Fund.”

SECTION 11. Chapter 8, Article 17, Kaua'i County Code 1987, as amended, is hereby amended by adding the following sections 8-17.8, 8-17.9, 8-17.10, 8-17.11, and 8-17.12 to read as follows:

“Section 8-17.8 Single Family Transient Vacation Rentals.

(a) Notwithstanding any underlying zoning designation and with the exception of properties on the National or State Register of Historic Places, single-family transient vacation rentals are prohibited in all areas not designated as Visitor Destination Areas.

(b) Development Standards for Single-Family Vacation Rentals permitted within Visitor Destination Areas and Holders of Nonconforming Use Certificates. Development standards shall be the same as those for single-family detached dwellings in Sections 8-3.5 through 8-3.8, inclusive, with the following additions:

(1) Applicant shall designate a contact person or owner's representative who shall be available on a 24-hour, 7-days-per-week basis. Applicant shall provide the name and contact information to the Planning Department, the Kaua'i Visitors Bureau, and the public.

(2) One outdoor sign no larger than the one square foot shall be posted in a visible place on a wall, fence, or post immediately inside or on the front boundary of the property where it is easy to see, for the purpose of providing the current Nonconforming Use Certificate number or the Registration Number and the 24/7 phone number. No other signs shall be allowed and there shall be no direct illumination of the required sign. The numbers on the sign shall be no smaller than two inches (2") in height.

(3) The applicant shall provide a list of requirements and information entitled "For the Safety and Comfort of You and Your Neighbors." This shall provide essential information to the visitor and shall seek to reduce negative impacts on the surrounding neighborhood. This information piece shall be provided to the Planning Department at time of application and shall be posted in a conspicuous place in the guest's sleeping quarters along with a copy of the Nonconforming Use Certificate or the Registration Number, whichever the case may be, for the current year. The list shall include, but not be limited to, suggested curfews, guidance with respect to the character of the neighborhood and gatherings and noise, and what to do in cases of emergency and natural disaster.

(4) All print and internet advertising, including listings with a rental service or real estate firm, shall include the Nonconforming Use Certificate or the Registration Number.

(5) A copy of the Nonconforming Use Certificate or the Registration Number for the current year shall be displayed in the back of the front door of the sleeping quarters.

(6) A site and floor plan shall be filed with the application, and no interior lockouts shall be permitted.

(7) Multi-family Vacation Rentals allowed under this ordinance shall comply with Sections 8-17.8(b)(1) through (5)."

Section 8-17.9 Registration of all Transient Vacation Rentals

(a) All transient vacation rentals lawfully existing in Visitor Destination Areas on the effective date of this ordinance shall register with the Director of Finance on a form prescribed by the Director of Finance no later than one hundred eighty (180) days after the effective date of this ordinance. Any new transient vacation rental established in Visitor Destination Areas subsequent to the effective date of this law shall register with the Director of Finance prior to any such use of said rental.

(b) No single-family transient vacation rental shall operate outside a Visitor Destination Area without a Nonconforming Use Certificate obtained under Section 8-17.10.

Section 8-17.10 Nonconforming Use Certificates for Single-Family Vacation Rentals

(a) The purpose of this section is to provide a process to identify and register those single-family transient vacation rentals as nonconforming

uses which have been in lawful use prior to the effective date of this ordinance and to allow them to continue subject to obtaining a nonconforming use certificate as provided by this section.

(b) The owner, operator or proprietor of any single-family transient vacation rental which is operating outside of a Visitor Destination Area on the effective date of this ordinance shall by March 30, 2009, obtain a nonconforming use certificate for single family vacation rentals.

(c) No nonconforming use certificate shall be issued by the Planning Director unless the use as a single-family rental is a legal use under the Comprehensive Zoning Ordinance, and the applicant demonstrates to the satisfaction of the Planning Director that a dwelling unit was being used as a vacation rental on an ongoing basis prior to the effective date of this ordinance and was in compliance with all State and County land use and planning laws, including but not limited to, HRS. Chapter 205, the Comprehensive Zoning Ordinance, Shoreline Management Area, Flood Plan Management and Shoreline Setback laws at the effective date of this ordinance, up to and including, the time of application for a nonconforming use certificate. The Planning Director, in making the decision, shall take into consideration, among other things, the following guidelines:

(1) The applicant had a State of Hawai'i General excise tax license and transient accommodations tax license for the purpose of the lawful operation of single-family transient vacation rentals for a period long enough to demonstrate actual payment of taxes.

(2) That prior to the effective date of this ordinance, applicant had deposits for reservations by transient guests in exchange for compensation for use of subject property as a vacation rental.

(3) That applicant had transient guests occupy subject property in exchange for compensation prior to the effective date of this ordinance, with a pattern of consistency that evidences an ongoing and lawful enterprise.

(d) Pursuant to HRS Chapter 205, no nonconforming use certificate shall be issued for any single-family transient vacation rental located on land designated "Agricultural" by State law, unless:

(1) It was built prior to June 4, 1976, or

(2) The Applicant has a special permit under Hawai'i Revised Statutes, Section 205.6 which specifically permits a vacation rental and the permit was secured prior to the enactment of this ordinance.

(e) The owner, operator, or proprietor shall have the burden of proof in establishing that the use is properly nonconforming based on the following documentation which shall be provided to the Planning Director as evidence of a nonconforming use: records of occupancy and tax documents, including all relevant State of Hawai'i general excise tax filings, all relevant transient accommodations tax filings, federal and/or State of Hawai'i income tax returns for the relevant time period, reservation lists, and receipts showing payment. Other reliable information may also be provided. Based on the evidence submitted, the Planning Director shall determine whether to issue a

nonconforming use certificate for the single-family transient vacation rental.

(f) Failure to apply for a nonconforming use certificate by October 15, 2008 or failure to obtain a nonconforming use certificate by March 30, 2009, shall mean that the alleged nonconforming use is not a bona fide nonconforming use, and it shall be treated as an unlawful use, unless the applicant demonstrates to the satisfaction of the Planning Commission that the alleged vacation rental use meets the criteria under Section 8-17.10(c) and (d). The Planning Director shall prepare an application form which shall be available to the public by March 30, 2008.

(g) The owner or lessee who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate by July 31 for every year.

(1) Each application to renew shall include proof that:

(A) There is in effect a State of Hawai'i general excise tax License and transient accommodations tax license for the Nonconforming use.

(B) notwithstanding any other ordinance or rule to the contrary, the use has been ongoing, with a presumption that if the nonconforming use has occurred less than a total of thirty (30) days, said use has been abandoned, and

(C) that at the time of renewal the dwelling unit was in compliance with all State and County land use or planning laws, including, but not limited to, HRS Chapter 205, the Comprehensive Zoning Ordinance, Shoreline Management Area, Flood Plain Management, and Shoreline Setback laws.

(2) Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificates.

(3) Applicant shall pay a renewal fee of One Hundred Fifty Dollars (\$150.00) which shall be deposited into the County General Fund.

Section 8-17.11 Enforcement Against Illegal Transient Vacation Rentals.

(a) In addition to other penalties provided by law, including but not limited to Section 8-17.6, Section 8-24.1, and the Planning Commission Rules, as amended, the Planning Director or any member of the public may initiate proceedings to revoke a nonconforming use certificate or to stop an unpermitted use pursuant to Chapter 12 of the Rules of Practice and Procedures of the Planning Commission, as amended. Violations of conditions of approval or providing false or misleading information on the application or any application thereto at any time during the application process shall be grounds for revocation or cease and desist orders.

(b) Advertising of any sort which offers a property as a transient vacation rental shall constitute prima facie evidence of the operation of a transient vacation rental on said property and the burden of proof shall be on the owner, operator, or lessee to establish that the subject property is not being used as a transient vacation rental or that it is being used for such purpose legally. If any unit is found to be operating unlawfully, penalties established in Section 8-17.6 and Section 8-24.1 shall apply.

Section 8-17.12 Historic Properties Exemption. Single-Family Dwelling Units on the National or State Register of Historic Places may be allowed to operate as a transient vacation rental through a use permit and by abiding by the development standards specified in Section 8-17.8(b)."

SECTION 12. 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, the brackets, bracketed material, and underscoring shall not be included.

SECTION 13. If any provision of this ordinance or the application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 14. This ordinance shall take effect upon its approval.

INTRODUCED BY: /s/ JOANN A. YUKIMURA
(By Request)

DATE OF INTRODUCTION:

December 13, 2006
Līhu'e, Kaua'i, Hawai'i

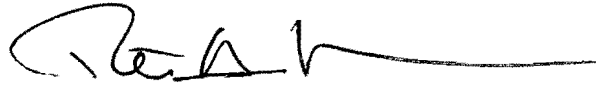
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2204, Draft 4, which was adopted on second and final reading by the Council of the County of Kaua'i at its special meeting held on February 20, 2008, by the following vote:

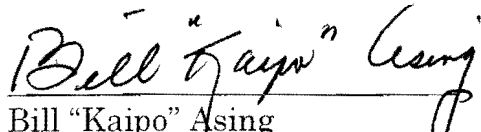
FOR ADOPTION: Furfaro, Iseri-Carvalho, Rapozo, Yukimura, Asing	TOTAL – 5,
AGAINST ADOPTION: Bynum	TOTAL – 1,
EXCUSED & NOT VOTING: Kouchi	TOTAL – 1.

Līhu'e, Hawai'i
February 21, 2008



Peter A. Nakamura
County Clerk, County of Kaua'i

ATTEST:

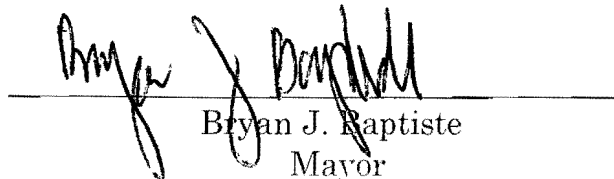

Bill "Kaipo" Asing
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

February 22, 2008

Approved this 7th day of

March, 2008.



Bryan J. Baptiste
Mayor
County of Kaua'i