

Old legislation, such as signage ordinance, hurts business



THE CHAMBER VIEW by Pamela Tumpap

Over the years, new industries were built and our economy changed, but sadly some legislation was left behind to stagnate. And, just like stagnant water, it stinks and

hurts businesses.

The stagnation began with transient-vacation rentals under this administration, and a county code that had not kept pace with the birth and growth of the TVR industry. While attempts were made to update the code, it sits untouched by the County Council's Planning Committee chaired by Council Member Sol Kaho'ohalahala.

Also stuck in his committee is home-based business legislation that is desperately needed, since many businesses have cut expenses to the bone and must work from home.

In these instances, businesses seek legislative

relief to operate legitimately. However, they are being left in the cold and face the threat of being shut down at any time by a simple complaint — whether based on merit or not — because they operate outside of zoning ordinances.

The situation puts the Maui Chamber of Commerce in an odd position because we believe businesses should operate within the law. Unfortunately, our laws need revamping, and this is not the time to hurt businesses further or shut them down when our economic health relies on them. Yet, businesses continue to be impacted negatively, with the latest culprit being our antiquated signage ordinance.

If you are in business and not familiar with the county's signage ordinance, be aware because the ordinance apparently is being enforced like never before. The ordinance can be found on the county website, under Title 16 Buildings and Construction of the Maui County Code, Chapter 16.13 Commercial Signs.

Businesses report they are receiving visits from county inspectors, who inform the firms

they are in "noncompliance" with this law and must take signage down, leaving some to ask if this is the county's new way of raising revenue. (Not likely, but this enforcement is contributing to these perceptions.)

Reports include fast-food franchises and other businesses being told that they must take down from their windows signs that showcase pictures of products offered, to a business being told that its "Going Out of Business" banner is nonconforming. Imagine fighting to survive, losing the battle and having to close your business, putting up that heart-rending "Going Out of Business" sign to let customers know and selling the remaining inventory to salvage as much as possible, and then being met by an inspector who apparently read the sign and still chose to inform you that it is in noncompliance. The scenario is maddening.

While reports to date have been warnings and not fines if the signage is removed, the fines for such a violation can be stiff, including \$1,000 per day for each violation that persists.

At a time when businesses are struggling to get customers through their doors and are looking at inexpensive approaches to do that, business owners are floored to have to take needed signage down. We all support reasonable regulation but do not see the harm these signs create. Business owners' frustration mounts when they learn that they could have another sign of the same size, in the same location, as long as it does not contain a picture of a product or service they offer. How does such regulation better protect and serve businesses and the public, and justify increased enforcement of this obsolete legislation? From our view, this regulation neither protects nor serves the community! We are working on this issue and asking the mayor to get involved.

The attacks on businesses must stop! We have the power to make a difference. Unite and vote for business-friendly candidates this election. Now is the time for positive change.

■ *Pamela Tumpap is president of the Maui Chamber of Commerce.*