

COUNCIL OF THE COUNTY OF MAUI  
**WATER RESOURCES COMMITTEE**

March 6, 2009

**Committee**

**Report No.** 09-18

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Water Resources Committee, having met on February 17, 2009, makes reference to County Communication No. 05-46, from former Councilmember Michelle Anderson, relating to the rules and governing policies of the Department of Water Supply (Department).

Your Committee notes that in 2002, the Charter of the County of Maui (1983) was amended to transfer the authority to adopt rules and regulations having the force and effect of law relating to the County's water systems, from the Board of Water Supply (Board) to the Director of Water Supply. In order to accommodate this change, the Department of the Corporation Counsel eventually offered a proposed bill to incorporate many of the rules into the Maui County Code.

Your Committee considered a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO DROUGHT". The purpose of the draft bill is to codify the Department's rules and regulations relating to declarations of drought.

Your Committee raised concerns regarding the authority of the Board of Water Supply to hear appeals from water users related to decisions made by the Director based on drought declaration violations.

Your Committee recommended revising Section 14.06.030 of the draft bill to clarify that penalties for violations imposed by the Director are subject to appeal to the Board, pursuant to Chapter 14.11, Maui County Code.

Your Committee voted 6-0 to recommend passage of the draft bill, as revised. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Kaho'ohalahala, Mateo and Medeiros voted "aye". Committee member Molina was excused.

Your Committee is in receipt of a proposed bill, approved as to form and legality by the Department of the Corporation Counsel, entitled "A BILL FOR AN ORDINANCE

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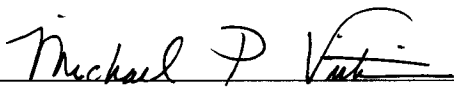
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AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO DROUGHT”,  
incorporating its revisions.

Your Committee notes that enactment of this proposed bill will codify a portion of the Department’s rules and regulations. Your Committee further notes that its intent is to codify additional rules and regulations of the Department as draft bills are transmitted for consideration.

Your Water Resources Committee RECOMMENDS that Bill No. \_\_\_\_\_ (2009), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO DROUGHT”, be PASSED ON FIRST READING and be ORDERED TO PRINT.

Adoption of this report is respectfully requested.

  
\_\_\_\_\_  
MICHAEL P. VICTORINO, Chair

wr:cr:09001aa:kcw

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE,  
RELATING TO DROUGHT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 14.06, Maui County Code is hereby amended to read as follows:

**“Chapter 14.06**

**CONTROL OF WATER USAGE  
DURING [PERIODS OF DROUGHT] DROUGHTS**

**[(RESERVED)]**

Sections:

14.06.010 Declaration of drought  
14.06.020 Control of water usage  
14.06.030 Violation-penalty

**14.06.010 Declaration of drought.** A. Whenever the water supply becomes inadequate in any area in the County because of a period of drought, the director, after consultation with the board and approval by the mayor, may issue a proclamation declaring a drought to exist in such area.

B. The declaration of drought shall be published in a newspaper of general circulation in the County at least once a month during the period of the drought.

**14.06.020 Control of water usage.** A. After a drought has been declared pursuant to this chapter, the director may restrict the use of water in the area by such appropriate schedules and measures as the director may deem proper.

B. The schedules may restrict the use of water during certain hours or days of the week and within certain amounts.

C. The director may prohibit the use of water for irrigation, lawns, construction, subdivision, or other types of activity and the installation of any new meter or new water service.

D. Regular United States mail or a notice in a newspaper of general circulation may be used to inform users of the schedules and measures established by the director.

**14.06.030 Violation-penalty.** A. Subject to the opportunity to appeal to the board pursuant to chapter 14.11 of this code, the director may remove the water meter of users who violate any of the schedules or measures established

pursuant to this chapter, and shall assess the user the sum of \$50 for reinstallation of a removed meter.

B. Any person violating the schedules or measures established by the director pursuant to this chapter shall be charged with a violation and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each violation.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:



EDWARD S. KUSHI, JR.  
Deputy Corporation Counsel  
County of Maui

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