

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

March 18, 2011

Committee
Report No. _____

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 1, 2011, and March 1, 2011, makes reference to County Communication No. 11-45, from Councilmember Michael P. Victorino, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO WATER SERVICES".

The purpose of the draft bill is to codify the Department of Water Supply's rules and regulations relating to water services, applications, installations, fire flow regulations, water pressure, and equipment.

By correspondence dated February 22, 2011, the Department of the Corporation Counsel transmitted a revised draft bill separating the responsibilities for establishing fire protection requirements for building permit applications between the Department of Water Supply and the Department of Fire and Public Safety. The draft bill proposes that the Department of Water Supply would retain jurisdiction for residential dwelling units and associated structures, and the Department of Fire and Public Safety would have jurisdiction over all non-residential units and structures.

Your Committee noted that the creation of codified jurisdictional distinctions between the Department of Water Supply and the Department of Fire and Public Safety, with regard to building permit applications, will expedite the overall permitting approval process for both residential and non-residential dwelling units and associated structures. While collaboration between the departments is encouraged, the proposed legislation will help to streamline the permitting process by decreasing inter-departmental dependency and unnecessary duplication of effort.

Your Committee voted 7-0 to recommend passage of the draft bill on first reading and filing of the communication. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Carroll, Cochran, Hokama, and White voted "aye".

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Your Committee is in receipt of a revised proposed bill approved as to form and legality by the Department of the Corporation Counsel.

Your Water Resources Committee RECOMMENDS the following:

1. That Bill No. _____ (2011), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO WATER SERVICES"; and
2. That County Communication No. 11-45 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

wr:cr:11003aa:mjg

ORDINANCE NO. _____

BILL NO. _____ (2011)

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

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

SECTION 1. Chapter 14.04, Maui County Code, is hereby amended to read as follows:

"Chapter 14.04
WATER SERVICES
[(Reserved)]

Sections:

- 14.04.010 General conditions.
- 14.04.020 Fire protection requirements for building permit applications.
- 14.04.030 Water service-application.
- 14.04.040 Water service-installation.
- 14.04.050 Water pressure and elevation conditions.
- 14.04.060 Responsibility for equipment.

14.04.010 General conditions. A. Any prospective consumer whose premises are within service limits established by the department and adjacent to a distributing main, where pressure conditions permit, may obtain water service; provided, that the department has a sufficient water supply developed for domestic, irrigation, and fire protection purposes to take on new or additional service without detriment to those already served, and the consumer agrees to abide by the provisions of this chapter.

B. Where an extension of mains is necessary, where large quantities of water are required, or where a substantial investment by the department is necessary to provide service, the consumer will be informed by the department as to any special conditions and/or additional charges to be imposed for the service, such that water can be delivered in adequate quantities and pressures for domestic and irrigation uses under peak conditions, and for adequate fire protection.

C. Applicants for water service for premises where improvements to the department's water system have not been installed pursuant to the requirements of Chapter 14.05 of this code, shall install and pay for the required storage tanks, appurtenances, and pipeline improvements from the storage tank to the applicant's premises in accordance with Chapter 14.05 of this code.

D. All water supplied by the department will be measured by means of suitable meters registering in gallons. When it is impractical to meter any service, a flat rate may be charged. The amount to be charged for water service shall be in accordance with the rates established in the County's annual budget. The department will determine the location and size of all meters and service connections to its systems. All service connections shall become the property of the department for operation and maintenance after installation and new connections or disconnections may be made thereto by the department at any time.

14.04.020 Fire protection requirements for building permit applications.

A. The requirements for adequate fire protection for building permit applications for residential dwelling units and associated structures permitted in any zoning district listed in chapter 19 of this code, including but not limited to fire hydrants, necessary pipelines and other appurtenances, shall be reviewed, administered and issued by the department; provided, however, that the foregoing shall not be applicable to the construction of the first and second dwelling unit on a premise in any zoning district. The Standard of the Insurance Services Office's Guide for Determination of Required Fire Flows issued by the Insurance Services Office, 1974 edition, as may be amended from time to time, shall be used as a guide in designing water mains and other appurtenances for adequate fire flow as set forth in sections 14.05.030 and 14.05.090 of this code.

B. The requirements for adequate fire protection for building permit applications for all non-residential units or structures permitted in any zoning district as listed in chapter 19 of this code, including but not limited to fire hydrants, necessary pipelines and other appurtenances, shall be reviewed, administered and issued by the Department of Fire and Public Safety in accordance with Chapter 16.04B of this code.

14.04.030 Water service-application. A. Each prospective consumer shall be required to complete a standard application form for the water service desired, and shall assume responsibility for the payment of future charges for service at the designated location, before water is turned on for any use. The person, entity or organization executing the application form shall be held liable for the payment of all charges for water service at the designated location.

B. Service may be granted only to property owners, provided that tenants, lessees or licensees of property owners may be granted service if the property owner co-signs the application for such an intended water service.

C. If a tenant, lessee or licensee fails to pay water service bills rendered, the property owner who co-signed the application for water service shall pay such bills, and in the event of non-payment, the department may refuse to furnish water service until all outstanding bills are paid.

D. Charges will begin when the water service is established and will continue until due notification in writing from the consumer, the consumer's authorized agent, or by judicial order, or until discontinued by the department for failure of the consumer to comply with the provisions of this chapter.

E. When an application for water service is made by a former consumer who was responsible for and failed to pay all bills for water service previously rendered, regardless of location or time incurred, the department may refuse to furnish service to such an applicant until the outstanding bills are paid.

F. A consumer taking possession of premises and using water without having made application for the transfer of water service shall be held liable for the water delivered from the date of the last recorded meter reading. If proper application for transfer is not made, and if accumulated bills for water service are not paid upon presentation, the water service may be discontinued ten business days after written notice is given to the consumer.

14.04.040 Water service-installation. A. Installation. When an application for water service has been approved, such water service will be installed as agreed upon between the department and applicant at the expense of the applicant, and thereafter will be maintained by the department at its expense. There shall be one meter for each service, unless the department, because of operating necessity, installs two or more meters in parallel. All meters will be sealed by the department before installation, and no seal shall be altered or broken except by authorized departmental employees.

B. Deposit. A deposit equal to the department's estimate of the cost of the service lateral and meter installation will be required of the applicant before the water service connection is installed. If the actual cost of such connection is in excess of the deposit, the applicant will be billed and shall pay for the difference. If the actual cost is less than the deposit, the applicant will be refunded the difference. Installation cost shall be based on the cost of installation as established in the County's annual budget. In the event a meter box larger than the standard household type is required, the consumer shall be responsible for the construction of the meter box in accordance with the department's standards.

C. Consumer's Supply Pipe. The consumer shall install at the consumer's expense and shall connect to the department's facilities that portion of the water system for the consumer's property including backflow protection devices that are situated on the consumer's side of the shutoff valve, and such portion of the water system shall, at all times, remain the sole property of the consumer, who shall be responsible for its maintenance, repair, and/or replacement. If the consumer's supply pipe is installed to the intended and agreed location of the meter, the department may make the connection to it when setting the meter.

D. Connection to Main. Only employees of the department will be allowed to connect or disconnect the water service to or from the department's main.

E. Compensation. Employees of the department are strictly forbidden to demand or accept personal compensation for services rendered.

F. Pipe Through Basement Wall. Where the consumer requires the consumer's supply pipe be extended through a basement wall, the consumer shall provide the entranceway through such wall. The department will not be responsible for any damage caused by leakage through or inside such entranceway.

G. Location of Service Lateral, Water Meter or Main. No service lateral or water main will be installed by the department in any private road, land, street, alley, court or place, until such private streets or roadways are open to the public and such rights-of-way have been duly conveyed to the county or the county is conveyed proper easements for the main or service lateral. Otherwise, a consumer desiring water service to property fronting such private roads, land, etc., must extend the consumer's supply pipe to the nearest public street on which a main exists. All meters shall be installed along the property boundary, unless due to operating necessity or other extenuating situations, the department approves installation of the meter elsewhere. Consumers are prohibited from using the valve or stopcock before the meter.

H. Change in Location or Size of Service Connection. When the proper size of service connection for any premises has been determined and the installation has been made by the department at the location specified by the consumer, the department has fulfilled its obligations insofar as the size of the service and the location thereof are concerned. If thereafter the consumer desires a change in size of the service connection or a change in the location thereof, the consumer shall bear all costs of such change.

I. Shutoff Valve. A readily accessible shutoff valve controlling all outlets will be installed by the department at the expense of the consumer on the consumer's supply pipe at a location to be determined by the department. If a replacement of the shutoff valve is necessary, it shall be installed by the department and paid for by the consumer.

J. Check Valve. A check valve shall be installed by the department after the shutoff valve and paid for by the consumer. The consumer shall test, inspect and make necessary repairs and replacements at the consumer's expense to keep the check valve in good working condition. The department shall have access to make periodic inspection of such devices.

K. Alteration to Public Water System. All work and materials in connection with the change in location or elevation of any part of the existing public water system made necessary by a new water service shall be at the cost and expense of the new consumer.

L. Contours or Elevations. When required by the department, contours or elevations shall be furnished by the applicant based on U.S. Coast and Geodetic Survey or county information and/or data.

14.04.050 Water pressure and elevation conditions. A. The department will exercise reasonable diligence and care to maintain adequate pressure in its water mains.

B. Where a premise is situated at such an elevation that it cannot be assured of a dependable supply from the department's distribution

system, the consumer, in consideration of water service and connection to the department's system, shall agree to accept such service as the department is able to render from its existing facilities; shall agree to install and maintain at the consumer's expense a tank and pump, with an air gap between the consumer's supply pipe and the department's system, of suitable design and of sufficient capacity to furnish an adequate supply of water; and shall execute a written release in favor of the department for all claims on account of any inadequacy in the department's system or inadequacy of water supply to the premise.

C. All such agreements shall be recorded at the Bureau of Conveyances and/or the Land Court of the State of Hawaii, shall run with the property, and shall bind the consumer and the consumer's successors and assigns.

D. When the pressure of the department's supply fluctuates or is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing and/or relief valves. The department shall not be liable for damage due to pressure conditions or for damages caused by or arising from the failure of, or the defective condition of such pressure regulators and/or relief valves, or for damage that may occur through the installation, maintenance, or use of such equipment.

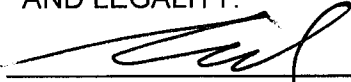
14.04.060 Responsibility for equipment. A. At the consumer's own risk and expense, the consumer shall furnish, install and keep in good, safe and operating condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The department shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the consumer or any of the consumer's tenants, agents, employees, contractors, licensees or assignees in installing, maintaining, using, operating, or interfering with any such equipment.

B. Water service may be discontinued to any consumer whose water system includes plumbing fixtures or water containers in any form, or of any use which, as determined by the department, may endanger the public water supply from a public health standpoint. Any such discontinuation of service shall continue until such objectionable fixtures or uses have been corrected, removed or discontinued, and the department is assured that the objectionable fixtures or uses will not be reinstalled or resumed."

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.
First Deputy Corporation Counsel
County of Maui
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