

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.10.015(A), MAUI COUNTY
CODE, RELATING TO WAIVER OF MINIMUM GROSS ANNUAL INCOME
REQUIREMENT FOR AGRICULTURAL WATER RATES

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

SECTION 1. The purpose of this bill is to provide to water consumers actively engaged in agricultural production who do not qualify as agricultural consumers for a given year due to nonproduction of their crop, stock or service that year, a mechanism to obtain a waiver of the minimum income requirement if the consumer's parcel utilizes at least 51 per cent of the cultivatable area for agricultural production that year. The bill also expands the ability of applicants who have received a waiver for a given year to request, and the director to grant, additional waivers.

SECTION 2. Section 14.10.015, Maui County Code, is amended by amending subsection A to read as follows:

“A. Consumers who are actively engaged in crop production, livestock raising, dairy farming, or aquaculture for commercial food production, but do not meet the minimum gross annual income requirement to qualify as an agricultural consumer for a given year, because their crop, stock, or service did not harvest or produce for that [given] year, may request a waiver of the income requirement for that year from the director. A waiver shall be granted, upon a consumer's request pursuant to this section, if the consumer does not meet the minimum gross annual income requirement to qualify as an agricultural consumer for a given year and the consumer's parcel utilizes at least 51 per cent of the cultivatable area for agricultural production for that year. If a waiver request is approved by the director, the same consumer, upon request, may be granted [request] further waivers of the income requirement [for up to two more consecutive years].”

SECTION 3. Material to be repealed is bracketed.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 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

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