

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

BILL NO. \_\_\_\_\_ (2014)

A BILL FOR AN ORDINANCE RELATING TO WATER CONSERVATION  
AND CONTROL OF WATER USAGE DURING WATER SHORTAGE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI

SECTION 1. Section 14.01.050, Maui County Code, is amended to read as follows:

“**14.01.050 Hamakuapoko Wells.** A. Water from Hamakuapoko Wells 1 and 2 shall only be [provided] used for the following:

1. Agricultural purposes;
2. Consumers of the department’s upcountry water system as defined in section 14.13.030 of this [code] title when a [drought] water shortage is declared pursuant to [section 14.06.010] chapter 14.06A of this [code] title; and
3. Backup to the department’s existing upcountry water system [facilities].

B. Water quality sampling schedules shall comply with department of health regulations and with standards set by the United States Environmental Protection Agency.”

SECTION 2. Chapter 14.03, Maui County Code, is repealed.

SECTION 3. Chapter 14.06, Maui County Code, is repealed.

SECTION 4. Title 14, Article 1, Maui County Code, is amended by adding a new chapter 14.06A to read as follows:

“**Chapter 14.06A**

**WATER CONSERVATION AND CONTROL OF WATER USAGE  
DURING WATER SHORTAGE**

Sections:

- 14.06A.010 Policy statement.**
- 14.06A.020 Definitions.**
- 14.06A.030 Water-efficient toilets, plumbing fixtures, and irrigation equipment.**

- 14.06A.040 Leak detection.**
- 14.06A.050 Education and incentives.**
- 14.06A.060 Declaration of water shortage.**
- 14.06A.070 Stages of water shortage.**
- 14.06A.080 Notice and publication of declaration of water shortage.**
- 14.06A.090 Agricultural consumers.**
- 14.06A.100 Exemptions.**
- 14.06A.110 Violation-penalty.**
- 14.06A.120 Review.**

**14.06A.010 Policy statement.** A. Pursuant to Article XI, Section 1 of the Hawaii State Constitution, the County finds that water is a public trust.

B. The County’s policy is to promote water conservation and prepare for, and prevent, water shortages.

C. Water conservation is essential to preserve water resources and to reduce the risk and severity of water shortages.

D. Unrestricted water use for nonessential needs during times of water shortage may endanger the adequacy of the County’s water supply for essential needs.

**14.06A.020 Definitions.** When used in this chapter, unless the context clearly indicates a different meaning, “Water-efficient” means practices using improved technologies and methods to obtain desired results utilizing the least amounts of water.

**14.06A.030 Water-efficient toilets, plumbing fixtures, and irrigation equipment.** A. No later than January 1, 2018, the County shall retrofit all County facilities and grounds with water-efficient toilets, plumbing fixtures, and irrigation equipment consistent with water conservation design principles available at the time of the retrofit.

B. If applicable, all new building construction or renovation shall be required to install water-efficient toilets, plumbing fixtures, and irrigation equipment consistent with water conservation design principles available at the time of construction or renovation.

**14.06A.040 Leak detection.** A. The department shall monitor water consumption, and issue high-consumption notices to consumers when warranted.

B. The department shall prioritize the replacement of old and leak-prone water mains.

C. When supplies are available, the department shall distribute leak detection tablets or other leak detection methods to detect toilet tank leaks to a consumer upon request.

D. The department shall encourage the public to report water leaks.

**14.06A.050 Education and incentives.** A. The department shall promote water conservation education.

B. When supplies are available, the department shall provide water-efficient faucet and shower fixtures, and outdoor hose nozzles, to consumers upon request at no charge.

C. The department, in consultation with the board, shall implement an incentive program to encourage consumers to replace old toilets and water fixtures with those that have increased levels of water efficiency and are consistent with water conservation design principles.

**14.06A.060 Declaration of water shortage.** The director, with approval of the mayor, may declare a water shortage whenever the water supply becomes inadequate in any area in the County or County water system because of a period of drought, an infrastructure or mechanical malfunction, natural disaster, or other event causing a water shortage.

**14.06A.070 Stages of water shortage.** A. Time permitting, there shall be three stages of a declaration of water shortage as follows:

1. Water shortage advisory. During a water shortage advisory, water consumers in the area, or of the County water system, affected by the water shortage shall be requested by the mayor or the mayor's representative to voluntarily restrict water usage by five per cent.

2. Water shortage warning. During a water shortage warning, water consumers in the area, or of the County water system, affected by the water shortage shall be mandated to restrict water usage by five per cent and shall be requested by the mayor or mayor's representative to restrict water usage by ten percent.

3. Water shortage emergency. During a water shortage emergency, water consumers in the area, or County water system, affected by the water shortage shall be mandated to restrict water usage by ten per cent. The director may apply other schedules, restrictions, or measures as follows:

a. Prohibit water usage during certain hours or days of the week;

b. Prohibit the use of water for irrigation, lawns, washing of vehicles, or other nonessential activities;

c. Prohibit the installation of any new water meter or water service; and

d. Institute water shortage water rates as set forth in the annual budget.

B. Failure of a consumer to comply with any mandated water restrictions may result in penalties established in section 14.06A.110.

**14.06A.080 Notice and publication of declaration of water shortage.** A notice of declaration of water shortage shall be published in a newspaper of general circulation in the County weekly during the period of any declaration of water shortage. Except for a declaration of a water shortage emergency, the first notice shall be published at least seven calendar days prior to the beginning date

of any water shortage. Each notice shall state the specific duration of any water shortage period; any schedules, restrictions, or other measures established by the director to control water usage during the water shortage period; and the application of water shortage rates for the duration of the water shortage period. To the extent possible, the department shall also notify consumers in the affected water system area of the water shortage declaration by regular United States mail; provided, that non-receipt of such mailed notice by any affected water consumer shall not affect nor invalidate the declaration of water shortage.

**14.06A.090 Agricultural consumers.** A. In the event of a water shortage declaration, agricultural water consumers shall be requested to reduce water consumption to the extent practicable, but shall not be required to implement any restrictions or mandates imposed by section 14.06A.070 for the first ninety days after publication in a newspaper of general circulation in the County.

B. After the ninety days provided in subsection (A), agricultural consumers shall be subject to the same provisions as other consumers.

**14.06A.100 Exemptions.** Any area affected by a water shortage due to infrastructure or mechanical malfunction caused by human error by a County employee shall be exempt from any water shortage water rate increases.

**14.06A.110 Violation-penalty.** A. Any consumer violating the schedules, restrictions, or measures established by the director pursuant to this chapter may be charged with a violation and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each violation.

B. The water meter of any consumer who has been convicted in accordance with subsection A, and has subsequently been charged with another violation of any schedule, restriction, or measure established by the director pursuant to this chapter, may be removed by the director, subject to the opportunity to appeal such water meter removal to the board pursuant to chapter 14.11 of this title.

C. Any water meter removed pursuant to this chapter and thereafter reinstalled shall be subject to a \$100 reinstallation fee.

**14.06A.120 Review.** A. The council shall review this chapter beginning January 1, 2017, and every three years thereafter.

B. As part of the review, the director shall provide a report to the council on the status of this chapter and shall include a list of water shortage declarations explaining the following:

1. The areas affected by each water shortage declaration;
2. The duration of each water shortage declaration; and
3. The restrictions imposed.”

SECTION 5. 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 6. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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