

ORDINANCE NO. 3688

BILL NO. 76 (2009)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 20.24, MAUI COUNTY CODE, AND AMENDING CHAPTER 14.08, MAUI COUNTY CODE, RELATING TO RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES

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

SECTION 1. Chapter 20.24, Maui County Code, is hereby repealed.

SECTION 2. Chapter 14.08, Maui County Code, is hereby amended to read as follows:

"CHAPTER 14.08

RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES

[(RESERVED)]

Sections:

14.08.010 Purpose.

14.08.020 Definitions.

14.08.030 Permitting restrictions.

14.08.010 Purpose. A. The council finds that potable water must be limited to domestic use in homes and businesses. The County must be assured that an adequate supply of such water will be available for current and future needs.

B. A golf course can use as much as one million gallons of water per day for irrigation and other nondomestic uses and it is inappropriate to use potable water for such purposes. The purpose of this chapter is to prohibit the use of potable water for irrigation and other nondomestic uses at new golf courses by restricting the approval of any permit necessary for new golf course construction, if that new golf course cannot show that it will use a nonpotable source of water.

14.08.020 Definitions. For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases are defined as follows:

"New golf course" means any golf course that was not in operation prior to the effective date of the ordinance codifying this chapter, or whose development requires approval by the council of a community plan amendment and rezoning of the golf course properties.

"Nondomestic use" means water used for purposes other than drinking, bathing, heating, cooking, and sanitation.

"Potable water" means water that meets the standards established by the department of health as suitable for cooking or drinking purposes. A supply of water that at one time met the standards established by the department of health as potable water may not be used for golf course irrigation or other nondomestic uses, regardless of whether it is rendered nonpotable through such activities including, but not limited to, mixing or blending with any source of nonpotable water, storage in ponds or reservoirs, transmission through ditch systems, or exceeding the established pump capacity for a groundwater well.

"Reclaimed water" means treated wastewater that has been oxidized and disinfected and determined by the department of health to be appropriate for irrigation and nondomestic use.

14.08.030 Permitting restrictions. A. Prior to approval of any grading permit or grubbing permit pursuant to chapter 20.08 of this code, or of any building permit pursuant to chapter 16.26 of this code, for any new golf course, the permit application shall be transmitted to the director, who shall determine whether nonpotable water will be used for irrigation and other nondomestic uses.

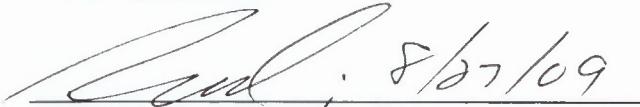
B. No grading permit, grubbing permit, or building permit shall be approved for any new golf course if any amount of potable water will be used for irrigation and other nondomestic uses.

C. This chapter shall not be construed to prevent the use of reclaimed water for irrigation and other nondomestic uses."

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

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

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in cursive script, followed by the date "8/27/09". The signature is written over a horizontal line.

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

S:\ALL\ESK\Ords\14.08 potable water on golf courses, 8.10.09.doc

WE HEREBY CERTIFY that the foregoing BILL NO. 76 (2009)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 18th day of September, 2009, by the following vote:

Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye


2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 18th day of September, 2009.

DATED AT WAILUKU, MAUI, HAWAII, this 18th day of September, 2009.

RECEIVED
2009 SEP 18 PM 3:35
OFFICE OF THE MAYOR



DENNIS A. MATEO, CHAIR
Council of the County of Maui



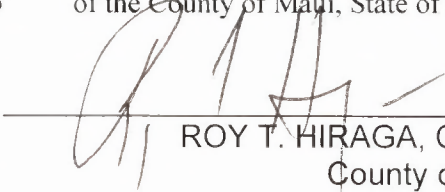
ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 21st DAY OF ~~SEPTEMBER~~, 2009.



CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3688 of the County of Maui, State of Hawaii.



ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on September 4, 2009.
Effective date of Ordinance September 21, 2009.

RECEIVED
2009 SEP 21 AM 11:37
OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3688, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui