

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI

Adoption of Title 16, Chapter 202
County of Maui Administrative Rules

1. Title 16, Chapter 202, County of Maui Administrative Rules, entitled “Rules Relating to Water Meter Reservations”, is adopted to read as follows:

“COUNTY OF MAUI ADMINISTRATIVE RULES

TITLE MC-16

DEPARTMENT OF WATER SUPPLY

SUBTITLE 02

DEPARTMENT OF WATER SUPPLY

CHAPTER 202

RULES RELATING TO WATER METER RESERVATIONS

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§16-202-01 Purpose. The purpose of these rules is to establish guidelines for requests for water meter reservations. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.01.020, MCC §14.07.090)

§16-202-02 Scope. All areas provided water service from the department's water system, except the upcountry system, shall be within the scope of these rules. These rules shall apply to all requests for new or additional water service from a department water system, including subdivision water service. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.01.020)

§16-202-03 Definitions. For purposes of these rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases are defined as follows:

"Applicant" means any person or entity applying for new or additional water service, including subdivision water service.

"Large quantities of water" means large quantities of water as defined in section 16-201-03, County of Maui Administrative Rules.

"Project" means any development, including subdivisions, individual building permit activities, new water meter requests, or water meter upgrade requests.

"Ready for water service" means that the applicant is able to accept installation of water service because the water system improvements required by the department have been installed and have passed final inspection by the department.

"Water meter reservation" means a written commitment by the department executed by the director indicating that the proposed project will be provided source or service. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010, MCC §14.07.090)

§16-202-04 Application. An applicant may apply for and the director may grant a water meter reservation to an applicant upon proper application prescribed by the department, the payment of the fees and costs associated with the water meter, and subject to these rules. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

§16-202-05 One reservation per project. There shall be one water meter reservation for each project. There may be multiple water meters for each water meter reservation. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

§16-202-06 Tax map key. A water meter reservation shall be reserved for a certain parcel of real property as identified by its tax map key number. A water meter reservation is not transferrable to another parcel of real property or to another person or entity for a parcel of real property other than the parcel the

water meter reservation was reserved for. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

§16-202-07 When the director may grant a water meter reservation. The director may grant a water meter reservation for a project only if the applicant is not requesting large quantities of water. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010, MCC §14.07.090)

§16-202-08 When the director shall not grant a water meter reservation. The director shall not grant a water meter reservation for any project when the projected water usage for that project amounts to large quantities of water. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010, MCC §14.07.090)

§16-202-09 Land use entitlements required. An applicant shall not be eligible to apply for a water meter reservation until the applicant obtains all required land use entitlements for the project, including but not limited to, any change of zoning, community plan amendment, state land use district classification amendment, special management area use permit, and project district phase I County council approval. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

§16-202-10 Payment for a water meter reservation. Whenever the director grants a water meter reservation, the applicant shall pay the fees and costs associated with the water meter, as set forth in the annual budget. Such fees and costs are non-refundable. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

§16-202-11 Modification of an existing water meter reservation. If an applicant requests to modify an existing water meter reservation, such as increasing the projected water usage for a project, the director shall make a new determination based on the entire project as to the department's current three-year forecast and percentage of maximum reliable capacity and whether the requested cumulative amount of water amounts to large quantities of water. If the requested cumulative amount of water for the entire project amounts to large quantities of water, the existing water meter reservation shall not be modified. If the requested cumulative amount of water for the entire project does not amount to large quantities of water, the water meter reservation shall be modified as requested. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010, MCC §14.07.090)

§16-202-12 Expiration of a water meter reservation. The duration of a water meter reservation shall not exceed two years from the date of the department's approval of the water meter reservation, plus two six-month extensions, each for good cause shown and approved by the director, provided that water service source capacity is available. If within two years, or longer with extension(s), the applicant is ready for water service, the applicant shall apply for such water service with the department; provided, however, that a water meter shall not be installed until all required documents, including but not limited to, required easements, agreements, and cost-list affidavits have been completed and approved by the department. If within two years, or longer with extension(s), the required water system improvements related to the water meter reserved have not been installed and have not passed final inspection by the department, the water meter reservation shall expire and shall be deemed null and void. At the expiration of a water meter reservation, all fees and costs paid for the water meter reservation pursuant to section 16-202-10, County of Maui Administrative Rules, shall be forfeited to the department and shall not be refunded to the applicant. No credit of any kind shall be given toward any future application. In the event there has been a modification of an existing water meter reservation, the water meters covered under the original water meter reservation shall expire within two years, or longer with extension(s), from the date of the department's approval of the original water meter reservation and the water meters added under the modification of the water meter reservation shall expire within two years, or longer with extension(s), from the date of the department's approval of the modified water meter reservation. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

§16-202-13 Payment for a water meter upon installation. At the time of installation of a water meter, if the fees and costs associated with the water meter have increased from the date of the department's approval of the water meter reservation, the applicant shall pay the difference to the department based on the fees and costs associated with the water meter then in effect at the time the water meter is installed, provided, however, that no credit or refund shall be given to an applicant if the fees and costs paid by the applicant at the time the water meter reservation was issued is greater than the fees and costs at the time of installation.” [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.07.090)

2. Chapter 202, “Rules Relating to Water Meter Reservations”, shall take effect ten days after filing with the Office of the County Clerk.

Adopted this 18th day of January, 2018, at Wailuku, Maui, Hawaii.

By Gladys C. Baisa
GLADYS C. BAISA
Deputy Director
Department of Water Supply

Approved this 18 day of
January, 2018.

Alan Arakawa
ALAN M. ARAKAWA
Mayor, County of Maui

APPROVED AS TO FORM
AND LEGALITY:

Jennifer M.P.E. Oana
JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui

Received this 19th day of
January, 2018.

Kenneth A. Waters
Kenneth A. Waters
Clerk, County of Maui

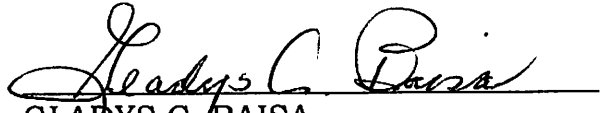
CERTIFICATION

I, GLADYS C. BAISA, Deputy Director of the Department of Water Supply, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the rules drafted, in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 18th day of January, 2018, following a public hearing that closed on May 31, 2017, and filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing rules was published in The Maui News on the 28th day of April, 2017.

COUNTY OF MAUI

A handwritten signature in cursive script, reading "Gladys C. Baisa", is written over a horizontal line.

GLADYS C. BAISA

Deputy Director

Department of Water Supply