

ORDINANCE NO. 3430

BILL NO. 85 (2006)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.40.030,
REPEALING CHAPTER 12.17, AND AMENDING TITLE 20,
MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING STANDARDS

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

SECTION 1. Section 2.40.030, Maui County Code, is amended
to read as follows:

"2.40.030 [Street lighting committee.] Maui
County outdoor lighting standards committee. There is
established a [street lighting committee] Maui County
outdoor lighting standards committee as provided by
law."

SECTION 2. Chapter 12.17, Maui County Code, is repealed.

SECTION 3. Title 20, Maui County Code, is amended by
adding a new chapter to be appropriately designated and to read
as follows:

"Chapter 20.35

OUTDOOR LIGHTING

Sections:

- 20.35.010 Purpose.
- 20.35.020 Applicability.
- 20.35.030 Administration.
- 20.35.040 Definitions.
- 20.35.050 Right of entry.
- 20.35.060 General requirements.
- 20.35.070 Exemptions.
- 20.35.080 Submission of plans.

- 20.35.090 Shielding requirements and usage standards.
- 20.35.100 Penalty.
- 20.35.110 Maui County outdoor lighting standards committee.

20.35.010 Purpose. The purpose of this chapter is to establish standards to limit degradation of the night visual environment by minimizing light glare, pollution, and trespass through regulation of the type and use of outdoor lighting.

20.35.020 Applicability. A. This chapter shall apply to the installation of all outdoor lighting fixtures within the County.

B. This chapter shall not be construed to exclude the operation of applicable state statutes or other county ordinances. In the case of conflict with other county ordinances, the stricter ordinance shall apply.

20.35.030 Administration. This chapter shall be administered and enforced by the department of public works and environmental management.

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

"Augmented monochromatic lighting" means a lighting system designed in conformance with lighting standards adopted by the Illuminating Engineering Society of North America, such that at least ninety percent of the total lumens emitted are produced by low pressure sodium lamps, and no more than ten percent of the total lumens emitted are produced from lamps that emit light across a broad portion of the light spectrum.

"Class I lighting" means outdoor lighting used for outdoor sales areas, service stations, outdoor eating areas, outdoor assembly or repair areas, and recreational facilities.

"Class II lighting" means all outdoor lighting used for, but not limited to, illumination for

equipment yards, parking lots, outdoor security, and other similar applications in which general illumination of the ground is the primary concern.

"Class III lighting" means any outdoor lighting used for decorative effects, including but not limited to, waterfall and pond lighting, landscaping, and walkways.

"Class IV lighting" means all lighting used for the illumination of roadways.

"Committee" means the Maui County outdoor lighting standards committee.

"Director" means the director of public works and environmental management of the County of Maui or the director's duly authorized representative.

"Fully shielded" means the outdoor lighting fixture is constructed so that all of the light emitted by the fixture is projected downward below the horizontal plane of the lowest point of the fixture.

"High pressure sodium" or "HPS" means a bulb that is filled with high pressure sodium vapor and emits light across a broad portion of the light spectrum.

"Light source" means the initial source of the light, a bare bulb.

"Light spectrum" means the band of electromagnetic radiation (light) that is visible to the human eye.

"Lighting system" means a project's outdoor lighting plan for class II uses.

"Low pressure sodium" or "LPS" means a bulb that is filled with low pressure sodium vapor and emits light across a narrow portion of the light spectrum.

"Lumen" means the unit of light emission from a light source.

"Mercury vapor" means any lamp containing mercury in a fused quartz tube which emits light across a broad portion of the light spectrum.

"Metal halide" means a lamp containing metal halide additives in addition to mercury vapor and emits light across a broad portion of the light spectrum.

"Outdoor lighting fixture" means any artificial outdoor lighting device, permanently installed or portable, that is intended to provide illumination for visibility or decorative effects.

"Partially shielded" means the outdoor lighting fixture is constructed so that at least ninety percent of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.

"Security lighting" means any outdoor artificial lighting device that is intended to discourage or prevent crime.

20.35.050 Right of entry. Upon presentation of proper credentials, the director may enter, at reasonable times, any building, structure, or premises to perform any duty imposed upon the director by this chapter. If the owner or the owner's representative does not consent to the entry, the director shall not enter any premises without a warrant or other legal authorization.

20.35.060 General requirements. A. All new outdoor lighting fixtures shall comply with the requirements of section 20.35.090.

B. All outdoor lighting fixtures that were legally installed before the enactment of this ordinance shall comply with section 20.35.090 within ten years of the enactment of this ordinance. Fifty percent of all class IV lighting fixtures under County control shall comply with section 20.35.090 within five years of the enactment of this ordinance. Existing class III lighting fixtures shall be exempt from section 20.35.090.

C. Mercury vapor shall not be used for new outdoor lighting fixtures or for the replacement of existing outdoor lighting fixtures. All existing mercury vapor outdoor lighting fixtures shall be removed within ten years of the enactment of this ordinance.

20.35.070 Exemptions. The following shall be exempt from the provisions of this chapter:

1. All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline.

2. Low wattage fixtures used for holiday decorations only.

3. Temporary lighting used for public safety, road construction or emergency repair, field harvesting, and road crossing.

4. Temporary hotel and condominium beach security lighting.

5. Safety and security lighting for water features, except that water feature lighting such as for waterfalls, jet sprays, and bubblers shall be subject to the usage restrictions of section 20.35.090.

6. Replacement of outdoor lighting fixtures legally installed before the enactment of this ordinance with the same or like fixtures; provided, that such lighting fixtures shall be subject to sections 20.35.060(B) and 20.35.060(C).

7. Outdoor lighting fixtures on a motion sensor timed to turn off within a five-minute time limit.

8. Lighting on federal and state properties and on areas under the jurisdiction of the federal and state government, including, but not limited to, Hawaiian home lands, state conservation districts, airports, and harbors.

20.35.080 Submission of plans. A. All outdoor lighting fixtures shall conform to this chapter and chapter 16.18A of this code, as applicable, and to any permit and inspection requirements thereof. An applicant for any electrical permit required for the installation of an outdoor lighting fixture, except residential outdoor lighting fixtures, shall submit to the director information sufficient to show that the proposed installation will comply with this chapter. The submission shall include the following:

1. The location of the property where the outdoor lighting fixture(s) will be installed;

2. Plans describing the location(s) of the outdoor lighting fixture(s) on the property; and

3. A description of the outdoor lighting fixture(s) including, but not limited to, manufacturer's catalog cuts and drawings.

B. The information required by subsection A shall be sufficiently complete to enable the director to readily determine whether the proposed installation complies with this chapter. When plans and specifications are required for an electrical permit

by chapter 16.18A of this code, the electrical engineer certifying the plans and specifications shall also certify in writing that all proposed outdoor lighting fixtures comply with this chapter.

20.35.090 Shielding requirements and usage standards. Outdoor lighting fixtures shall conform to the following shielding requirements and usage restrictions:

Lamp Type	Shielding Requirement	Usage Restrictions
<i>Class I</i> Augmented monochromatic Low pressure sodium Metal halide All others	Fully shielded Fully shielded Partially shielded Fully shielded	None None Off from 11:00 p.m. to sunrise* None
<i>Class II</i> Augmented monochromatic Low pressure sodium All others (existing) All others (new)	Fully shielded Fully shielded Fully shielded Fully shielded	None None None None
<i>Class III</i> Low pressure sodium High pressure sodium Neon Others Others	Fully shielded Fully shielded None Fully shielded Partially shielded	None None Off from 11:00 p.m. to sunrise* None Off from 11:00 p.m. to sunrise*
<i>Class IV</i> Existing Low pressure sodium High pressure sodium	Fully shielded Fully shielded Fully shielded	None None None

*These lights may be used between 11:00 p.m. and sunrise if business or recreational activities are taking place, but shall be turned off no later than one hour after conclusion of activities.

20.35.100 Penalty. Violations of this chapter shall be subject to section 19.530.030 of this code.

20.35.110 Maui County outdoor lighting standards committee. A. There is established a Maui County outdoor lighting standards committee that shall consist of seven members, appointed by the mayor with the approval of the council, and two ex-officio members. Preference in selection of members may be given to one individual from each of the following professions, special interests, or disciplines: an astronomer or space surveillance specialist, a

representative of the visitor industry, a wildlife biologist, a representative of the business community, and an illuminating engineer or landscape architect. The two non-voting, ex-officio members of the committee shall be one person designated by the chief of police of the County or the chief's designated representative and one person designated by the director.

B. Members of the committee shall serve staggered terms of three years beginning on April 1 and ending on March 31, three years thereafter. Of the seven members initially appointed, three shall serve for a term of three years, two shall serve for a term of two years, and two shall serve for a term of one year. Section 13-2 of the revised charter of the County of Maui (1983), as amended, shall apply to the committee in the same manner as said provisions apply to boards and commissions recognized by the revised charter.

C. The committee shall serve as advisor to the department of public works and environmental management. The committee may review and advise the department of public works and environmental management on outdoor lighting matters involving projects within the County. The committee shall review and advise the department of public works and environmental management on requests by persons to add, retrofit, or remove an outdoor lighting fixture on County property or public right-of-way.

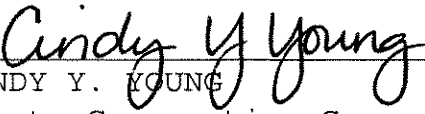
D. The committee shall, after consultation with the department of public works and environmental management, adopt rules of practice and procedure pursuant to chapter 91, Hawaii Revised Statutes.

E. The department of public works and environmental management shall provide staffing, technical, and clerical services as may be required by the committee."

SECTION 4. 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 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY



CINDY Y. YOUNG
Deputy Corporation Counsel
County of Maui
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WE HEREBY CERTIFY that the foregoing BILL NO. 85 (2006)

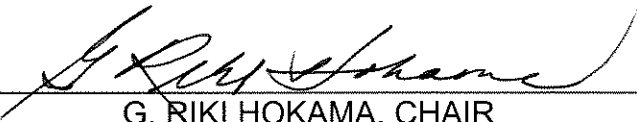
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of January, 2007, by the following vote:

G. Riki HOKAMA Chair	Dennis A. MATEO Vice-Chair	Michelle ANDERSON	Gladys C. BAISA	Jo Anne JOHNSON	William J. MEDEIROS	Michael J. MOLINA	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

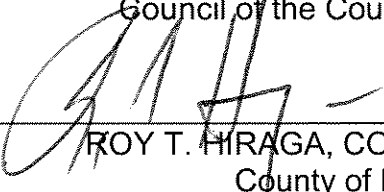
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 25th day of January, 2007.

DATED AT WAILUKU, MAUI, HAWAII, this 25th day of January, 2007.

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OFFICE OF THE MAYOR



G. RIKI HOKAMA, CHAIR
Council of the County of Maui



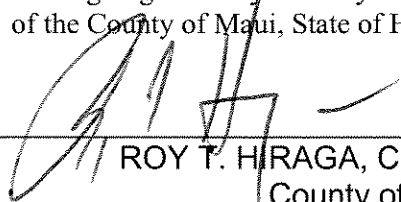
ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 25th DAY OF January, 2007.



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. 3430 of the County of Maui, State of Hawaii.



ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on December 19, 2006.
Effective date of Ordinance January 25, 2007.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3430, 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

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