

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

BILL NO. 158 (2025)

A BILL FOR AN ORDINANCE AMENDING TITLE 14, ARTICLE 1,  
MAUI COUNTY CODE, RELATING TO PUBLIC SERVICES,  
REPEALING CHAPTER 14.06A, AND ESTABLISHING A NEW  
CHAPTER 14.06B RELATING TO WATER CONSERVATION AND  
CONTROL OF WATER USE DURING WATER SHORTAGES

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

SECTION 1. The purpose of this water conservation ordinance is to ensure a reliable and sustainable water supply for current and future needs by promoting responsible water usage. This is achieved by providing new water conservation definitions, best management practices for residential, commercial and agricultural indoor and outdoor water users, and the opportunity to address scarcity with water reuse for permissible users. There are also new definitions for water theft and water waste, and actions that may be taken by the department to limit water usage during declared water shortages, and policies to promote water-efficient practices as a precautionary principle to safeguard and prevent harm to public water sources. Guidance, explanatory information, and remedies for violations against this ordinance are also added. Ultimately, this ordinance aims to protect surface water and groundwater aquifer supplies and ensure equitable access to water for all County residents.

Section 2. Section 14.01.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

“Best management practices” means practices, or a combination of practices, which have been determined through research, field testing, and expert review, to be the most effective and practicable on-site means for improving water quality, conserving water supplies, and protecting natural resources. These practices may be based upon both economic and technological considerations.

“Bubbler irrigation” means a system in which water bubbles up and over a sprinkler head in order to provide a slow and consistent water percolation to the root systems of plants.

“Drip irrigation” means any non-spray, low volume, micro-irrigation system specifically designed to apply small volumes of water slowly at, or near, the plant root systems.

“High-efficiency irrigation system” means an automated, water-efficient irrigation system which includes a weather-based controller that automatically ceases irrigation during rain and high winds; is programmed to consider landscape factors in order to optimize irrigation schedules and water needs; and includes rotary sprayers, irrigation bubblers, or drip irrigation systems that deliver precise amounts of water to avoid water waste.

“LEED” stands for leadership in energy and environmental design and is a globally recognized green building rating system developed by the U.S. green building council for qualified, new, and existing buildings to obtain certifications in water and energy efficiency categories by following an established, benchmarked, framework.

“Public use” means the use of water by the government of the United States, the State of Hawaii, or the County of Maui for the public benefit.

“Smart meter” means a water metering device capable of measuring and communicating water usage data from consumer meters to facilitate water management and more accurate billing.

“State” means State of Hawaii.

“Soaker hose” means an above-surface, porous irrigation hose that weeps or perspires droplets of water along its entire length.

“Water efficient” means the use of water that applies water conserving technologies and methods that meet water demands while also preventing waste. The following practices are considered to be water efficient:

1. Installation of water fixtures and water equipment that are labeled as water efficient.
2. Installation of automated irrigation systems that provide for optimal irrigation scheduling and water flow-rate management and which include drip and bubbler emitters.

3. Installation of toilets, washing machines and dish washers that are labeled as water-efficient and energy-efficient.

4. Installation of hot water recirculators.

5. Use of functional, recreational turf in lieu of other types of water-reliant ground cover.

6. Xeriscaping with native plants or water-efficient plants.

"Water theft" means any of the following actions:

1. Diverting water from a public utility service without the explicit consent from the utility.

2. Connecting to another property's water line or utility service line without explicit consent from the utility.

3. Preventing or tampering with a utility meter or attached component in a manner which prevents the meter from accurately measuring water consumption.

4. Tampering with any property owned, or used by, the utility to provide utility services.

5. Willfully and knowingly using or receiving water from an unauthorized water connection, without authorization or consent from the utility.

"WaterSense" is a program regulated by the United States Environmental Protection Agency that provides specifications for water-efficient products, homes, and programs to meet water efficiency standards.

"Xeriscaping" means the use of landscape materials and designs with low water demand. This includes landscaping that mimics the natural state of the geographical area or native environment and the use of native flora and soils."

SECTION 3. Title 14, Article 1, Maui County Code is amended by adding a new chapter to be appropriately designated to read as follows:

#### **"Chapter 14.06B**

#### **WATER CONSERVATION AND CONTROL OF WATER USE**

#### **DURING WATER SHORTAGE**

#### **Sections:**

**14.06B.010 Policy statement.**

**14.06B.020 Application and purpose.**

- 14.06B.030 Leak detection.**
- 14.06B.040 Education and incentives.**
- 14.06B.050 Declaration of water shortage.**
- 14.06B.060 Stages of water shortage.**
- 14.06B.070 Notice and publication of declaration of water shortage.**
- 14.06B.080 Effect of water shortage declaration on agricultural consumers.**
- 14.06B.090 Outdoor water use.**
- 14.06B.100 Water waste.**
- 14.06B.110 Water conservation at commercial establishments.**
- 14.06B.120 New irrigation systems.**
- 14.06B.130 New landscape design projects.**
- 14.06B.140 Water reuse.**
- 14.06B.150 Swimming pools.**
- 14.06B.160 Violation-penalty.**
- 14.06B.170 Review.**
- 14.06B.180 Administrative rules.**
- 14.06B.190 Conditional hardship waiver.**

**14.06B.010 Policy statement.** A. Under article XI, section 1 of the Hawaii state constitution, water is a public natural resource held in trust by the State for the benefit of the people. The County, as a political subdivision of the State, has an obligation to conserve and protect the State's water resources.

B. The County's policy is to promote water conservation and take preventative measures to reduce the risk and severity of water shortages.

C. Water conservation is essential to protect and preserve water resources for the public's health, safety, and welfare.

D. Unrestricted water use, or water waste for nonessential needs during times of water shortages, may endanger the adequacy of the County's water supply for essential needs.

E. Public trust purposes of water use receive priority during times of scarcity.

F. The precautionary principle: The State and County have a duty to take anticipatory action to: prevent harm to public resources; maintain sanitation, public health, and fire protection; prevent excessive water use; and promote water conservation.

**14.06B.020 Application and purpose.** This chapter applies to all potable water customers of the department, and customers of private operators who are subject to these conditions as a result of either an agreement between the private operator and the County, or as a condition of a land use entitlement. The purpose of this



chapter is to promote conservation of the County's public and private potable water sources consistent with the following:

A. State of Hawaii, Hawaii Water Plan, which includes the Maui Island Water Use and Development Plan.

B. State of Hawaii, Hawaii Water Conservation Plan.

C. State of Hawaii, Hawaii Drought Plan, 2005 Update and Revised Hawaii Drought Plan, 2017 Update.

D. Hawaii Revised Statutes section 226-109, climate change adaptation priority guidelines.

E. Maui County planting plan as per chapter 12.24A landscape planting and beautification.

F. Maui County Department of Water Supply, Water Shortage and Conservation Plan of April 2024.

G. Any water shortage or water conservation plans issued by the State of Hawaii, department of land and natural resources, commission on water resource management.

**14.06B.030 Leak detection.** A. The department will monitor water consumption and issue high-consumption notices to customers when appropriate.

B. The department will utilize leak detection technologies and smart meters, to the extent practicable, to locate and repair water losses within its distribution system.

C. The department will prioritize the replacement of old and leak-prone water mains and will encourage consumers to report and repair water line leaks located on private property within three days or less, depending on the severity of the leak. Unresponsive owners of both occupied and unoccupied properties may face fines and service shutoff if the leak is not repaired within 30 days.

D. When available, the department will reasonably distribute leak detection tablets or other leak detection methods to detect toilet tank leaks to a consumer upon request.

E. Consumers must repair leaks on the consumer side of the water meter at the earliest possible time after such leak has been identified.

F. The department may issue a notice to repair an identified leak within 30 days of the notice. Where the leak results in severe water loss, the department may require expedited repair within a time to be determined by the department at its sole discretion.

**14.06B.040 Education and incentives.** A. The department will promote water conservation education.

B. The department will reasonably provide public outreach events, presentations, water conservation workshops, and a variety of indoor and outdoor fixture incentives or rebates through its water conservation program.

C. Commercial and multi-family residential properties served by either public or private water systems are encouraged, where appropriate, to develop and display water conservation and leak detection policies.

**14.06B.050 Declaration of water shortage.** A. The director may declare a water shortage whenever the water supply becomes inadequate in any area in the County, or County water system, as a result of a period of drought, an infrastructure or mechanical malfunction, natural disaster, or other event causing a water shortage.

B. The director may declare a water shortage with consideration to the shortage triggers for surface water and groundwater conditions as described in the Maui County Department of Water Supply Shortage and Conservation Plan dated April 2024, as amended.

**14.06B.060 Stages of water shortage.** A. In declaring a water shortage, the director will designate the appropriate stage of the water shortage as follows:

1. Stage 1. Conditions exist for an anticipated shortage to occur over the next 30 days which requires a mandatory reduction in demand of 10 percent to make more efficient use of water supplies.

2. Stage 2. Conditions exist for an anticipated shortage to occur over the next 30 days which requires a mandatory reduction in demand of 20 percent to make more efficient use of water supplies and conserve supplies for human consumption, sanitation and fire protection.

3. Stage 3. Conditions exist for an anticipated shortage to occur over the next 30 days which requires a mandatory reduction in demand of 30 percent to preserve the use of water supplies and conserve supplies for human consumption, sanitation, and fire protection.

B. When a water shortage is declared, the director may apply schedules, restrictions, or measures as follows:

1. Prohibit water usage during certain hours, or days of the week, or both.

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

3. Prohibit the use of temporary construction meters if the use of recycled R-1 water is economically feasible to be delivered by a water delivery truck to the construction site.

4. Institute water shortage water rates as set in the annual budget ordinance.

5. The schedules, restrictions, and measures included in any water shortage plans for designated water

management areas will take precedence in those areas unless the director determines more restrictive actions are required.

C. Failure of a consumer to comply with any mandated water restriction may result in penalties established in section 14.06B.160.

**14.06B.070 Notice and publication of declaration of water shortage.** A. In declaring a water shortage, a notice of declaration of water shortage must be published in a newspaper of general circulation, on the County's website, and to the extent possible, other available public media in the County, once each week for as long as the water shortage exists. Except during a Stage 3 water shortage, the first notice of a water shortage will be published at least seven calendar days prior to the beginning date of any water shortage.

B. Each water shortage notice must state the duration of the restrictions, the application of water shortage rates, and any other measures established by the director to moderate, within reasonable limits, water usage.

C. When a water shortage declaration stage changes, or when the water shortage declaration ends, a notice must be published in a newspaper of general circulation, and on the County's website, and to the extent possible, other available public media, in the County.

**14.06B.080 Effect of water shortage declaration on agricultural consumers.** A. If a water shortage declaration is made, agricultural water consumers will be requested to reduce water consumption but are not required to implement any restrictions or mandates imposed by section 14.06B.060 for the first 180 days after publication in a newspaper of general circulation in the County. This section is subject to any declaration issued by the State of Hawaii, department of land and natural resources, commission on water resource management.

B. After the 180 days provided in subsection A, agricultural water consumers must be subject to the same provisions as other consumers.

C. All farming activities should utilize the following best management practices to the extent practicable:

1. Efficient irrigation systems with sensors to monitor soil moisture, and controllers with regulators to regulate water flows based on weather and irrigation data.

2. Installing drip irrigation emitters to control water flow rates.

3. Using rainwater catchments to save and offset limited water supplies.

4. Implementing soil management that includes composing and mulching, using cover crops, conservation tillage, and crop rotations.

5. Washing produce on-site and recapturing used water with a water recycling system for reuse.

6. Choosing sustainable crop varieties that have low water needs.

**14.06B.090 Outdoor water use.** A. The watering or irrigating of lawn, landscape, or other vegetated areas is prohibited between the hours of 9:00 a.m. and 5:00 p.m.

B. Landscape irrigation is allowed for no more than three days per week in accordance with the following schedule, unless a water shortage is declared according to section 14.06B.050, in which case, those landscape conditions under that section will apply.

1. Monday, Wednesday, and Friday for even-numbered residential addresses.

2. Tuesday, Thursday, and Saturday for odd-numbered residential addresses.

3. Wednesday, Friday, and Sunday for even-numbered commercial facilities and multi-family units.

4. Monday, Thursday, and Saturday for odd-numbered commercial facilities and multi-family units.

5. Spray irrigation is to be avoided or delayed during excessively windy days.

C. The irrigation restrictions imposed under this section do not apply to:

1. The reasonable use of a hand-held hose equipped with an automatic shut-off nozzle in a manner which avoids waste.

2. The use of drip or bubbler irrigation, and soaker hose systems that apply a timed, precise amount of water.

3. Irrigation using 100 percent recycled water, gray water, or rainwater catchment.

4. Irrigation of crops or pastures by agricultural consumers as defined in section 14.01.040.

5. Irrigation of recently installed seed or sod lawns for a period of up to four weeks after installation.

**14.06B.100 Water waste.** The use of potable water in a manner that causes waste is unlawful.

A. Water waste includes the following actions:

1. Applying water in quantities for landscapes, yard maintenance, or other outdoor activities, that overflows or sprays onto an adjacent property which pools or obstructs a public thoroughfare, and potentially causes erosion.

2. Disregarding high volume water loss occurring by chronic wastefulness, or not fixing leaks in a reasonable amount of time.

B. Water waste remedies include reasonable efforts to demonstrate the following water conserving practices:

1. Applying drip irrigation, soaker hoses, or rotating micro-spray emitters to trees, plants, and shrubs.

2. Properly adjusting and targeting water-efficient sprinkler heads, bubblers, and emitters.

3. Regularly monitoring and maintaining irrigation systems; setting efficient watering schedules with timers; or using a smart, central irrigation controller.

4. Using a hand-held bucket or similar container, a hand-held hose equipped with a shut-off nozzle, or using a low volume, high-pressure washer to clean vehicles, boats, or equipment on impervious surfaces to minimize incidental run-off onto adjacent property or the public right-of-way.

5. Clearing yard waste or debris from driveways and sidewalks with a broom or an electric blower.

6. Not irrigating turf and landscapes during rain events and postponing irrigation during high winds.

7. Fixing indoor and outdoor water leaks.

C. Water waste does not apply to:

1. Cleaning outdoor impervious surfaces with water necessary for public health, safety, or when other cleaning methods are impractical and dangerous.

2. Flow resulting from a malfunctioning system, or a water supply system, that is temporary in nature, except malfunctions will be repaired within 48 hours of notification or, depending on the severity of water loss occurring, within a time determined by the department at its sole discretion.

3. Flow resulting from routine inspection, operation, testing, sampling, monitoring, or maintenance of a utility water supply system or as part of a hydrologic study. This water will be captured and reused whenever possible.

4. Flow resulting from firefighting, routine inspection of fire hydrants, or fire-training activities.

5. Water used for construction, repairs, or maintenance activities where the application of water is within the accepted best management practices.

6. Water applied to abate spills of flammable or otherwise hazardous materials, or to prevent or decrease health, safety, or accident hazards.

7. Water use for public infrastructure and street improvements during normal maintenance, emergencies, and natural disasters.

8. Backwashing and periodic draining of swimming pools and spas for sanitary water balancing and necessary pool maintenance.

9. Persons or properties who have received a conditional hardship waiver under section 14.06B.190.

**14.06B.110 Water conservation at commercial establishments.** A. Commercial establishments serving food or drinks are encouraged to serve complimentary drinking water only upon request by the patron.

B. Hotels, motels, resorts, and other commercial lodging establishments must prominently display to the customers the option of not having towels and bedding linens laundered daily.

C. Hotels, motels, resorts, and other commercial lodging establishments must be water efficient, and make reasonable efforts to make operational improvements to save water by:

1. Installing water-efficient indoor and outdoor fixtures from an efficiency labeling program.

2. Installing water-efficient, smartly controlled, irrigation systems with rain and wind sensors.

3. Hiring professional landscapers trained in water-efficient practices and designs.

4. Installing water-efficient laundry facilities capable of utilizing recycled water when economically feasible.

5. Installing water-efficient, smartly controlled, heating, ventilation, and air conditioning systems which utilize efficient water source heat pumps, heat recovery, and optimized air handling systems. These systems should be capable of utilizing recycled water when economically feasible.

**14.06B.120 New irrigation systems.** All new commercial, hotel, multi-family residential, and public use developments proposing new landscape irrigation, or replacing existing irrigation systems, or requesting additional potable water service for landscape irrigation, must install water-efficient irrigation systems.

**14.06B.130 New landscape design projects.** A. All new commercial, hotel, multi-family residential, and public use development, and all commercial, hotel, multi-family residential, and public use properties proposing to rehabilitate or replace existing landscapes, must properly configure to a high-efficiency



irrigation system, and incorporate water efficient landscape planting plans, such as xeriscaping or using native, drought tolerant plants.

B. Developers must provide information pertaining to best management practices to buyers and long-term leaseholders regarding the design, installation, and maintenance of newly installed water efficient landscapes and irrigation systems. Buyers and long-term leaseholders must continue to operate and maintain such water efficient landscapes and irrigation systems.

**14.06B.140 Water reuse.** A. New commercial conveyor car wash facilities and new commercial laundry facilities, or existing facilities of both seeking additional water service, must use a water reclamation system to treat and reuse water for washing cars and for laundry machines; and self-serve car washes and laundry facilities must install high-efficiency pressure nozzles for normal maintenance and operations.

B. New hotels, motels, resorts, and other commercial lodging establishments must: make reasonable efforts to conserve water during normal operations and maintenance; install water recycling systems subject to State approval; and improve the water efficiency of air conditioning systems, laundry operations, and irrigation systems.

C. All new ornamental water features, such as ponds and fountains, in commercial, public, and multi-family dwelling common areas must: be free of water leaks; use a water recirculating system with optimally regulated water pumps; and utilize recycled water when economically practicable.

**14.06B.150 Swimming pools.** A. Pool covers should be used to limit evaporation from pools under the control, management, and operation of the department of parks and recreation whenever it provides for greater public safety, and for private pools when not in use.

B. Pool covers are required for all private pools and must be utilized when the property is vacant, or when the pool is unused for more than 30 consecutive days, except for times of pool repair.

**14.06B.160 Violation-penalty.** A. Any consumer violating the schedules, restrictions, or measures established by the director under this chapter may be charged with a violation and, upon conviction, will be subject to a fine of not more than \$1,000 for each violation. The continuation of any violation may be considered a new violation for each day that the violation continues.

B. Notice of violation. The director will have the notice of violation served by mail with a proof of mailing, or by personal delivery to the violator. If service by mail or by personal delivery fails, the director may provide service by: posting the notice of violation and order in a conspicuous place on the property where the violation is occurring or has occurred; post the notice of violation at the last

known address of the violator; or, by publishing the notice of violation at least once per week for two consecutive weeks, in a newspaper of general circulation in the County.

1. Contents of the notice of violation. The notice of violation must include the following information:

- a. Date of the notice.
- b. The name and address of the person being noticed.
- c. The section number of the provision or rule that has been violated.
- d. The nature of the violation.
- e. The location and date of the violation.

2. Contents of the order. The order will require the person to do one or more of the following:

- a. Cease and desist from the violation.
- b. Correct the violation at the person's own expense before a date specified in the order.
- c. Pay a civil fine not to exceed \$1,000 in the manner and place, before the date specified in the order. The continuation of any violation may be considered a new violation for each day that the violation continues.
- d. Pay a fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the place specified in the order for ongoing violations.
- e. The order will advise the person that the decision becomes final unless an appeal is filed with the board of water supply under chapter 14.11, within 30 days after the date of the order's mailing.

3. All notices of violation are final unless an appeal is filed with the board of water supply under chapter 14.11. However, an appeal to the board will not stay any provision of the order.

4. Judicial enforcement of order. The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued under this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director or agency need only show: that the notice of violation and the order were served; that a civil fine was imposed; the amount of the civil fine imposed; and that the fine imposed was not appealed in a timely manner, nor paid.

C. A second violation of this chapter may result in the cessation of water service where the second violation is either: not appealed under chapter 14.11; or has been sustained on appeal.

D. A third violation of this chapter may result in the removal of the customer's water meter where the third violation is either: not appealed under chapter 14.11; or has been sustained on appeal.

E. A reinstalment fee of \$100 will be assessed against the owner of any water meter removed under this section and then reinstalled. If the reinstalment is requested within 36 months of the removal of the water meter, the water system development fee shall not be assessed against the owner. If the reinstalment is requested more than 36 months after removal of the water meter, the owner will also be assessed the water system development fee, as set in the annual budget by ordinance.

**14.06B.170 Review.** The director will provide a report to the council on all actions taken by the department under this chapter, including a list of water shortage declarations. Each water shortage declaration will include:

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

**14.06B.180 Administrative rules.** The director may adopt administrative rules to implement the provisions of this article.

**14.06B.190 Conditional hardship waiver.** A. A conditional hardship waiver may be granted by the director under the following conditions:

1. Strict application of this chapter will result in undue hardship against the customer due to unique and uncommon circumstances, requiring a specific watering necessity as determined on a case by case basis.

2. The conditional hardship waiver will not be detrimental to public health, the public trust, or other properties.

3. Substantial compliance, including use of water conservation efforts and efficient water saving features and fixtures, are already being used to the extent practicable.

4. The requestor has submitted supporting documentation, including an explanation of the need for the conditional hardship waiver, the specific water needs, and photos, plans, or maps substantiating the claim of undue hardship.

B. A conditional hardship waiver must be for a specific duration to be established by the director and may be revoked by

the director at any time. A customer may request subsequent waivers upon the showing of a continued need for such a waiver.

C. Waivers are valid from the date of approval and may not be applied retroactively. Any fines for violations accruing prior to the granting of a conditional hardship waiver are final.

D. If a request for a conditional hardship waiver is rejected by the director, the request may be appealed to the board of water supply under chapter 14.11."

SECTION 4. Section 18.08.080, Maui County Code, is amended as follows:

**"18.08.080 Explanatory information.** The following information [shall] must be submitted with the preliminary plat. If [it] the information cannot be easily shown [practicably] on the preliminary plat, it [shall] must be submitted in separate statements accompanying the preliminary plat:

A. A vicinity map at a small scale, showing existing subdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets may be extended to connect with existing streets[;] .

B. The approximate location within the subdivision and in the adjoining streets and property of existing sewers and water mains, culverts and drainpipes, electric and communication conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections[;] .

C. [Statement] A statement regarding the water system to be installed. The statement must include landscape design, irrigation, and water conservation measures as required under chapter 14.06B. Should a private water system be proposed, a statement on source, quality and quantity of water [shall] will also be included[;] .

D. Provisions for sewage disposal, drainage and flood control which are proposed[;] .

E. Parcels of land proposed to be dedicated to public use, and the conditions of such dedication[;] .

F. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements [shall] must be submitted so that they may be checked for compliance with objectives of this chapter, State laws and other applicable County ordinances."

SECTION 5. Section 18.16.320, Maui County Code, is amended by amending the definition of "Privately owned parks and playgrounds" to read as follows:

"Privately owned parks and playgrounds" mean parks or playgrounds and their facilities which are not dedicated to the County, but which are owned and maintained by, or on behalf of, the ultimate users of the subdivision [pursuant to] under recorded, perpetual restrictive covenants. Where the privately owned park is a part of the lot or lots on which a building or group of buildings containing or divided into three or more dwelling units or lodging units are constructed, it [shall] will not be required that the private park or playground meet County subdivision standards, except that the private park or playground must meet irrigation standards required by chapter 14.06B, nor [shall] will the area of the private park or playground be deducted from the area of the lot or lots for purposes of zoning or building requirements."

SECTION 6. Section 19.500.090, Maui County Code, is amended by to read as follows:

**"19.500.090 Water. A.** The director of water supply [shall] must ensure that any approval by the department of water supply conforms to the [requirements of this title.] following:

1. The requirements of this title.
2. The requirements of chapter 14.06B, except this requirement does not apply to:
  - a. Demolitions.
  - b. Building permits for improvements or structures that do not require public or private water service.
  - c. Transfer of title due to court order."

SECTION 7. Section 19.530.030, Maui County Code, is amended to read as follows:

**"19.530.030 Administrative enforcement.** In lieu of, or in addition to, enforcement by criminal prosecution, if the director of public works, the director of environmental management, the director of water supply, or the planning director determines that any person is violating or has violated any provision of titles [8,]

eight, 12, 14, (except for chapter 14.06B), 16, 18, 19, and 20 [of this code,] , or any rules adopted [thereunder], or any permit issued [thereto], the director with jurisdiction over the relevant ordinance, rule, or permit, [shall] will have the person served by mail with proof of mailing or by personal delivery, with a notice of violation and order [pursuant to] under this chapter and such administrative rules as the director may adopt. If service by mail or by personal delivery fails, the director [shall] must provide service by posting the notice of violation and order in a conspicuous place on the property where the violation is occurring or occurred, or at the last known address of the violator, or by publishing a notice at least once per week for two consecutive weeks in a newspaper of general circulation in Maui County.

A. Contents of the notice of violation. The notice [shall] must include [at least] the following information:

1. Date of the notice.
2. The name and address of the person noticed.
3. The section number of the provision or rule, or the number of the permit that has been violated.
4. The nature of the violation.
5. The location and date of the violation.

B. Contents of the order.

1. The order [shall] may require the person to do one or more of the following:

- a. Cease and desist from the violation.
- b. Correct the violation at the person's own expense before a date specified in the order.

c. Pay a civil fine not to exceed \$1,000 in the manner, at the place, and before the date specified in the order, except that the initial civil fine [shall] must not exceed \$20,000 for the operation of a bed and breakfast home, short-term rental home, transient vacation rental, or other transient accommodation, without a permit that is required for the operation, unless a higher fine is authorized by State law.

d. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order, except that the daily civil fine [shall] must not exceed \$10,000 for the operation of a bed and breakfast home, short-term rental home, transient vacation rental, or other transient accommodation, without a permit that is



required for the operation, unless a higher fine is authorized by State law.

e. Pay a civil fine not to exceed [1] one percent of the project cost as provided in subsection [20.08.260(E)2 of this code.] 20.08.260(E)(2).

2. The order [shall] will advise the person that the order [shall become] becomes final unless an appeal is filed with the board of variances and appeals within [thirty] 30 days after the date of its mailing or delivery.

C. Effects of order; right to appeal. The provisions of the order issued by the director of public works, the director of environmental management, the director of water supply, or the planning director under this section [shall] will become final unless an appeal is filed with the board of variances and appeals within the [thirty-] 30 day period. However, an appeal to the board of variances and appeals [shall] may not stay any provision of the order.

D. Collection of unpaid civil fines. In addition to any other procedures for the collection of civil fines available to the [county] County by law or rules of the court, the [county] County may add unpaid civil fines as [herein] here defined to any [county] County taxes, fees or charges except for residential water or sewer charges.

E. Judicial enforcement of order. The director of public works, the director of environmental management, the director of water supply, or the planning director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued [pursuant to] under this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director or agency need only show: that the notice of violation and order were served[,]; that a civil fine was imposed[,]; the amount of the civil fine imposed[,]; and that the fine imposed has not been appealed in a timely manner nor paid."

SECTION 8. Chapter 14.06A, Maui County Code, is repealed.

SECTION 9. 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.

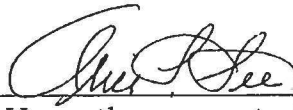
SECTION 10. This ordinance takes effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE  
Department of the Corporation Counsel  
County of Maui  
LF 2024-1633

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Gus A. Lee", is written over a horizontal line.

Upon the request of the Mayor.