

**Chapter 14.35 - WASTEWATER ASSESSMENT FEES FOR FACILITY EXPANSION FOR THE WAILUKU/KAHULUI WASTEWATER TREATMENT SYSTEM**

14.35.010 - Purpose.

The purpose of this chapter is to establish wastewater assessment fees for the expansion of the Wailuku/Kahului wastewater treatment plant. Assessment fees shall be paid by developers before the issuance of building permits or as otherwise provided in this chapter, for those developments which will utilize expansion capacity in the Wailuku/Kahului wastewater treatment system.

(Ord. 2382 § 1 (part), 1994)

14.35.020 - Authority.

This chapter is adopted pursuant to article VIII of the Constitution of the State of Hawaii, the charter of the county of Maui and the authority granted to the county by chapters 46, 205 and 205A of the Hawaii Revised Statutes.

(Ord. 2382 § 1 (part), 1994)

14.35.030 - 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 hereinbelow:

"Accessory dwelling" shall have the same meaning as contained in section 19.04.040 of this code.

"Affordable housing" means a publicly or privately constructed long-term residential development in which units are to be either (1) sold at a price at which persons or families whose incomes are not more than one hundred forty percent of the area median income, as determined by the United States Department of Housing and Urban Development, and can qualify for mortgage financing; or (2) rented at an annual amount which constitutes no more than thirty percent of the area median income. "Affordable housing" shall also mean housing built by an applicant as an owner occupant and whose income is not more than one hundred forty percent of the area median income.

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from Chair Carroll.

"Applicant" means any person, partnership, corporation, trust, or agent who has applied for a building permit.

"Assessment" means the dollar amount to be paid by an applicant as the pro rata share for the construction of the expansion of wastewater facilities for the Wailuku/Kahului wastewater treatment system as determined in accordance with this chapter.

"Building" shall have the same meaning as defined in the Uniform Building Code as adopted, amended or replaced by the county.

"Building permit" means the official document or certificate required in section 16.04.090 of this code, authorizing the construction, erection, enlargement, alteration, or repair of any building or structure.

"Churches" means structures used primarily for religious or sectarian purposes.

"County" means the county of Maui, a political subdivision of the State of Hawaii.

"Department" means the department of public works and waste management of the county.

"Development" means any man-made change to improved or unimproved real property which shall include the construction, expansion, or erection of buildings or structures, exclusive of any filling, excavation, or grading work.

"Director" means the director of public works and waste management of the county or authorized representative.

"Long term residential" means a single-family, two-family, or multifamily dwelling which is occupied by an owner or lessee for terms of not less than six months.

"Project flow" means the estimated wastewater discharge as a result of development. Such estimates for residential developments shall be based upon standards set forth in the assessment study by the wastewater reclamation division of the department. Estimates for nonresidential developments shall be based upon engineering estimates submitted by applicant and approved by the department.

"Structure" shall have the same meaning as defined in the Uniform Building Code as adopted, amended, or replaced by the county.

(Ord. 2382 § 1 (part), 1994)

14.35.040 - Payment of assessments.

- A. Payment of the assessment contained in this chapter shall be paid to the department prior to the approval of a building permit. For those developments which have been granted building permits or have been issued certificates of occupancy but would otherwise be subject to the provisions of this chapter, assessments shall be paid upon notice of the assessment, in two equal installments on or before the dates designated in the following schedule:

First Payment	Second Payment
August 20, 1995	February 20, 1996

- B. Upon payment of the assessment, the wastewater capacity paid for shall be for the benefit of the development requiring such capacity and shall be appurtenant to and run with the land.

(Ord. 2382 § 1 (part), 1994)

14.35.050 - Penalty for delinquency.

There shall be added to the amount of all delinquent assessments a penalty of ten percent for each year or portion thereof that the assessment is delinquent, which penalty shall be and come a part of the assessment and be collected as a part thereof.

(Ord. 2382 § 1 (part), 1994)

14.35.060 - Assessment fee.

Applicants for building permits to construct developments shall be assessed a fee as set forth in the annual budget.

(Ord. 2821 § 2, 1999; Ord. 2382 § 1 (part), 1994)

14.35.070 - Credits.

- A.

Credit may be given to an applicant if the applicant has made financial contributions to the expansion and has not been reimbursed by the county. The applicant shall submit to the director documentation to substantiate contributions made to the expansion.

- B. The assessment fee shall be reduced by the contributions made as approved by the director.
- C. Credits may not be transferred or assigned by developer.
- D. Credits shall be used only in the service area of the Wailuku/Kahului wastewater treatment system.

(Ord. 2382 § 1 (part), 1994)

#### 14.35.080 - Exemptions.

This chapter shall not apply to those developments that are:

- A. County housing projects and other County facilities.
- B. Comprised of one hundred percent residential workforce housing units, as defined in section 2.96.020 of this code.
- C. Churches.

( Ord. No. 4359, § 2, 2016; Ord. 2382 § 1 (part), 1994)

#### 14.35.090 - Appeal.

Any decision regarding the amount of the assessment may be appealed to the board of variances and appeals in accordance with chapter 18.36 of this code.

(Ord. 2382 § 1 (part), 1994)