

COUNCIL OF THE COUNTY OF MAUI

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

July 23, 2021

**Committee
Report No. 21-49**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Climate Action, Resilience, and Environment Committee, having met on June 30, 2021, makes reference to County Communication 20-526, from Councilmember Tamara Paltin, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS."

The purposes of the proposed bill are to:

- preserve the health, safety, welfare, and scenic natural beauty of the County by regulating the sale and rental of disposable bodyboards; and
- encourage the use of environmentally preferred alternatives, such as durable bodyboards.

Your Committee notes that the Council's Environmental, Agricultural, and Cultural Preservation Committee (2019-2021 Council term) previously met on this matter on November 17, 2020.

Your Committee expressed support for the proposed bill.

Your Committee noted that disposable bodyboards are a source of litter on beaches. Further, they break easily, causing injury to the environment and potentially, the user.

Representatives from the Department of Environmental Management also expressed support for the proposed bill.

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Your Committee agreed that regulation of disposable bodyboards would be an effective way to prevent them from being sold in the County.

Your Committee considered referencing “boogie boards,” a commonly used term for bodyboards, in the proposed bill. However, the Department of the Corporation Counsel advised against using a trademarked name.

Your Committee notes the proposed bill furthers an element of the Maui County General Plan 2030, adopted in March 2010, relating to “A. Protect the Natural Environment.”

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair King, Vice-Chair Sinenci, and members Johnson, Lee, Molina, Paltin, and Sugimura voted “aye.”

Your Committee is in receipt of a revised proposed bill, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS,” approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Climate Action, Resilience, and Environment Committee RECOMMENDS the following:

1. That Bill 67 (2021), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS,” be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-526 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



KELLY TAKAYA KING, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING
CHAPTER 20.18, MAUI COUNTY CODE, PROHIBITING
THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS

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

SECTION 1. Chapter 20.18, Maui County Code, is amended to read as follows:

“Chapter 20.18

**[PLASTIC BAG REDUCTION] PLASTIC BAGS AND DISPOSABLE
BODYBOARDS**

Sections:

20.18.010 Purpose.

20.18.020 Definitions.

20.18.030 Administration.

**20.18.040 Plastic bag and disposable bodyboard
restrictions.**

20.18.050 Violation and penalties.

20.18.010 Purpose. A. [The production and use of plastic] Plastic bags and disposable bodyboards have significant impacts on the environment, including[, but not limited to:] contributing to unsightly litter[;], creating an additional burden on landfills[;], contributing to potential death of marine animals through ingestion and entanglement[;], and requiring the use of millions of barrels of crude oil for their manufacture.

B. The council finds and declares that to preserve the health, safety, welfare, and scenic and natural beauty of the County of Maui, the sale and use of plastic bags, and sale and renting of disposable bodyboards must be regulated.

C. The purpose of this chapter is to encourage the use of environmentally preferable alternatives to plastic bags[,] and

bags to their customers at the point of sale for the purpose of transporting groceries or other goods.

B. Nothing in this chapter [shall preclude] precludes a business from making reusable bags or recyclable paper bags available for sale or without charge to customers at the point of sale for the purpose of transporting groceries or other goods.

C. Businesses are prohibited from selling or renting disposable bodyboards.

20.18.050 Violation and penalties. A. Violations of this chapter [shall be] are subject to the civil penalties and enforcement procedures of section 19.530.030 [of this code].

B. Fines collected [pursuant to] in accordance with this chapter [shall] must be deposited into the [open space, natural resources, cultural resources, and scenic views preservation] environmental protection and sustainability fund."

SECTION 2. 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 3. This ordinance takes effect one year from its approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

LF2021-0007
2021-07-07 Ord Amd Ch 20.18.docx