

WAI Committee

From: Linda Kimura <Linda.Kimura@co.maui.hi.us>
Sent: Monday, November 6, 2023 4:44 PM
To: WAI Committee
Cc: James Landgraf; John Stufflebean; Ortaine Acidera; Stacy Takahashi
Subject: A Bill for an Ordinance Amending Sections 14.04.040, 14.07.080, and 14.10.010, MCC
Attachments: 2023-11-06 Ord Amd Ch 14.07 & 14.10.PDF

Attached for consideration, please find a proposed ordinance entitled "A Bill for an Ordinance Amending Sections 14.04.040, 14.07.080, and 14.10.010, Maui County Code, to Establish New Water Rates, and Allow for Waiver of the Water System Development Fee and Water Service Installation Fees During Emergencies", approved as for form and legality, for discussion at the next WAI Committee meeting of Monday, November 13, 2023 at 1:30 p.m.

In advance, thank you for your consideration. Please contact me if you have any questions.

Linda

ORDINANCE NO. _____

BILL NO. _____ (2023)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.04.040, 14.07.080 AND 14.10.010, MAUI COUNTY CODE, TO ESTABLISH NEW WATER RATES, AND ALLOW FOR WAIVER OF THE WATER SYSTEM DEVELOPMENT FEE AND WATER SERVICE INSTALLATION FEES DURING EMERGENCIES

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

SECTION 1. The purpose of this ordinance is to allow the Department of Water Supply to help customers that have been impacted by a disaster or emergency by offering reduced rates for water for impacted customers, and by allowing the director to waive the water system development fee and water service installation costs where water infrastructure has been destroyed or otherwise rendered nonoperational by an emergency or disaster.

SECTION 2. Section 14.04.040, Maui County Code, is amended by adding a new subsection to be appropriately designated and to read as follows:

“M. The director has discretion to waive any of the costs associated with water service installation as set forth in this section for properties in which water infrastructure was destroyed or otherwise rendered non-operational as a result of a disaster or emergency as defined in section 127A-2, Hawaii Revised Statutes and resulting in a proclamation of a state of emergency in accordance with section 127A-14, Hawaii Revised Statutes.”

SECTION 3. Section 14.07.080, Maui County Code, is amended by adding a new subsection to be appropriately designated and to read as follows:

“F. The director has discretion to waive the water system development fee for properties in which a water meter was destroyed or otherwise rendered non-operational as a result of a disaster or emergency as defined in section 127A-2, Hawaii Revised Statutes

and resulting in a proclamation of a state of emergency in accordance with section 127A-14, Hawaii Revised Statutes."

SECTION 4. Section 14.10.010, Maui County Code, is amended to read as follows:

"14.10.010 Water Service Rates. A. Water rates for agricultural, nonpotable agricultural, nondwelling agricultural, emergency water, temporary irrigation, and general consumers, must be set forth in the annual budget ordinance.

B. Agricultural consumers may qualify for agricultural water rates. Each consumer requesting an agricultural rate for water service [shall] must submit an annual written application to the department attaching the following documentation, if applicable, regarding their product or service:

1. A copy of the consumer's filed State of Hawaii, [Department of Taxation, General Excise, Use Tax Return, Form] department of taxation, general excise, use tax return, form G-45, for the period preceding the date of application[;].

2. A copy of the consumer's filed Internal Revenue Service, [Profit or Loss From Farming Schedule] profit or loss from farming schedule F[; and].

3. A description of the commercial agricultural operation that includes:

- a. The type of commercial operation[;].
- b. The anticipated monthly water usage[;].
- c. The age of the crop or stock, if applicable[;].
- d. A five-year timeline of projected annual gross income[; and].

e. A site plan demarcating the commercial agricultural operation, landscaping, grassy areas, dwellings and other structures, and irrigation system.

C. Emergency water consumers may qualify for emergency water rates where water that would otherwise be delivered as potable water has been determined by the director to be within a designated unsafe water advisory area as a result of a disaster or emergency as defined in section 127A-2, Hawaii Revised Statutes and resulting in a proclamation of a state of emergency in accordance with section 127A-14, Hawaii Revised Statutes. Emergency water rates will only be available to customers whose property has been deemed to be within the unsafe water advisory area as determined by the director.

D. Temporary irrigation consumers may qualify for temporary irrigation rates where a consumer's home(s) was destroyed, and water service temporarily cancelled, as a result of a disaster or emergency as defined in section 127A-2, Hawaii Revised

Statutes and resulting in a proclamation of a state of emergency in accordance with section 127A-14, Hawaii Revised Statutes. Such water shall be nonpotable and shall be used for maintenance of residential landscaping such as lawns, crops and gardens as applicable.

[C.] E. General or agricultural water service will not be allowed from a meter for which the nonpotable agricultural rate is approved.

[D.] F. The penalty for using nonpotable agriculture water service to supply general uses is removal of the meter.

[E.] G. The penalty for providing water service to lots other than the lot to which the service is assigned is removal of the meter.

[F.] H. Water service requests by property lessees or licensees may be granted:

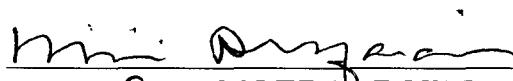
1. If requested and guaranteed by the fee simple owner of the property; or

2. A lump sum payment equal to a [two billing] two-billing period estimate must be deposited with the department as collateral for future billings.”

SECTION 5. 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 6. This ordinance takes effect retroactively on August 8, 2023.

APPROVED AS TO FORM AND LEGALITY:


for CALEB P. ROWE

Department of the Corporation Counsel
County of Maui

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2023-11-06 Ord Amd Ch 14.07 & 14.10.docx