

ORDINANCE NO. _____

BILL NO. 130, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, TO ALLOW THE DIRECTOR OF WATER SUPPLY TO EXTEND WATER METER RESERVATIONS BASED ON SPECIFIC FINDINGS

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

SECTION 1. This Ordinance's purpose is to allow the Director of Water Supply to extend water meter reservations based on specific findings.

SECTION 2. Section 14.07.090, Maui County Code, is amended to read as follows:

"14.07.090 Payment of water system development fee.

A. Applicant ready for water service. The director [shall] must approve applications only upon payment of the water system development fee or application of credit for water service or additional water service, [provided] if water source capacity is available at that time. Total payment for water service [shall] must be the water system development fee in effect at the time the meter is installed.

B. Applicant not ready for water service. Upon payment of a deposit equal to the water system development fee [set forth] in the annual budget ordinance by an applicant who, to the director's satisfaction, is unable to accept water service immediately, the department may reserve an allocation of water service source capacity available at that time. Total payment for water service will be the water system development fee in effect at the time the meter is installed. [The] For reservations issued before January 1, 2025, the duration of [any such] the reservation [shall] may not exceed five years, [provided] if water service source capacity is available[.], subject to subsection C. For reservations issued on or after January 1, 2025, the duration of the reservation may not exceed three years, if water service source capacity is available, subject to

subsection C. The department and the applicant [shall] must agree in writing on the amount of any reserved allocation.

[If within five years, the applicant is not able to accept installation of water service, the application and the reservation of the allocation shall expire, the deposit paid by the applicant shall be forfeited, and said deposit shall be applied to the water system development fee fund with no credit of any kind toward any future application.]

C. Extension.

1. If an applicant with a reservation is unable to accept installation of water service within the duration of the reservation, the reservation may be extended for two years by the director, if requested by the applicant at least 60 days prior to the reservation's expiration, and the director finds at least three of the following:

a. Application of the reservation limitation would cause an absurd, unfair, or unreasonably harsh result to the applicant.

b. The applicant's circumstance or condition is exceptional, and the director would grant the same request if made by every similarly situated applicant.

c. Extension of the reservation expiration will be without detriment to existing users.

d. The applicant's construction plans for required water system improvements have been approved by the department, and the applicant has completed significant construction on the water system improvements.

2. Findings justifying the extension must be reduced to writing in a memorandum, which will be maintained in the applicant's file.

3. If the director denies the request for an extension, the applicant may appeal the decision to the board in accordance with chapter 14.11. The board may reverse the decision of the director in accordance with section 14.11.040 upon finding at least three of the four criteria in paragraph 14.07.090(C)(1).

D. If the reservation expires, the deposit paid by the applicant must be credited to the property for use in a future application on the same property."

SECTION 3. 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 4. This Ordinance, on its approval, takes effect retroactive to July 1, 2019.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

wai:misc:030abill02:jpp

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.

DIGEST

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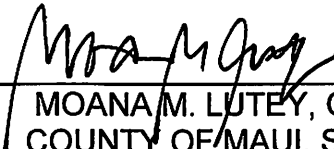
This bill proposes to amend the County Water Code by granting the Director of Water Supply conditional authority to extend water-meter reservations beyond five years, retroactive to July 1, 2019.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 130, CD1 (2024) was passed on First
Reading by the Council of the County of Maui, State of Hawaii, on the 15th day of
November, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama,
Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M.
Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura,
and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 18th of November, 2024.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.