

# REQUEST FOR LEGAL SERVICES

Received by  
Corporation Counsel @  
4:31pm on 12/5/25

**Date:** December 5, 2025  
**From:** Tom Cook, Chair  
Water and Infrastructure Committee

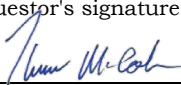
**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Caleb P. Rowe, Esq.

**Subject:** BILL 158 (2025), ON WATER CONSERVATION AND CONTROL OF WATER USE DURING WATER SHORTAGES (WAI-18)

**Background Data:** Please see proposed CD1 version of Bill 158 (2025). Please submit your response to wai.committee@mauicounty.us with a reference to WAI-18.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

Requestor's signature  Tom Cook, Chair	Contact Person <u>Keone J. Hurdle or Carla M. Nakata</u> (Telephone Extension: <u>7659 or 5519, respectively</u> )
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 9, 2025, by 12:00 noon  
REASON: For consideration at the upcoming WAI meeting on December 17, 2025.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: CPR	ASSIGNMENT NO. 2025-0173	BY: jap
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date 12/9/25

By



(Rev. 7/03)

wai:ltr:018acc01:kjh

Attachment

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

BILL NO. **158, CD1** (2025)

A BILL FOR AN ORDINANCE AMENDING THE COUNTY WATER CODE AND  
SUBDIVISION ORDINANCE ON WATER CONSERVATION AND  
CONTROL OF WATER USE

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

SECTION 1. This Ordinance's purpose is to ensure a reliable and sustainable water supply for current and future needs by promoting responsible water usage. This goal is achieved by providing new water conservation definitions; best management practices for residential, non-residential, and agricultural indoor and outdoor water users; and the opportunity to address scarcity with water reuse for permissible uses. This Ordinance also addresses water waste and actions that may be taken by the department to limit water usage during declared water shortages, and promotes policies for water-efficient practices to safeguard and prevent harm to public water sources. Guidance, explanatory information, and remedies for violations of the water conservation provisions have been included. This Ordinance aims to protect surface water and groundwater and ensure all County residents have equitable access to water.

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 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 economic and technological considerations.

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

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

“High-efficiency irrigation system” means an automated, water-efficient irrigation system with a weather-based controller that stops irrigation during rain and high winds; is programmed to consider landscape factors 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.

“Public use” means the use of water by the government of the United States, State of Hawai‘i, or 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.

“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 dishwashers that are labeled as water-efficient and energy-efficient.
4. Installation of hot water recirculators.
5. Use of functional, recreational turf instead of water-reliant ground cover.
6. Xeriscaping with native plants or water-efficient plants.

“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. Section 14.01.050, Maui County Code, is amended by amending subsection A to read as follows:

“A. Water from Hamakuapoko Wells 1 and 2 [shall] must only be used for the following:

1. Agricultural purposes.
2. Consumers of the department’s upcountry water system as defined in section 14.13.030 [of this title] when a water shortage is declared [pursuant to chapter 14.06A of this title.] under chapter 14.06B.
3. Backup to the department’s existing upcountry water system.”

SECTION 4. Title 14, Article 1, Maui County Code, is amended by adding a new chapter to be appropriately designated and 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 water storage declaration.**
- 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; penalties.**

**14.06B.170 Reporting.**

**14.06B.180 Administrative rules.**

**14.06B.190 Conditional hardship waiver.**

**14.06B.010 Policy statement.** A. Under article XI, section 1 of the Constitution of the State of Hawai'i, 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 preventive 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 and water waste for nonessential needs during times of water shortage may endanger the adequacy of the County's water supply for essential needs.

E. Water use for public trust purposes will receive priority during times of scarcity.

F. Consistent with the precautionary principle, the State and County have a duty to take anticipatory action to:

1. Prevent harm to public resources.
2. Maintain sanitation, public health, and fire protection capacity.
3. Prevent excessive water use.
4. Promote water conservation.

**14.06B.020 Application and purpose.** This chapter applies to all potable water consumers 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. This chapter's purpose is to promote conservation of the County's public and private potable water sources, consistent with the following:

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

B. Hawaii Water Conservation Plan, March 2013.

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

D. Section 226-109, Hawai'i Revised Statutes, climate change adaptation priority guidelines.

E. Maui County Planting Plan, Third Edition.

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

G. Any water shortage or water conservation plans issued by the State commission on water resource management.

**14.06B.030 Leak detection.** A. The department will monitor water consumption and issue high-consumption notices to consumers 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, depending on the severity of the leak. Unresponsive owners of occupied or unoccupied properties may face fines and service shutoff if leaks on the owner's side of the meter are not repaired within 30 days.

D. When available, the department will distribute leak detection tablets or other leak detection supplies 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 a 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 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 multifamily residential properties served by 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 because of drought, an infrastructure or mechanical malfunction, natural disaster, or other event causing a water shortage.

B. The director may consider the shortage triggers for surface water and groundwater conditions described in the department's Water Shortage and Conservation Plan dated April

2024. Considerations may include projected surface water production, surface water inflows, ditch flows, and well chlorides.

**14.06B.060 Stages of water shortage.** A. The director will designate the appropriate water shortage stage as follows:

1. Stage 1. Conditions exist for an anticipated shortage to occur over the next 30 days, requiring 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, requiring 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, requiring 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 recycled R-1 water use is economically feasible by water truck delivery to the construction site.

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

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 under section 14.06B.160.

**14.06B.070 Notice and publication of water shortage declaration.** A. A notice of water shortage declaration 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 water shortage declaration will be published at least seven calendar days before the water shortage declaration takes effect.

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

**14.06B.080 Effect of water shortage declaration on agricultural consumers.** A. If a water shortage is declared, 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.

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

C. All farming activities should use the following best management practices and tools to the extent practicable:

1. Water-efficient irrigation systems with sensors to monitor soil moisture, and controllers with regulators for water flow based on weather and irrigation data.
2. Drip irrigation emitters to control water flow rates.
3. Rainwater catchments to save limited water supplies.
4. Soil management that includes composting and mulching, cover crops, conservation tillage, and crop rotation.
5. Wash produce on-site and recapture used water with a water recycling system for reuse.
6. Choose sustainable crop varieties that have low water needs.

D. If the commission on water resource management declares a water shortage as set forth in section 174C-62, Hawai'i Revised Statutes, and imposes water restrictions on agricultural consumers, those restrictions will prevail over the provisions in subsections A through C.

**14.06B.090 Outdoor water use.** A. Watering or irrigating lawn, landscape, or other vegetated areas is prohibited between the hours of 9:00 a.m. and 5:00 p.m. regardless of whether a water shortage has been declared under section 14.060B.050.

B. When a water shortage declaration is not in effect, landscape irrigation is allowed for no more than three days per week in accordance with the following schedule:

1. Monday, Wednesday, and Friday for even-numbered residential addresses, except for multifamily units.
2. Tuesday, Thursday, and Saturday for odd-numbered residential addresses, except for multifamily units.



3. Wednesday, Friday, and Sunday for even-numbered non-residential establishments and multifamily units.

4. Monday, Thursday, and Saturday for odd-numbered non-residential establishments and multifamily units.

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

C. If a water shortage is declared under section 14.06B.050, landscape conditions set forth in section 14.06B.070 will apply.

D. Irrigation restrictions imposed under this section do not apply to the following:

1. When permitted to use recycled water, a user meets 100 percent of irrigation needs with any combination of recycled water, gray water, or rainwater catchment.

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

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

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

B. Water waste includes the following actions:

1. Applying water for landscaping, yard maintenance, or other outdoor uses in a manner that excess water overflows, pools, or sprays onto adjacent property or into a public thoroughfare.

2. Disregarding high-volume water loss by chronic wastefulness.

3. Failing to fix leaks in a reasonable amount of time.

C. 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, bubbler irrigation, 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 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.

D. Water waste does not apply to:

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

2. 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.

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

4. Water used for construction, repairs, or maintenance activities where water is applied using best management practices.

5. Water applied to abate spills of flammable or hazardous materials, or to mitigate health, safety, or accident hazards.

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

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

8. Persons who or properties which 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 the patron's request.

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 that use efficient water source heat pumps, heat recovery, and optimized air handling systems. These systems will utilize recycled water when economically and physically feasible.

D. As used in this section, “commercial establishments” means establishments used for a “commercial purpose” as defined in section 19.04.040.

**14.06B.120 New irrigation systems.** All commercial, hotel, multifamily residential, and public use developments must install water-efficient irrigation systems if they are:

A. Proposing new landscape irrigation;

B. Replacing existing irrigation systems; or

C. Requesting additional potable water service for landscape irrigation.

**14.06B.130 New landscape design projects.** A. All new commercial, hotel, multifamily residential, and public use development, and all commercial, hotel, multifamily 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 the use of 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 water-efficient landscapes and irrigation systems.

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

B. New hotels, motels, resorts, and other commercial lodging establishments must:

1. Make reasonable efforts to conserve water during operations and maintenance.

2. Install water recycling systems subject to State approval.

3. Install water-efficient air conditioning systems, laundry operations, and irrigation systems.

C. All new ornamental water features, such as ponds and fountains, in commercial, public, and multifamily dwelling common areas must:

1. Be free of water leaks.

2. Use a water recirculating system with optimally regulated water pumps.

3. Use recycled water when economically practicable.

**14.06B.150 Swimming pools.** A. Pool covers should be used to limit evaporation from swimming pools:

1. Under the control, management, and operation of the department of parks and recreation whenever pool covers provide for greater public safety.

2. For private swimming pools when not in use.

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

**14.06B.160 Violation; penalties.** A. Any consumer violating the schedules, restrictions, or measures established 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. A violation may be considered a new violation for each day the violation continues.

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

1. 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. 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, at the place, and 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 the violation continues, in the manner, and at the place specified in the order for ongoing violations.
  - e. The order will advise the person that the decision will become 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. The director may institute a civil action in a court of competent jurisdiction for the enforcement of an order issued under this section. Where a civil action has been instituted, the director or agency need only show that:
  - a. The notice of violation and the order were served.
  - b. A civil fine was imposed.
  - c. The amount of the civil fine imposed.
  - d. The fine imposed was not appealed in a timely manner or paid.
- C. A second violation of this chapter may result in the cessation of water service if the second violation was not appealed under chapter 14.11 or was sustained on appeal.
- D. A third violation of this chapter may result in the removal of the customer's water meter if the third violation was not appealed under chapter 14.11 or was sustained on appeal.
- E. A reinstatement fee of \$100 will be assessed against the owner of any water meter removed under this section and then reinstalled. If the reinstatement is requested within 36 months of removal of the water meter, the water system development fee will not be assessed against the owner. If the reinstatement 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.

F. Notwithstanding section 19.530.030, a violation of this chapter will be enforced under this section.

**14.06B.170 Reporting.** The director will provide an annual 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 report 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 chapter.

**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, resulting in a specific watering need 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 water-efficient 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 specified 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 the waiver.

C. Waivers are valid from the date of approval and may not be applied retroactively. Any fines for violations accruing before a conditional hardship waiver is granted 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 5. Section 18.08.080, Maui County Code, is amended to read 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. [Should] The statement must include landscape design, irrigation, and water conservation measures as required under chapter 14.06B. If a private water system [be] is 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] for the dedication[;].

F. Improvements to be made by the developer and the approximate time [such] the improvements [are to] will 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 6. 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 7. Chapter 14.06A, Maui County Code, is repealed.

SECTION 8. 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 9. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



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Department of the Corporation Counsel  
County of Maui

wai:misc:018abill01:cmn



## WAI Committee

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**From:** Caleb P. Rowe <Caleb.Rowe@co.maui.hi.us>  
**Sent:** Tuesday, December 9, 2025 10:37 AM  
**To:** WAI Committee  
**Cc:** Keone J. Hurdle; Carla M. Nakata  
**Subject:** WAI-18  
**Attachments:** WAI-18 2025-12-05 RAFL Hurdle CD1 version Bill 158 (2025).pdf

Please see attached