

REQUEST FOR LEGAL SERVICES

Date: July 2, 2021
From: Kelly Takaya King, Chair
Climate Action, Resilience, and Environment Committee

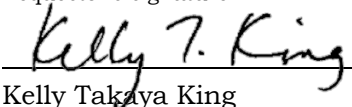
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Keola Whittaker, Esq.

Subject: PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS
(CARE-34)

Background Data: The CARE Committee recommended the attached bill pass first reading. Please correct the year and incorporate other nonsubstantive revisions. Please submit the response to care.committee@mauicounty.us with a reference to CARE-34.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Kelly Takaya King	Contact Person <u>Nicole Siegel or James B. Forrest</u> (Telephone Extension: <u>8008 or 7661, 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): July 14, 2021 at 4:30 p.m.
REASON: For posting on the July 23, 2021 Council meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

care:ltr:034acc01:nas

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE 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 disposable bodyboards, such as recyclable paper bags or reusable bags[.], and durable bodyboards.

20.18.020 Definitions.

“Business” means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legally cognizable entity, whether for profit or not for profit, [includes] including all employees of the business or any independent contractors associated with the business.

“Director” means the director of environmental management.

“Disposable bodyboard” means a bodyboard with a polystyrene foam core.

“Durable bodyboard” means a one-piece, compression-molded, high-density polyethylene or polypropylene bodyboard.

“Plastic bag” means a bag that is made from noncompostable plastic or compostable plastic, and is not specifically designed and manufactured for multiple re-use.

“Polystyrene foam” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by techniques including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam does not include clear or solid polystyrene (oriented polystyrene).

“Recyclable paper bag” means a paper bag that: (1) is one hundred percent recyclable, (2) contains a minimum of forty percent post-consumer recycled content, and (3) displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bags.

“Reusable bag” means a bag that is specifically designed and manufactured for multiple re-use and is (1) made of cloth or other washable fabric, or (2) made of durable material suitable for reuse.

20.18.030 Administration. [A. The director shall administer this chapter and shall adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes, within one hundred eighty days from the effective date of this ordinance. B.] On or before September 1 of each year, the director [shall] must submit to the council a report assessing the estimated increase in the number of [business customers] consumers using recyclable paper bags or reusable bags and durable bodyboards.

20.18.040 Plastic bag and disposable bodyboard restrictions. A. Businesses are prohibited from providing plastic 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

care:misc:034abil101:nas