

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING TITLE ~~19~~ 20, MAUI COUNTY CODE,
ESTABLISHING A MORATORIUM ON MINING, EXTRACTION, STOCKPILING,
OR EXCAVATION OF INLAND SAND

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

SECTION 1. The purpose of this ordinance is to authorize a temporary moratorium on the mining of inland sand to conduct further analysis and proper regulation of inland sand and to protect public health, safety, general welfare of Maui's environment and preserve, enhance and avoid the disturbance of Hawaiian historical, cultural or archaeological sites and unmarked human burial sites. The Maui Inland Sand Resource Quantification Study (2006) found the remaining inland sand inventory is limited at approximately 970,000 tons with a life of 7.5 years. Therefore, it is necessary to limit and regulate the taking of inland sand.

SECTION 2. ~~Section 19.040 Title 20 Environmental Protection~~, Maui County Code is amended by adding Chapter 20.39 to read as follows:

20.39 ESTABLISHING A MORATORIUM ON MINING, EXTRACTION, STOCKPILING, OR EXCAVATION OF INLAND SAND

~~"Resource extraction" means activities engaged in the exploration, mining and processing of natural deposits of rock, gravel, [sand] and topsoil."~~

SECTION 3. Section ~~19.040~~ 20.39.010, Maui County Code, ~~is amended by adding~~ adds a new definition section to be appropriately inserted and to read as follows:

RECEIVED AT LEM MEETING ON 07/17/17
Committee Chair

“Sand mining” means activities related to the extraction or removal of sand from its original natural location and transported, processed, stored, or used for any purpose.

SECTION 4. Chapter ~~19.04~~ 20.39.020, Maui County Code, is added ~~amended by adding Section 19.04.025~~ to read as follows:

19.04.025 20.39.020 Moratorium on Sand Mining. No individual or entity shall mine, extract, stockpile, or excavate inland sand in any district within the county. This section shall be repealed when the council receives an update to the Maui Inland Sand Resource Quantification Study (2006) and the council passes an ordinance regulating the mining, extracting, excavating, or stockpiling of inland sand, or two years after the effective date of this ordinance, whichever is sooner, unless reenacted as provided by law.

SECTION 5. 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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

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