

REQUEST FOR LEGAL SERVICES

Date: June 9, 2023
From: Gabe Johnson, Chair
Agriculture, Diversification, Environment, and Public Transportation
Committee

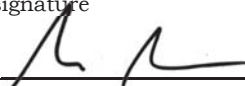
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Mimi Desjardins, Esq.

Subject: BILL 104 (2022), NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS (ADEPT-3)

Background Data: Please see attached bill. Please submit your response to adept.committee@mauicounty.us with a reference to ADEPT-3.

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

Requestor's signature  Gabe Johnson	Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</u>)
--	---

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): June 14, 2023, at 4:30 p.m.
REASON: For posting on June 23, 2023, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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)

adept:ltr:003acc01:jgk

Attachment

ORDINANCE NO. _____

BILL NO. 104, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.04.060, MAUI COUNTY CODE, RELATING TO NOTICE TO PROPERTY OWNERS AND LESSEES WHEN AN ACCOUNT IS IN ARREARS

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

SECTION 1. Section 14.04.060, Maui County Code, is amended to read as follows:

“14.04.060 Responsibility for equipment. A. At the consumer’s own risk and expense, the consumer [shall] must furnish, install, and keep in good, safe, and operating condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The department [shall] is not [be] responsible for any loss or damage caused by the improper installation of [such] the equipment, or the negligence, want of proper care, or wrongful act of the consumer or any of the consumer’s tenants, agents, employees, contractors, licensees, or assignees in installing, maintaining, using, operating, or interfering with [any such] the equipment.

B. Water service may be discontinued to any consumer whose water system includes plumbing fixtures or water containers in any form, or of any use which, as determined by the department, may endanger the public water supply from a public health standpoint. Any [such] discontinuation of service [shall] will continue until [such] the objectionable fixtures or uses have been corrected, removed, or discontinued, and the department is assured that the objectionable fixtures or uses will not be reinstalled or resumed.

C. If a water meter is being removed for any reason identified by the department, written notification must be provided to the property owner and any lessees at least sixty days before the meter is removed. After sixty days, the water meter may be removed by the department subject to the opportunity to appeal the removal to the board under chapter 14.11.”

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 on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

adept:misc:003abill01:jgk

INTRODUCED BY:



SHANE M. SINENCI