

COUNCIL OF THE COUNTY OF MAUI

# CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

July 23, 2021

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Climate Action, Resilience, and Environment Committee, having met on June 30, 2021, makes reference to County Communication 20-526, from Councilmember Tamara Paltin, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS."

The purposes of the proposed bill are to:

- preserve the health, safety, welfare, and scenic natural beauty of the County by regulating the sale and rental of disposable bodyboards; and
- encourage the use of environmentally preferred alternatives, such as durable bodyboards.

Your Committee notes that the Council's Environmental, Agricultural, and Cultural Preservation Committee (2019-2021 Council term) previously met on this matter on November 17, 2020.

Your Committee expressed support for the proposed bill.

Your Committee noted that disposable bodyboards are a source of litter on beaches. Further, they break easily, causing injury to the environment and potentially, the user.

Representatives from the Department of Environmental Management also expressed support for the proposed bill.

COUNCIL OF THE COUNTY OF MAUI

# CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

Page 2

**Committee Report No.** \_\_\_\_\_

Your Committee agreed that regulation of disposable bodyboards would be an effective way to prevent them from being sold in the County.

Your Committee considered referencing “boogie boards,” a commonly used term for bodyboards, in the proposed bill. However, the Department of the Corporation Counsel advised against using a trademarked name.

Your Committee notes the proposed bill furthers an element of the Maui County General Plan 2030, adopted in March 2010, relating to “A. Protect the Natural Environment.”

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair King, Vice-Chair Sinenci, and members Johnson, Lee, Molina, Paltin, and Sugimura voted “aye.”

Your Committee is in receipt of a revised proposed bill, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS,” approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Climate Action, Resilience, and Environment Committee RECOMMENDS the following:

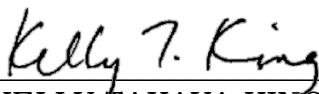
1. That Bill \_\_\_\_\_ (2021), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS,” be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-526 be FILED.

COUNCIL OF THE COUNTY OF MAUI  
**CLIMATE ACTION, RESILIENCE, AND  
ENVIRONMENT COMMITTEE**

Page 3

**Committee  
Report No.** \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
KELLYTAKAYA KING, Chair

care:cr:21034aa:nas

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

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING  
CHAPTER 20.18, MAUI COUNTY CODE, 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] 40 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

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2021-07-07 Ord Amd Ch 20.18.docx