

# REQUEST FOR LEGAL SERVICES

**Date:** February 9, 2022  
**From:** Kelly Takaya King, Chair  
Climate Action, Resilience and Environment Committee

TRANSMITTAL

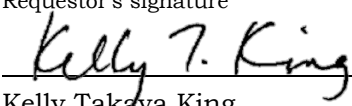
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Keola Whittaker, Esq.

**Subject:** **BILL 21, CD 1 (2022)** (CARE-74)

**Background Data:** Please see attached bill. Please submit the response to care.committee@mauicounty.us with a reference to CARE-74.

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

☐ OTHER:

Requestor's signature  Kelly Takaya King	Contact Person <u>Lesley Milner or James B. Forrest</u> (Telephone Extension: <u>7886 or 7137, 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): February 15, 2022  
REASON: For posting on the February 23, 2022, CARE Committee 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:074acc01:brs

Attachment

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

BILL NO. 21, CD 1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS

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

SECTION 1. The purpose of this Ordinance is to protect native Hawaiian seabirds from becoming disoriented by artificial lights during their maiden flights from their burrows out to sea. This is often referred to as “fallout” and leaves the birds at risk of predation by cats, mongoose, and other predators; vehicle collisions; and starvation.

Hawaiian seabirds are an important part of Hawaiian history and were traditionally used by navigators to find their way back home to their islands. They also help our fishermen locate schools of ahi and are critical to our watersheds by helping to fertilize the soils with marine nutrients in their droppings.

The Council’s intent is to protect native Hawaiian seabirds as much as possible from interference of onshore sources of man-made light.

SECTION 2. Section 20.35.060, Maui County Code, is amended to read as follows:

**“20.35.060 General Requirements.** A. All new outdoor lighting fixtures [shall] must comply with the requirements of section 20.35.090.

B. All outdoor lighting fixtures that were legally installed before January 25, 2007, [shall] must comply with section 20.35.090 [by January 1, 2020]; except class III lighting fixtures that were legally installed before January 25, 2007, [shall be] are exempt from section 20.35.090.

C. Mercury vapor [shall] must not be used for new outdoor lighting fixtures or for the replacement of existing outdoor lighting fixtures. All existing mercury vapor outdoor lighting fixtures [shall] must be removed [within ten years of the enactment of this ordinance.] by January 25, 2017.

D. Wherever possible, all outdoor lighting fixtures installed after enactment of the ordinance establishing this subsection, including swimming and decorative pool lighting, must be filtered light emitting diode fixtures that limit short wavelength content to <5% wavelengths <550nm.

E. All outdoor lighting fixtures must be:

1. Down directed with no light shining above the horizontal. Wall-mounted fixtures must have opaque shields to direct all light down, and wall surfaces must be non-reflective.

2. Fully shielded, including shielding that ensures no light shines over the ocean.

3. Mounted as low as physically possible to limit light trespass and reflection off ground surfaces. Fixtures must not have bulbs visible from above.

F. Swimming-pool lighting must be operated by motion detectors to activate when people approach and deactivate five minutes after people depart."

SECTION 3. Section 20.35.080, Maui County Code, is amended to replace all references to Chapter 16.18A with Chapter 16.18B.

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

care:misc:074abill01:ljcm

INTRODUCED BY:

Kelly T. King