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March 16, 2022 Committee meeting

OFFICE OF THE
COUNTY CLERK

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE
Amendment Summary Form

Legislation: Bill 21 (2022) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS".

Proposer: Kelly Takaya King, Chair *Kelly T. King*
Climate Action, Resilience, and Environment Committee

Description: Amend the bill to:

- Clarify the short wavelength content limits;
- Clarify when surfaces must be non-reflective;
- Clarify mounting height;
- Clarify above water swimming and decorative pool lighting;
- Remove proposed Maui County Code Section 20.35.060(F);
- Remove the existing SECTION 3 in its entirety and insert a new SECTION 3, clarifying that Hawaii Department of Education lighting for sports and athletic fields is exempt from Chapter 20.35 requirements; and
- Add a new SECTION 4, amending Section 20.35.090, Maui County Code, to require all lights to be fully shielded, except for neon.

Motion: Chair will entertain a motion to amend various proposed provisions of proposed Maui County Code Section 20.35.060 as follows:

1. In Subsection (D):
 - a. Strike "Wherever possible,";
 - b. Replace "<5% wavelengths <550nm." with "no more than 5 percent of visible emissions less than 550nm."
2. In Subsection (D), add "above water" after "including."

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3. In the first sentence of Subsection (E), insert “, except for neon,” after the word “fixtures”;
4. In Subsection (E)(1), strike “wall surfaces” and insert “, if the light hits a wall surface, the surface”;
5. In Subsection (E)(2), strike “as low as physically possible” and insert “as low as possible while still complying with existing lighting and safety standards”;
6. Strike Subsection (F) in its entirety.

and, further, to amend the bill by removing the existing SECTION 3 in its entirety and adding a new SECTION 3. The new SECTION 3 will read as follows:

SECTION 3. Section 20.35.070, Maui County Code, is amended to read as follows:

“20.35.070 Exceptions. The following [shall be] are exempt from the provisions of this chapter:

- A. All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline[;].
- B. Low wattage fixtures used for holiday decorations only[;].
- C. Temporary lighting used for public safety, road construction or emergency repair, field harvesting, and road crossing[;].
- D. Temporary hotel and condominium beach security lighting[;].
- E. Safety and security lighting for water features, except that water feature lighting such as for waterfalls, jet sprays, and bubblers [shall be] are subject to the usage restrictions of section 20.35.090[;].
- F. Replacement of outdoor lighting fixtures legally installed before the enactment of this ordinance with the same or like fixtures; provided, that such lighting fixtures [shall be]

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are subject to sections 20.35.060.B and 20.35.060.C[;].

G. Outdoor lighting fixtures on a motion sensor timed to turn off within a five-minute time limit[;].

H. Lighting on federal and State properties and on areas under the jurisdiction of the federal and State government, including[, but not limited to,] Hawaii Department of Education lighting for sports and athletic fields, Hawaiian home lands, State conservation districts, airports, and harbors.

and, further, to amend the bill by adding a new SECTION 4 and renumbering the following sections. The new SECTION 4 will read as follows:

SECTION 4. Section 20.35.090, Maui County Code, is amended to read as follows:

“20.35.090 Shielding requirements and usage restrictions. Outdoor lighting fixtures [shall] must conform to the following shielding requirements and usage restrictions:

Lamp Type	Shielding Requirement	Usage Restrictions
Class I		
Augmented monochromatic	Fully shielded	None
Low pressure sodium	Fully shielded	None

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Metal halide	[Partially] <u>Fully</u> shielded	Off from 11:00 p.m. to sunrise*
All others	Fully shielded	None
Class II		
Augmented monochromatic	Fully shielded	None
Low pressure sodium	Fully shielded	None
All others (existing)	Fully shielded	None
All others (new)	Fully shielded	None
Class III		
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Neon	None	Off from 11:00 p.m. to sunrise*
Others	Fully shielded	None
Others	[Partially] <u>Fully</u> shielded	Off from 11:00 p.m. to sunrise*

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Class IV		
Existing	Fully shielded	None
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Others	Fully shielded	None

*These lights may be used between 11:00 p.m. and sunrise if business or recreational activities are taking place, but [shall] must be turned off no later than one hour after conclusion of activities.”

Attachment: Proposed CD1 version of Bill 21 (2022), incorporating amendments referenced above.

care:misc:074aasf03:jbf

ORDINANCE NO. _____

BILL NO. 21, CD1 (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 artificial 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. All outdoor lighting fixtures installed after enactment of the ordinance establishing this subsection, including above water swimming and decorative pool lighting, must be filtered light emitting diode fixtures that limit short wavelength content to no more than 5 percent of visible emissions less than 550nm.

E. All outdoor lighting fixtures, except for neon, 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, if the light hits a wall surface, the surface must be non-reflective.

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

3. Mounted as low as possible while still complying with existing lighting and safety standards to limit light trespass and reflection off ground surfaces. Fixtures must not have bulbs visible from above."

SECTION 3. Section 20.35.070, Maui County Code, is amended to read as follows:

"20.35.070 Exceptions. The following [shall be] are exempt from the provisions of this chapter:

A. All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline[;].

B. Low wattage fixtures used for holiday decorations only[;].

C. Temporary lighting used for public safety, road construction or emergency repair, field harvesting, and road crossing[;].

D. Temporary hotel and condominium beach security lighting[;].

E. Safety and security lighting for water features, except that water feature lighting such as for waterfalls, jet sprays, and bubblers [shall be] are subject to the usage restrictions of section 20.35.090[;].

F. Replacement of outdoor lighting fixtures legally installed before the enactment of this ordinance with the same or

like fixtures; provided, that such lighting fixtures [shall be] are subject to sections 20.35.060.B and 20.35.060.C[;].

G. Outdoor lighting fixtures on a motion sensor timed to turn off within a five-minute time limit[;].

H. Lighting on federal and State properties and on areas under the jurisdiction of the federal and State government, including[, but not limited to,] Hawaii Department of Education lighting for sports and athletic fields, Hawaiian home lands, State conservation districts, airports, and harbors.

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Others	[Partially] <u>Fully</u> shielded	Off from 11:00 p.m. to sunrise*
Class IV		
Existing	Fully shielded	None
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Others	Fully shielded	None

*These lights may be used between 11:00 p.m. and sunrise if business or recreational activities are taking place, but ~~[shall]~~ must be turned off no later than one hour after conclusion of activities.”

SECTION 5. 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 6. This Ordinance takes effect on approval.

INTRODUCED BY:

Kelly T. King