ORDINANCE NO. _____

BILL NO. 109 (2025)

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

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

SECTION 1. The purpose of this Ordinance is to minimize streetlight emissions using practical and appropriate approaches that promote public safety, security, crime prevention, and quality of life to Maui County's residents, visitors, pedestrians, riders, and motorists which streetlighting must support. At the same time, this Ordinance recognizes the benefits to the environment and wildlife by minimizing the overall emissions of all outdoor artificial light sources constituted by the growing urban, suburban, commercial, industrial, hotel and resort, and architecturally developed human geographies on the islands of Maui, Molokai, and Lana'i.

SECTION 2. Section 20.35.030, Maui County Code, is amended to read as follows:

> "**20.35.030. Administration** This chapter [shall] will be administered and enforced by the department of public works [and environmental management]."

SECTION 3. Section 20.35.040, Maui County Code, is amended to read as follows:

> "**20.35.040 Definitions.** For purposes of this chapter, unless it is plainly evident from the context that a different meaning is

intended, certain words and phrases used in this chapter are defined as follows:

[“Augmented monochromatic lighting” means a lighting system designed in conformance with lighting standards adopted by the Illuminating Engineering Society of North America, such that at least 90 percent of the total lumens emitted are produced by low pressure sodium lamps, and no more than 10 percent of the total lumens emitted are produced from lamps that emit light across a broad portion of the light spectrum.

“Class I lighting” means outdoor lighting used for outdoor sales areas, service stations, outdoor eating areas, outdoor assembly or repair areas, and recreational facilities.

“Class II lighting” means all outdoor lighting used for, but not limited to, illumination for equipment yards, parking lots, outdoor security, and other similar applications in which general illumination of the ground is the primary concern.

“Class III lighting” means any outdoor lighting used for decorative effects, including but not limited to, waterfall and pond lighting, landscaping, and walkways.

“Class IV lighting” means all lighting used for the illumination of roadways.

“Committee” means the Maui County outdoor lighting standards committee.]

“Color Rendering Index” or “CRI” measures how well a light source accurately renders colors and is an assessment of how the light source shows object colors naturally when compared to a familiar basis of reference, such as incandescent light or daylight.

“Correlated Color Temperature” or “CCT” means a measurement of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins (K). CCT values are typically provided on light manufacturer packing, specifications, and/or data sheets.

“Director” means the director of public works [and environmental management] of the County of Maui or the director's duly authorized representative.

"Fully shielded" means the outdoor lighting fixture is constructed so [that] all of the light emitted by the fixture is projected downward below the horizontal plane of the lowest point of the fixture.

"Glare" means a visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

[("High pressure sodium" or "HPS" means a bulb that is filled with high pressure sodium vapor and emits light across a broad portion of the light spectrum.]

"Kelvin" means the measure of the correlated color temperature of a light source.

"Light source" means the initial source of the light, a bare bulb.

"Light spectrum" means the band of electromagnetic radiation [(light)] — light — that is visible to the human eye.

[("Lighting system" means a project's outdoor lighting plan for class II uses.

"Low pressure sodium" or "LPS" means a bulb that is filled with low pressure sodium vapor and emits light across a narrow portion of the light spectrum.]

"Lumen" means the unit of light emission from a light source.

"Mercury vapor" means any lamp containing mercury in a fused quartz tube which emits light across a broad portion of the light spectrum.

[("Metal halide" means a lamp containing metal halide additives in addition to mercury vapor and emits light across a broad portion of the light spectrum.]

"Outdoor lighting fixture" means any artificial outdoor lighting device, permanently installed or portable, that is intended to provide illumination for visibility or decorative effects.

[("Partially shielded" means the outdoor lighting fixture is constructed so that at least 90 per cent of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.

"Security lighting" means any outdoor artificial lighting device that is intended to discourage or prevent crime.]

"Traffic color compliant" means the 1931 CIE x y color coordinates of the outdoor light fixture is outside of any of the traffic signal color boxes as defined by ITE ST-052 500/AGS-PM/1105."

SECTION 4. Section 20.35.060, Maui County Code, is amended to read as follows:

"**20.35.060 General Requirements.** A. All [new] outdoor lighting fixtures must [comply with the requirements of section 20.35.090.] be fully shielded, except all outdoor lighting fixtures installed after January 1, 2026, must comply with this chapter.

B. [All outdoor lighting fixtures that were legally installed before January 25, 2007, shall comply with section 20.35.090.] All outdoor lighting fixtures used for the illumination of highways and roadways must have a color rendering index no less than 70 percent and a correlated color temperature not greater than 3,000 Kelvin.

C. Mercury vapor 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 must be removed by January 25, 2017.]

D. All outdoor lighting fixtures, except for neon, must limit short wavelength content to no more than [2] two percent of blue light content. "Blue light content" means the ratio of the amount of energy emitted by the outdoor light fixture, between [four hundred] 400 and [five hundred] 500 nanometers, divided by the amount of energy, between [four hundred] 400 and [seven hundred] 700 nanometers.

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 (e.g., not a polished or glass surface; painted surfaces must have matte paint).] Not be aimed against a structure to cause glare visible from any abutting property.

2. [Fully shielded, including shielding that ensures no light shines over the ocean.] Not be aimed upward towards the sky, or directed at the ocean, or any abutting property.

3. [The director of public works must adopt administrative rules that sets height restrictions for outdoor lighting within one year of the effective date of the ordinance

establishing this section.] Have a height, as determined by the director, that is minimized to the extent possible.

4. [Traffic color compliant. "Traffic color compliant" means the 1931 CIE x y color coordinates of the outdoor light fixture is outside of any of the traffic signal color boxes as defined by ITE ST-052 500/AGS-PM/1105.] Be traffic color compliant.

F. The director of public works [must establish and maintain a list of light fixtures that comply with this chapter.] may adopt rules to implement this chapter."

SECTION 5. Section 20.35.070, Maui County Code, is amended to read as follows:

"**20.35.070 Exemptions.** A. The following outdoor lighting fixtures are exempt from the provisions of this chapter:

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

2. Low wattage fixtures under 2.8 watts and string lights using bulbs less than [fifty] 50 lumens used for holiday decorations and cultural festivals, including Obon festivals, and fully shielded string lights [under 2.8 watts] using bulbs less than [fifty] 50 lumens.

3. Non-oceanfront private single-family, duplex, triplex, and four-plex residential incandescent light fixtures that are fully shielded or have a lumen output of less than [eight thousand one hundred] 8,100 lumens for each acre of property that is intended to be illuminated. Lighting for affordable housing projects that have already been approved by the council and for future affordable housing projects for only as long as there are no compliant lighting fixtures available at comparable cost to non-compliant lighting fixtures.

4. Lighting for night sporting events and permitted special events on State department of education properties, private school properties, nonprofit organization properties, and County parks and facilities. Lighting for night sporting events and permitted special events on private property, except for hotels and other transient accommodations, but not for private property in the sea level rise exposure area during the months of May to December.

5. Aviation obstruction lighting used to enhance the visibility of structures of fixed obstacles that may conflict with the safe navigation of aircraft.

6. Temporary, portable lighting used [for emergency services including public safety, road construction or emergency repair, and road crossing.] by emergency services personnel.

7. Temporary lighting used for the repair or construction of roads, utilities, and other public infrastructure.

8. Lighting used for the illumination of highways and roadways, provided that the exemption is only from subsection 20.35.060(D).

B. All outdoor lighting fixtures legally installed or used as portable lighting prior to the enactment of the ordinance establishing subsections 20.30.060(D) and (E) are exempt from the provisions of those subsections for three years from the date of enactment of the [ordinance; except that temporary, portable lighting used for County or state construction projects remain exempt from this chapter beyond the three-year period if, and for only as long as, there are no compliant lighting fixtures available that meet industry standards for construction projects.] ordinance."

SECTION 6. Section 20.35.090, Maui County Code, is repealed in its entirety.

SECTION 7. 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 8. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
LF2025-0882

INTRODUCED BY:

Yuki Lei Sugimura

YUKI LEI K. SUGIMURA