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Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 4, 2016

OFFICE OF THE  
COUNTY CLERK

2016 OCT -6 AM 9:37

RECEIVED

Mr. Danny A. Mateo, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Mateo:

**SUBJECT: AMENDING SECTION 14.13.065, MAUI  
COUNTY CODE, RELATING TO EXEMPTION  
FROM FIRE PROTECTION MAINLINE  
INFRASTRUCTURE IMPROVEMENTS FOR  
THE UPCOUNTRY WATER SYSTEM**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.065, MAUI COUNTY CODE, RELATING TO EXEMPTION FROM FIRE PROTECTION MAINLINE INFRASTRUCTURE IMPROVEMENTS FOR THE UPCOUNTRY WATER SYSTEM," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike White".

MIKE WHITE  
Council Chair

paf:ske:16-135b

Attachment

cc: Mayor Alan M. Arakawa  
Director of Water Supply

COUNTY COMMUNICATION NO. 16-249

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

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.065,  
MAUI COUNTY CODE, RELATING TO EXEMPTION FROM FIRE PROTECTION  
MAINLINE INFRASTRUCTURE IMPROVEMENTS FOR THE UPCOUNTRY  
WATER SYSTEM

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

SECTION 1. Section 14.13.065, Maui County Code, is amended to read  
as follows:

**“14.13.065 - Exemption from fire protection mainline infrastructure improvements.** A. An applicant on the priority list whose application is being processed because additional source has become available and whose premises directly front the department’s existing water system, determined adequate by the department to supply potable domestic and irrigation water demand to the said premises, shall not be required to make further infrastructure mainline improvements for fire protection, [provided that] subject to the following:

1. In the case of a subdivision application, the subdivision is for [only two] three lots or fewer, or is amended to a subdivision for [two] three lots or fewer, and all structures on each lot shall be used for residential and associated purposes.

2. In the case of a family subdivision created pursuant to sections 14.05.180 and 18.20.280 of this code, the subdivision shall be a subdivision for [only two] three lots or fewer, is amended to a subdivision for [two] three lots or fewer, or is consolidated and resubdivided into a subdivision for [two] three lots or fewer, and all structures on each lot shall be used for residential and associated purposes.

3. In the case of a single water service request, the request may not be revised to a [two-lot] three-lot subdivision or otherwise revised, and all structures on the lot shall be used for residential and associated purposes.

4. The exemption from review for fire protection for the first and second dwelling unit as provided in section 14.04.020(A) of this code shall not apply to premises that receive water service pursuant to this section. The requirements for adequate fire protection for building permit applications for residential dwelling units and associated structures permitted in any zoning district listed in title 19 of this code, shall be reviewed, administered, and issued by the department of fire and public safety in accordance with section 16.04C.460 of this code; however, the exceptions contained in section 16.04C.460 shall not apply.

5. The requirements of section 16.04C.470 (subsection 18.4.6) of this code shall not apply to subdivisions that receive water service pursuant to this section.

6. This exemption from making further infrastructure mainline improvements for fire protection shall not apply to any further subdivision of any resulting parcels, and any such subdivision shall be subject to the requirements of section 14.05.090 of this code; [provided, however,] except that in the case of subsequent development consisting of the construction of a building or group of buildings on a single lot, which will contain, result, or be divided into four or more dwelling units, the requirements for adequate fire protection shall be reviewed, administered, and issued by the department of fire and public safety.

7. No remote meters shall be permitted.

8. The owner of the lot or lots shall enter into an agreement with the County, whereby the lot owner agrees to all of the following:

a. To accept such water service as the department is able to render from its existing facilities and to execute a written release in favor of the County for all claims on account of any inadequacy in the County's system or inadequacy of water supply to the premises for fire protection.

b. That further subdivision or requests for building permits may require the installation of water system improvements, such as water mains for potable domestic, irrigation, and fire protection water demand and fire hydrants for fire protection.

c. That the agreement shall be recorded with the bureau of conveyances or the land court of the State, shall run with the land, and, unless released or cancelled by the County, shall bind the owner of the lot or lots and bind and constitute notice to all

subsequent grantees, successors, assignees, mortgagees, lienors, and other persons claiming any interest in the lot or lots.

B. The provisions of this section shall apply to applicants

on the priority list as of January 1, 2013. Applicants offered water service by the department after January 1, 2013, but who declined such offer may be eligible to be placed back on the priority list at their prior placement[, provided, that] if the application complies with subsection 14.13.065(A)(1), 14.13.065(A)(2), or 14.13.065(A)(3). Such [applicant] applicants shall be notified of their eligibility in writing by certified mail, return receipt requested, at the premises address listed with the County of Maui, department of finance, real property assessment division. The applicant shall be given sixty days from the date the certified mail was received by the applicant to complete and deliver to the department an application for water service or to reserve an allocation of water service in accordance with the department's established rules, regulations, and procedures. Failure to respond within sixty days or the return of an unsigned return receipt will be treated as a refusal of water service."

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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:ske:16-135a