DRAFT

ORDINANCE NO. _____

BILL NO. _____ (2008)

A BILL FOR AN ORDINANCE ESTABLISHING AN OUTDOOR IRRIGATION AND WATER USE SCHEDULE

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

SECTION 1. Section 14.01.040, Maui County Code, is amended by amending and adding new definitions to be appropriately inserted and to read as follows:

> ""Address" means the house number (a numeric or alphanumeric designation) that, together with the street name, describes a physical location of a specific property.
>
> "Drip irrigation" means low-pressure, low-volume irrigation applied slowly, near or at ground level, to minimize runoff and loss to evaporation.
>
> "Even-numbered address" means an address ending with the number 0, 2, 4, 6, 8, or no number.
>
> "Irrigation" means the use of water for grazing, [and]agricultural, and landscaping purposes.
>
> "Odd-numbered address" means an address ending with the number 1, 3, 5, 7, or 9.
>
> "Reclaimed water" means the same as defined in section 20.30.030 of this code."

SECTION 2. Chapter 14.03, Maui County Code, is amended by adding a new section to read as follows:

> **"14.03.030 Outdoor irrigation and water use**. A. The following restrictions shall apply to all sources of potable and non-potable water, including private wells and surface water. All irrigating shall be restricted to the hours between 6 p.m. and 9 a.m. Addresses ending in even numbers shall irrigate only on Tuesdays, Thursdays, and Saturdays. Addresses ending in odd numbers shall irrigate only on Sundays, Wednesdays, and Fridays. Common areas with no addresses shall be irrigated on Mondays, Wednesdays, and Saturdays. Large landscaped areas that must be irrigated in rotated zones, shall irrigate some zones

on Tuesdays, Thursdays, and Saturdays, and remaining zones on Sundays, Wednesdays, and Fridays.

B. Water runoff onto streets, sidewalks and gutters shall be prohibited.

C. The above restrictions shall not apply to:

1. Any irrigation using hand-held hoses equipped with automatic shut-off nozzles;

2. Drip irrigation systems;

3. Irrigation by commercial or private nurseries or farms qualifying for agricultural rates;

4. Irrigation of personal food gardens;

5. Installation, repairs, or maintenance of new or existing irrigation systems;

6. Irrigation between the hours of 6:00 p.m. and 9:00 a.m. using 100 percent reclaimed water; or

7. Irrigation of golf courses between the hours of 6:00 p.m. and 9:00 a.m..

8. Newly installed landscapes, which may be watered on a daily basis for up to 90 days from the date of installation to establish plantings.

9. Athletic playing fields, which may irrigate four days per week between the hours of 6:00 p.m. and 9:00 a.m. to maintain playing condition of fields.

10. Manual car and boat washing which use hand-held hoses equipped with automatic shut-off nozzles.

D. Persons with extraordinary irrigation circumstances may request an exception to the watering schedule from the director.

E. The department shall develop an education program to implement this section.

F. The provisions of this section shall be reviewed for effectiveness by the department and the County Council after one year of its enactment.

14.03.035. Enforcement. A. Any person violating any of the provisions of Section 14.03.030 above, shall be served with a notice of violation and order, and shall be subject to a fine of not more than five hundred dollars for each violation. In addition, if such person is a consumer of the County water system, water service to such consumer's premises may be subject to suspension or termination, which may include the removal of water meters, and such service shall not be resumed or reinstated until all associated water charges due and owing, together with any and all costs and expenses incurred by the department due to such violation, have been paid in full.

B. If the director determines that a violation of any of the provisions of this section has occurred, the director may have the person served by mail or personal delivery with a notice of violation and order pursuant to this section and such administrative rules as the director may adopt.

C. Contents of the notice of violation:

1. Date of notice;

2. The name and address of the person noticed;

3. The nature of the violation and the specific section number violated; and

4. The location, time, and date of the violation.

D. Contents of the order.

1. The order may require the person to do any or all of the following:

a. Cease and desist from the violation;

b. Correct the violation at the person's own expense before a date specified in the order;

c. Pay a civil fine not to exceed five hundred dollars for each violation in the manner, at the place, and before the date specified in the order; and

d. Pay a civil fine not to exceed five hundred dollars per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

2. The order shall advise the person that the order shall become final thirty days after the date of its delivery. The order shall also advise that the director's action may be appealed to the board; however, any appeal to the board shall not stay any provision of the order. It is specifically the intent that any appeal of the director's decision under this section shall be heard by the board in accordance with the provisions of Chapter 14.11 of this code, and not by the Board of Variances and Appeals pursuant to Section 19.530.030(C) of this code.

3. Judicial enforcement of order. The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner nor paid."

SECTION 3. This ordinance shall take effect thirty days after its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel
County of Maui

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