

ORDINANCE NO. 2066

BILL NO. 93 (1991)  
Draft 1

A BILL FOR AN ORDINANCE PERTAINING TO  
THE USE OF POTABLE WATER FOR GOLF COURSES

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

SECTION 1. Title 20 of the Maui County Code is amended by adding thereto a new chapter to be designated and to read as follows:

"Chapter 20.24

RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES

Sections:

- 20.24.010 Purpose.
- 20.24.020 Definitions.
- 20.24.030 Restrictions.
- 20.24.040 Severability.

20.24.010 Purpose. The council finds that potable water must be limited to personal use in homes and businesses. The county must be assured that an adequate supply of such water will be available for current and future needs.

A golf course can use as much as one million gallons of water per day for irrigation and other non-domestic purposes and it is inappropriate to use potable water for such a purpose. The purpose of this ordinance is to prevent the use of potable water for irrigation and other non-domestic purposes at golf courses by restricting the approval of any permit necessary for golf course construction, if that golf course cannot show that it will use a non-potable source of water.

20.24.020 Definitions. For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms and words are defined as follows:

"Building" shall have the same meaning as defined in the uniform building code as adopted, amended or replaced by the county.

"Grading" shall have the same meaning as defined in chapter 20.08 of the Maui county code.

"Grubbing" shall have the same meaning as defined in chapter 20.08 of the Maui county code.

"New golf course" means all golf courses which are not in operation prior to the effective date of this ordinance and whose development requires approval of a community plan amendment and rezoning of the golf course properties by the county council after the effective date of this ordinance.

"Non-domestic use" means water used for purposes other than drinking, bathing, heating, cooking and sanitation.

"Permit" means the official document or certificate issued by the county authorizing the grading or grubbing of a parcel or the construction of any building or structure.

"Potable water" means surface water which has been treated and satisfies standards set forth in chapter 20 of the state department of health rules entitled "potable water systems" and maximum contaminant level goals and national secondary drinking water contaminants set forth in 40 C.F.R. section 141 and 143 (1990), and ground-water extracted at an acceptable rate and containing less than 250 milligrams per liter (mg/l) chlorides and which can be disinfected to satisfy standards set forth in the department of health rules chapter 20 entitled "potable water systems" and maximum contaminant level goals and national secondary drinking water contaminants set forth in 40 C.F.R. section 141 and 143 (1990).

"Reclaimed water" means effluent resulting from the treatment of sewage which has been disinfected and determined by the Department of Health to be appropriate for irrigation and non-domestic usage.

"Structure" shall have the same meaning as defined in title 18 of the Maui county code, the subdivision ordinance.

20.24.030 Restrictions on the approval of permits. A. Prior to approval of any permit for any new golf course, the permit application shall be transmitted to the department of water supply for its review and recommendations. The department shall consider whether potable water will be used for irrigation and other non-domestic purposes.

B. No permits shall be approved for any new golf course if potable water is to be used for irrigation

and other non-domestic purposes.


C. If the state commission on water resource management designates a water management area pursuant to chapter 174C, Hawaii revised statutes, withdrawals or diversions shall be pursuant to that chapter.

D. This ordinance shall not be construed to prevent the use of reclaimed water for irrigation and other non-domestic purposes.

20.24.040 Severability. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable."

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

  
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HOWARD M. FUKUSHIMA  
Deputy Corporation Counsel  
COUNTY OF MAUI  
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WE HEREBY CERTIFY that the foregoing BILL NO. 93 (1991 ), Draft 1

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 6th day of December, 1991, by the following votes:


Howard S. KIHUNE Chair	Patrick S. KAWANO Vice-Chair	Vince G. BAGOYO, Jr.	Goro HOKAMA	Alice L. LEE	Ricardo MEDINA	Wayne K. NISHIKI	Joe S. TANAKA	Leinaala TERUYA DRUMMOND
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 6th day of December, 1991.

DATED AT WAILUKU, MAUI, HAWAII, this 6th day of December, 1991.

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1991 DEC -6 PM 3:02  
OFFICE OF THE MAYOR


  
HOWARD S. KIHUNE, CHAIR  
Council of the County of Maui

  
DARYL T. YAMAMOTO, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 17 DAY OF DECEMBER, 1991.

  
LINDA CROCKETT LINGLE, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2066 of the County of Maui, State of Hawaii.

  
DARYL T. YAMAMOTO, COUNTY CLERK  
County of Maui

Passed First Reading on November 1, 1991.  
Effective date of Ordinance December 17, 1991.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2066, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

RECEIVED  
DEC 17 1991  
OFFICE OF THE  
COUNTY CLERK

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County Clerk, County of Maui