

## **CHAPTER 29**

### **WATER USE AND DEVELOPMENT**

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**CHAPTER 29****WATER USE AND DEVELOPMENT****Article 1. Water Use and Development Plan.****Section 29-1. Purpose.**

The State water code, chapter 174C, Hawai'i Revised Statutes, mandates the preparation and adoption of a water use and development plan by each County for incorporation into the Hawai'i water plan. The contents of the County water use and development plan are dictated by chapter 174C. The purpose of this chapter is to comply with the dictates of chapter 174C and adopt the water use and development plan.

(1990, ord 90-60, sec 1; am 2011, ord 11-7, sec 3.)

**Section 29-2. Adoption of the Hawai'i County water use and development plan.**

The Hawai'i County water use and development plan of August 2010, incorporated herein by reference, is hereby adopted, and any revision, amendment, or modification of the same, pursuant to section 29-3, shall be deemed a part of the plan without further adoption or amendment to this chapter and shall be incorporated into this chapter by reference.

(1990, ord 90-60, sec 1; am 2011, ord 11-7, sec 3.)

**Section 29-3. Amendments.**

The department of water supply, acting through its water board, shall have the authority to propose amendments to the water use and development plan. The water board shall hold one public hearing in East Hawai'i and one public hearing in West Hawai'i on all proposed amendments. The water board shall transmit the proposed amendments to the council for approval. Within ninety days of receipt of a proposed amendment, the council shall act upon the amendment. If the council fails to act within the ninety days, the amendment shall be deemed approved.

(1990, ord 90-60, sec 1; am 2011, ord 11-7, sec 3.)

**Section 29-4. Plan review.**

The Hawai'i County water use and development plan shall be reviewed as required by the State water code, chapter 174C, Hawai'i Revised Statutes.

(1990, ord 90-60, sec 1; am 2011, ord 11-7, sec 3.)

**Article 2. Public Water Spigots.****Section 29-5. Authority; Applicability; Use of Public Water Spigots.**

- (a) Public water spigot areas and water spigots shall be maintained by the department of public works.
- (b) Public water spigots may be used by the public to obtain potable water, subject to the provisions of this section. This section shall not apply to any commercial water filling stations operated by the department of water supply.
- (c) Public water spigot areas shall be for the loading of water only. All other use and activity shall be strictly prohibited.
- (d) Use of public water spigots shall be limited to the maximum legal weight capacity of the transporting vehicle. At least one public water spigot at each public water spigot area shall be reserved for users drawing fifty-five gallons of water or less.
- (e) The civil defense agency shall have jurisdiction over public water spigots in the event of impending or declared disaster, and may restrict access as conditions allow. The civil defense agency may authorize any agency or individual to control public water spigots. The civil defense agency shall determine when the need for emergency access to water has subsided to the degree that any restrictions placed on access to public water spigots are thus rescinded and shall provide notification to the public of such rescission.

(2010, ord 10-62, sec 4.)

**Section 29-6. Penalty.**

Any person convicted of any offense under this article shall be sentenced to pay a fine not to exceed \$500.

(2010, ord 10-62, sec 4.)