

RULES AND REGULATIONS
of the Board of Water Supply
Covering Water and Water System
Requirements for Subdivisions in the
City of Honolulu
Honolulu, Hawaii

BOARD OF WATER SUPPLY
City and County of Honolulu

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City and County of Honolulu

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HONOLULU, HAWAII • NOVEMBER 1, 1949

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AUTHORITY. Pursuant to the authority conferred by Act 222 Session Laws of Hawaii 1949, the following Rules and Regulations are hereby established and shall apply to all subdivisions or parts of subdivisions of land hereafter made within the City of Honolulu as to requirements for water mains to and within such subdivisions, including, but not limited to, requirements for service laterals, fire hydrants, pumps, storage facilities and their appurtenances, and requirements for a water supply for domestic use and for fire protection for such subdivisions.

NECESSITY FOR COMPLIANCE. No owner or agent of the owner of any land located within a subdivision in the City of Honolulu shall agree to sell, sell or transfer such land or any portion thereof or any interest therein until a final survey map thereof, in full compliance with Act 222 Session Laws of Hawaii 1949 and the Rules and Regulations of the City Planning Commission and all the requirements hereinafter provided, has been approved by and filed with the City Planning Commission. (See Sec. 6642 Act 222 S.L.H. 1949, as amended by Act 37, Special Session Laws of Hawaii 1949.)

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RULE I
DEFINITIONS

For the purpose of these Rules and Regulations, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

1. The word "BOARD" shall mean the Board of Water Supply, City and County of Honolulu.

2. The term "MANAGER AND CHIEF ENGINEER" shall mean the person holding the office of Manager and Chief Engineer of the Board of Water Supply.

3. The word "SUBDIVIDER" shall mean a person, firm, corporation, partnership, association, trust or other legal entity, or a combination of any thereof who or which causes land to be divided into a subdivision for himself, itself or for others.

4. The word "SUBDIVISION" shall mean improved or unimproved land or lands divided or proposed to be divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process of subdividing or the land or territory subdivided.

5. The word "COMMISSION" shall mean the City Planning Commission of the City and County of Honolulu.

6. The words "PUBLIC WATER SYSTEM" shall mean the water system owned and operated by the Board.

7. The words "SUBDIVISION WATER SYSTEM" shall mean the water system, to and within any subdivision, including mains, valves, hydrants, laterals, pumps, tanks, reservoirs and all appurtenances necessary to provide water and fire protection for such subdivision.

8. The expression "CITY OF HONOLULU" shall mean the same territory as is known as "HONOLULU DISTRICT," that is to say, on the Island of Oahu, from Maunaloa to Moanalua inclusive.

RULE II**AVAILABILITY OF WATER AND APPROVAL OF
SUBDIVISION MAP**

1. Extensions from and connections to the public water system will be approved by the Board where pressure conditions permit; provided that the Board has a sufficient water supply developed for domestic use and for fire protection to take on new or additional service without detriment to those already served and the subdivision water system otherwise conforms to these Rules and Regulations.
2. Where large quantities of water are required or a large investment is necessary to provide service, the subdivider will be informed as to the conditions under which the subdivision may be approved.
3. After the Commission submits the subdivision map to the Board, the Board will inform the Commission in writing of its approval, requirements for approval, or its disapproval of a subdivision map after taking the above into consideration.

RULE III**EXTENSIONS TO SUBDIVISION**

1. General Requirement. The subdivider shall install and pay for the subdivision water system required from the public water system to the subdivision. All such subdivision water systems shall be designed and located in accordance with the standards of the Board.

2. Increase in Size of Water Main Extensions for Service to Other Areas. Whenever the Board finds it is necessary that the water mains proposed to deliver water to a subdivision should be of a greater capacity than is required to provide adequate service and fire protection for such subdivision, in order to supply water and fire protection to property not in the subdivision, the Board shall require the subdivider to install mains of such greater capacity.

3. Reimbursement to Subdivider for Additional Costs of Mains to Subdivisions. When the subdivider is required to install a larger size main for the reasons set forth in the preceding paragraph the Board will reimburse the subdivider, as soon as practicable after the acceptance by the Board of the completed work, the additional cost of the installation over and above the cost of the mains that would have been required; provided, however, that in no case shall reimbursement be made of any portion of the cost of a 6-inch main or of a main of lesser size in residential areas or of any portion of the cost of a main of 8-inch or lesser size in other areas; provided further that reimbursement will not be made to the subdivider where such larger main or mains will serve only areas under the same ownership as the subdivision under consideration.

After the installation has been completed and accepted by the Board, the subdivider shall furnish the Board with an affidavit itemizing the costs incurred by him in the installation of the said larger mains. The said additional costs shall be determined by the Board.

RULE IV**REFUND FOR EXTENSION TO SUBDIVISION**

The Board will make refunds to the subdivider for his investment in main extensions from the public water system to the subdivision on the following basis:

1. The Board will, for a period not exceeding five years after date of its acceptance of the completed work, refund to the subdivider seventy (70) per cent of all revenue received by the Board, without interest, from water sales and service charges resulting from:

(a) All new service connections to the main extension between the public water system and the subdivision, excepting that extensions to other subdivisions shall not be eligible for refund unless approved by the Board.

(b) All new service connections made to the mains installed by the subdivider within the subdivision.

(c) All existing service connections to existing paralleling inadequate mains, but only along the section or sections of the street or streets where the subdivider has installed main extensions.

(d) All reconnections of existing services to the main extension.

2. After the work has been completed and accepted, the subdivider shall furnish the Board with an affidavit itemizing the costs incurred by him in the installation of said main extension.

3. The Board will make the final determination as to the cost of the main extension installed by the subdivider and refunds shall be based upon said estimates of the Board, less any reimbursement made under Rule III.

4. Such refunds will be made as soon as practicable after January 1 of each year and will be computed on the basis of the revenue received, as set forth in paragraph 1 of this rule, for the preceding calendar year for the said period of five years or until the amount computed as aforesaid has been refunded; provided that no refunds will be made to the subdivider for any revenue received after five years from the date of acceptance of the completed work. Under no condition will an aggregate amount exceeding the refundable amount so computed be refunded. If revenue from such sources are insufficient, an amount less than the amount computed will be refunded.

5. All refunds will be made to the original subdivider entering into the agreement with the Board, unless a written agreement is furnished by the subdivider directing otherwise.

6. Refunds will not be made to subdividers for mains installed within a subdivision. (See Rule V for reimbursement to subdivider for increased size of mains installed within subdivisions.)

7. Refunds will not be made to a subdivider for mains installed to a subdivision where such mains were not approved by the Board prior to their installation.

RULE V**INSTALLATIONS WITHIN SUBDIVISION**

1. General Requirement. The subdivider shall install in accordance with these Rules and Regulations and the standards of the Board and pay for the subdivision water system required within a subdivision.

2. Increase in Size of Water Mains within Subdivisions for Benefit of Other Areas. Whenever, in order to provide for existing or future services beyond the boundaries of a subdivision, the Board finds that the mains to be installed within the subdivision should be of greater capacity than would be required to provide adequate service within such subdivision, the Board will require the subdivider to make installations of such greater capacity.

3. Reimbursement to Subdivider for Additional Costs of Water Mains within Subdivisions. When the subdivider is required to install a larger size main for the reasons set forth in the preceding paragraph, the Board will reimburse the subdivider, as soon as practicable after acceptance by the Board of the completed work, the additional cost of the installation over and above the cost of the mains that would have been required; provided, however, that in no case will reimbursement be made of any portion of the cost of a 6-inch main in residential areas or of any portion of the cost of an 8-inch main in other areas; provided further that reimbursement will not be made to the subdivider where such larger main or mains will serve only areas under the same ownership as the subdivision under consideration.

After the installation has been completed and accepted by the Board, the subdivider shall furnish the Board with an affidavit itemizing the costs incurred by him in the installation of the said larger mains. The said additional costs shall be determined by the Board.

RULE VI**SIZES OF MAINS, HYDRANT SPACING, FIRE PROTECTION**

1. Sizes of Mains. Any subdivision hereafter to be laid out within the City of Honolulu shall provide 6-inch water mains or larger in residential districts and 8-inch water mains or larger in business, industrial, and hotel and apartment districts. A 6-inch main shall be used only where it completes a good gridiron and in no case in blocks more than 600 feet in length.

2. Hydrant Spacing. Fire hydrants shall be spaced not more than 250 feet in business, industrial, hotel and apartment districts, and not more than 350 feet in residential districts. The Board will determine the location of all hydrants. All fire hydrants required for adequate fire protection of a subdivision will normally be located within the subdivision.

If, in the interest of better fire protection, it is determined that one or more of the required hydrants will serve the subdivision to better advantage if located outside the subdivision, they may be so located and the cost shall still be borne by the subdivider, subject to the limitation that the cost to the subdivider shall not exceed the cost to him which would have resulted had all the hydrants been located inside the limits of the subdivision.

3. Fire Protection. In fixing the standards for fire protection insofar as water supply is concerned, the Board will be guided by the standards of the National Board of Fire Underwriters in "Grading Cities and Towns of the United States with Reference to their Fire Defenses and Physical Conditions" and by any specific recommendations made by the said National Board with respect to Honolulu.

RULE VII**LATERALS, DEAD-ENDS, ALTERATIONS TO PUBLIC WATER SYSTEM, CONTOURS**

1. Laterals. Where water main construction is necessary, the subdivider shall provide each lot in a subdivision with a service lateral from the water main to the sidewalk area adjacent to the lot. As an alternate, one service lateral may be installed for each two lots.

Where the lots to be created front along an existing water main, service laterals as required above shall be paid for by the subdivider and installed by the Board only where three or more contiguous lots, none of which have existing water services, are to be created.

2. Dead-Ends. Where water mains proposed by a subdivider would result in dead-ends, the subdivider shall correct the condition by the installation of such interconnections as may be required by the Board.

3. Alterations to Public Water System. All work and materials in connection with the change in location or grade of any part of the existing public water system made necessary by the subdivision shall be at the expense of the subdivider.

4. Contours. When required by the Board, contours or elevations shall be furnished by the subdivider, based upon City and County datum.

RULE VIII
PREPARATION OF PLANS, INFORMATION ON PLANS,
ELEVATION AGREEMENT, APPROVAL OF PLANS,
DELAYS IN CONSTRUCTION

1. Preparation of Plans. All construction plans shall be prepared by a registered engineer to the extent of his professional qualifications under the laws of the Territory. Preliminary maps and final maps of subdivisions to be reviewed by the Board shall fully conform to the definitions and requirements of the Rules and Regulations of the Commission.

2. Information to be shown on Construction Plans. The construction plans, insofar as the water system is concerned, shall show the following on City and County standard size sheet or sheets:

(a) Name of subdivision, name of subdivider, name of engineer, and location of subdivision.

(b) Date, North arrow, scale, tax key.

(c) The proposed subdivision water system complete, in both plan and profile, and its inter-relationship with street lines, lot lines, curb grades, sewers and drains, both existing and proposed, as well as any other features natural or artificial necessary for a complete understanding of the water system design.

(d) Plan views drawn to a scale of one inch equals 40 feet or one inch equals 20 feet. Profile views drawn to a vertical scale of one inch equals 4 feet or larger. Manhole, fire hydrant, lateral and other details drawn to a scale of one-half inch equals one foot or larger.

(e) The designation, including alignment and width, of all easements for parts of the water system which will not be in street areas to be dedicated to the public.

(f) A general layout map showing the locations of lots and streets within the subdivision and its near vicinity together with existing and proposed water system.

(g) A small key location inset or vicinity map showing the proposed subdivision in relationship to streets and water mains in the area.

(h) In cases in which the owner or subdivider also owns areas contiguous to the proposed subdivision, or separated therefrom by a street, a sketch of the future street and lot pattern and the water system proposed to serve such contiguous areas shall be furnished for study with the construction plans.

3. Elevation Agreement. Whenever a lot or lots within a subdivision are at such an elevation that they cannot be assured of a dependable water supply, the approval of the construction drawings will be subject to each owner of such lot or lots signing an "elevation agreement" whereby such lot owner agrees to accept such water service as the Board is able to render, and such owner agrees to construct, if necessary, and maintain at his expense, a tank or a pump with a tank, all in accordance with the standards and requirements of the Board, of sufficient capacity to furnish a supply of water at such times as the pressure in the water mains may be insufficient to supply such lot or lots with water. When required, a statement as to this conditional approval will be clearly lettered on the construction drawings by the Board.

4. Approval of Plans. No construction of a subdivision water system, or any portions thereof, to be connected to the public water system shall be undertaken prior to approval of the final construction plans by the Manager and Chief Engineer, the Chief Engineer of the Department of Public Works, the Executive Officer of the Commission, and the Director, Division of Sanitation, Territorial Department of Health. After said approval, the subdivider shall transmit three sets of all final construction plans to the Manager and Chief Engineer.

5. Delays in Construction. If any period exceeding one year or such extension as may be granted passes without substantial progress in the construction of the water facilities, after approval of plans by the Board, the plans thereof shall be resubmitted to the Board for review and for making such changes as it deems proper because of changed conditions or revision of standards.

RULE IX**MATERIALS AND CONSTRUCTION STANDARDS, INSTALLATION OF WATER SERVICE, INSPECTION OF WORK**

1. Materials and Construction Standards. All materials, design and construction procedures, and workmanship, with respect to any subdivision water system, or any portion thereof, that is to be connected to the public water system shall be in accordance with the requirements and standards used by the Board for the construction of the public water system and with the requirements of the Territorial Department of Health and all applicable laws. The Board shall determine the capacity and location of any of the component parts of the subdivision water system.

2. Installation of Water Service. No water service will be approved, excepting a service for subdivision construction purposes, until the subdivision water system has been completed and accepted by the Board and all the improvements required by the Rules and Regulations of the Commission have been completed.

3. Inspection of Work. The Manager and Chief Engineer or any employee representing him shall have free access at all times to all installations made for the subdivision and shall be given any assistance required and every facility, information, and means of thoroughly inspecting the work to be done and the materials used or to be used.

RULE X**OWNERSHIP OF INSTALLED WATER SYSTEM**

As a condition precedent to connecting the subdivision water system to the public water system, the subdivider shall convey the subdivision water system to the Board and said subdivision water system thereafter will be maintained and operated as a part of the public water system; provided, however, that the Board may refuse to operate and maintain facilities installed without the Board's prior approval. Prior to the commencement of water service, and as a prerequisite to such service, the subdivider shall deliver to the Board perpetual easements for all portions of the subdivision water system installed in other than publicly owned property. The subdivider shall also convey to the Board fee simple title to all sites on which are located tanks, reservoirs, and pumps constructed by the subdivider and connected to the public water system together with easements for ingress and egress.

RULE XI**MODIFICATION OF REQUIREMENTS**

When conditions pertaining to any subdivision are such that the public may be properly served with water and with fire protection without full and strict compliance with these Rules and Regulations, or where the subdivision site or layout is such that the public interest will be adequately protected, such modification thereof as is reasonably necessary or expedient, and not contrary to law or the intent and purpose of these Rules and Regulations, may be made by the Board.

RULE XII**CONSTRUCTION AGREEMENT AND BOND**

The bond or other security to be filed with the Commission in lieu of the completion of the required improvements and utilities deemed sufficient by the Board, insofar as the construction of the subdivision water system is concerned, shall be one of the following:

1. A surety bond in a sum equal to the cost of the work required to be done by the subdivider as estimated by the Board; or

2. Where the subdivider has entered into a contract with a reputable contractor, and has filed with the Commission all three of the following: (a) a certified copy of his said contract, (b) a certified copy of the performance bond of his said contractor, and (c) a surety bond in a sum equal to at least 50 per cent of the cost of all work required to be done by the subdivider as estimated by the Board; or

3. The subdivider shall have made a deposit of money with the Commission, or a responsible escrow agent designated by the Commission as agent of the City and County and the Board, in an amount equal to the cost of the construction of said improvements as estimated by the Board; or

4. In lieu of said surety bond or deposit in escrow mentioned in paragraphs numbered 1, 2, and 3 above, the subdivider may make a deposit with the Commission of negotiable bonds or other securities in the amount as provided by paragraphs numbered 1, 2, or 3, respectively, of this rule and acceptable to the Board.

In all of the procedures set forth above the subdivider shall enter into an agreement with the City and County and the Board to make, install, and complete all of the required improvements, which agreement shall be filed with the Commission with the surety bond or other security above specified, and said agreement shall conform to all the requirements of the Rules and Regulations of the Commission and said bond shall be conditioned as set forth in the Rules and Regulations of the Commission.

(Note: As to requirements for bonds and final approval of the subdivision map prior to completion of improvements, see Rules and Regulations of the Commission.)

RULE XIII
SEVERABILITY

If any rule, section, sentence, clause, or phrase of these Rules and Regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these Rules and Regulations or the application of these Rules and Regulations to other persons or circumstances or property shall not be affected. The Board hereby declares that it would have adopted these Rules and Regulations, and each and every Rule, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other Rules, sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

(Act 222 Session Laws of Hawaii 1949 provides as follows: "Sec. 6642.02. Violations. Penalties. Remedies. Any person, firm or corporation which violates the provisions of this Act, or any rule or regulation made pursuant to this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or by both such fine and imprisonment. In addition the city and county attorney may institute an action to prevent, restrain, correct or abate any violation of this Act, or of the regulations adopted under this Act, and the court shall adjudge to the plaintiff such relief, by way of injunction (which shall be mandatory) or otherwise, as may be proper under all of the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted pursuant thereto.")

RULE XIV
EFFECTIVE DATE

These Rules and Regulations shall become effective upon their approval and adoption by the Board in conformity with the provisions of Act 260 S.L.H. 1949 and other applicable provisions of law pertaining thereto.

The Board of Water Supply of the City and County of Honolulu, on September 15, 1949, approved and adopted these Rules and Regulations to be effective from and after November 1, 1949.

BOARD OF WATER SUPPLY

By: (s) R. E. Clark
Chairman

FROZEN
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PURE WATER MAN'S GREATEST
NEED . . . "CONSERVE IT"