
A BILL FOR AN ACT

RELATING TO STORMWATER MANAGEMENT SYSTEMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that detention and
2 retention ponds are meant to hold stormwater. However, while
3 detention and retention ponds help manage stormwater and control
4 flooding, mitigating risk for these systems is critical in
5 minimizing threats to public health and safety. Hawaii's high
6 drowning rate, the second worst in the nation for residents and
7 the highest for visitors, necessitates joining other
8 jurisdictions across the United States in developing retention
9 and detention pond safety programs. The urgency is made even
10 greater by climate change, which has created more frequent and
11 intense rainfall resulting in increased use of retention ponds,
12 which are designed to hold water year-round, and detention
13 ponds, which remain dry until a major rain.

14 The legislature further finds that the Hawai'i Water Safety
15 Plan, which was published by the Hawaii Water Safety Coalition
16 in 2025, provides several recommendations to reduce drowning by



1 improving safety regarding detention and retention ponds in the
2 State.

3 The purpose of this Act is to ensure the health, safety,
4 and welfare of the citizens of the State by requiring the
5 counties to:

6 (1) Regulate the permitting, construction, and maintenance
7 of retention and detention ponds, including
8 establishing safety standards for retention and
9 detention ponds; and

10 (2) Conduct a survey of existing retention and detention
11 ponds statewide and provide a report to the
12 legislature.

13 This Act also recognizes Charlotte "Sharkey" Schaefer, the
14 five-year-old girl who drowned at a Pearl City naval housing
15 complex while trying to save the life of her childhood friend.

16 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
17 by adding a new section to be appropriately designated and to
18 read as follows:

19 "§46- Retention ponds and detention ponds; safety
20 requirements. (a) Beginning _____, each county shall
21 adopt ordinances for the regulation of all retention ponds and



1 detention ponds located within the county's jurisdiction. The
2 ordinances adopted pursuant to this subsection shall include but
3 not be limited to:

4 (1) Establishing a permitting process for the construction
5 of new retention ponds or detention ponds; and

6 (2) Establishing safety requirements, which shall include
7 but not be limited to:

8 (A) Fencing that is at least four feet high that
9 fully encloses the retention pond or detention
10 pond and allows access through one or more
11 secured, locked gates;

12 (B) Safety signage indicating "No Swimming" and
13 warning of sudden water level changes;

14 (C) Installation of life buoys at entry points for
15 emergency rescue;

16 (D) Proper maintenance of ground cover surrounding
17 the retention pond or detention pond, including
18 mowing, weed control, and debris removal; and

19 (E) Submission of maintenance plans by property
20 owners or managers to ensure ongoing safety and
21 compliance.



1 (b) This section shall not apply to retention ponds and
2 detention ponds built on golf courses, hotels, resort
3 properties, or other secured recreational areas; provided that
4 the entities who own, control, or manage such properties shall
5 provide the counties with proof of sufficient security measures
6 for its retention ponds and detention ponds.

7 (c) For the purposes of this section:

8 "Detention pond" means an area that is designed to:

9 (1) Hold stormwater until the effects of percolation,
10 evapotranspiration, or controlled release return the
11 area to its normally dry state; and

12 (2) Dissipate inflowing stormwater within seventy-two
13 hours to accommodate a new volume of water.

14 "Retention pond" means a permanent or semi-permanent
15 aquatic system that acts as a trap where pollutants picked up by
16 the initial surge of stormwater settle out before leaving the
17 system."

18 SECTION 3. Each county shall conduct a survey of all
19 existing retention and detention ponds located within its
20 jurisdiction and submit a report of its findings and
21 recommendations, including any proposed legislation, to the



1 legislature no later than twenty days prior to the convening of
2 the regular session of 2026.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 3000.



S.B. NO. 1221
S.D. 2
H.D. 3

Report Title:

Retention Ponds; Detention Ponds; Regulation; Counties

Description:

Requires the counties to adopt ordinances for the regulation of retention and detention ponds. Requires the counties to conduct a survey of existing retention and detention ponds and make a report to the Legislature. Effective 7/1/3000. (HD3)

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