
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 resulted in more frequent
11 and intense rainfall, causing an increased use of retention
12 ponds, which are designed to hold water year-round, and
13 detention 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 submit 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) This section shall be known and may be cited
21 as "Sharkey's Law".



1 (b) Beginning January 1, 2027, each county shall adopt
2 ordinances for the regulation of all retention ponds and
3 detention ponds located within the county's jurisdiction. The
4 ordinances adopted pursuant to this subsection shall include but
5 not be limited to:

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

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

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

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

16 (C) Installation of life buoys at entry points for
17 emergency rescue;

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



1 (E) Submission of maintenance plans by property
2 owners or managers to ensure ongoing safety and
3 compliance.

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

10 (d) For the purposes of this section:

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

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

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

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



1 SECTION 3. Each county shall conduct a survey of all
2 existing retention and detention ponds located within its
3 jurisdiction and submit a report of its findings and
4 recommendations, including any proposed legislation, to the
5 legislature no later than twenty days prior to the convening of
6 the regular session of 2026.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Counties; Retention Ponds; Detention Ponds; Regulation; Survey; Report

Description:

Beginning 1/1/2027, 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 submit a report to the Legislature. (CD1)

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