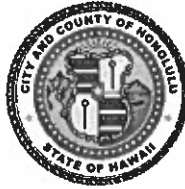


OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: www.honolulu.gov

RICK BLANGIARDI
MAYOR



MICHAEL D. FORMBY
MANAGING DIRECTOR
DANETTE MARUYAMA
DEPUTY MANAGING DIRECTOR

September 21, 2021

Mr. Glen Takahashi
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

Subject: Approved Bills

The following bills are approved and returned herewith:

Bill 2, CD1	Relating to the public works infrastructure requirements including fees and services relating to public sewers
Bill 17, CD1	Relating to the Housing Code
Bill 32, CD1	Relating to nonconforming uses
Bill 33, CD1	Relating to the adoption of the 2018 State Fire Code

Sincerely,

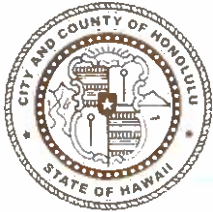
A handwritten signature in black ink that reads "Rick Blangiardi".

Rick Blangiardi
Mayor

Attachments

MAYOR'S MESSAGE 130

21SEP20 PM 2:18 CITY CLERK



OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 100
HONOLULU, HAWAII 96813-3077
TELEPHONE: (808) 768-3810 • FAX: (808) 768-3835

GLEN I. TAKAHASHI
CITY CLERK

September 9, 2021

The Honorable Rick Blangiardi
Mayor of the City and County
of Honolulu
Honolulu Hale
Honolulu, Hawaii 96813

Dear Mayor Blangiardi:

Transmitted for your approval or otherwise are the following Bills:

Bill 2, CD1	Relating to the public works infrastructure requirements including fees and services relating to public sewers.
Bill 17, CD1	Relating to the Housing Code.
Bill 32, CD1	Relating to nonconforming uses.
Bill 33, CD1	Relating to the adoption of the 2018 State Fire Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen I. Takahashi", is written over the printed name.

GLEN I. TAKAHASHI
City Clerk

Attachments (4)

RECEIVED
SEP 10 2021
CITY CLERK'S OFFICE



A BILL FOR AN ORDINANCE

RELATING TO AMENDING CHAPTER 14 OF THE REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE PUBLIC WORKS INFRASTRUCTURE REQUIREMENTS INCLUDING FEES AND SERVICES BY AMENDING ARTICLES 1 AND 5 RELATING TO PUBLIC SEWERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend Articles 1 and 5 of Chapter 14, Revised Ordinances of Honolulu 1990 ("ROH"), to comply with required modifications to the pretreatment program. These modifications consist of updates to certain definitions under the pretreatment program; implementation of changes required by the Federal Pretreatment Streamlining Rule; and, upon the Department of Environmental Services' passage of a Local Limits Administrative Rule, the repeal of the local limits currently set forth in ROH Section 14-1.9(g)(14).

SECTION 2. Section 14-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new definition of "Bypass" to read as follows:

"Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility."

SECTION 3. Section 14-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Pass through" to read as follows:

"Pass through" or "pass-through" means a discharge that exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the district's NPDES permit, including an increase in the magnitude or duration of a violation, or which causes water quality standards established by the State or EPA to be exceeded."

SECTION 4. Section 14-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Significant Noncompliance" to read as follows:

"Significant Noncompliance. ~~[An industrial user]~~ A significant industrial user (or any industrial user that violates 40 CFR Section 403.8(f)(2)(viii)(C), (D), or (H)) is in "significant noncompliance," as defined in 40 CFR Section 403.8 (f)(2)(~~(vii)~~)(viii), if its violation meets one or more of the following criteria:



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) [the daily maximum limit or the average limit for the same pollutant parameter;] a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(l);
- (2) Technical ~~[review criteria]~~ Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for ~~[each] the same pollutant parameter [taken]~~ during a six-month period equal or exceed the product of the ~~[daily maximum limit]~~ numeric pretreatment standard or [the average limit] requirement including instantaneous limits, as defined by 40 CFR Section 403.3(l), multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a ~~[pretreatment effluent limit]~~ pretreatment standard or requirement, as defined by 40 Section CFR 403.3(l), (daily maximum [or longer term], long-term average, instantaneous limit, or narrative standard) that the ~~[city]~~ POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health~~;~~ or welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority under ~~[Sections] 40 CFR Section 403.8(f)(1)(vi)(B) and Section [14-5.4, 14-5.19, and 14-5.20]~~ 14-1.4 to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the ~~[schedule]~~ scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within ~~[30]~~ 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

- (8) Any other violation or group of violations, which may include a violation of BMPs, which the [city] POTW determines will adversely affect the operation or implementation of the local pretreatment program."

SECTION 5. Section 14-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Slug" to read as follows:

"Slug" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge as defined under 40 CFR Section [403.8(f)(2)(v). Slug discharges also include any discharges as defined by 40 CFR Section 403.5(b).] 403.8(f)(2)(vi) that has a reasonable potential to cause interference or pass-through, or in any other way violate the city's regulations, local limits, or permit conditions."

SECTION 6. Section 14-1.3, Revised Ordinances of Honolulu 1990 ("Authority of the director"), is amended by amending subsection (b) to read as follows:

- "(b) The director may require the industrial user to construct and operate additional pretreatment systems or devices to treat wastewater prior to discharge into the sewerage system to achieve compliance with applicable categorical pretreatment standards. New categorical industrial users shall install and operate pretreatment systems necessary to meet applicable pretreatment standards prior to discharge and shall comply with all applicable categorical pretreatment standards within the shortest feasible time, not to exceed 90 days. The director may require any industrial user to develop a compliance schedule containing dates for the commencement and completion of major events leading to the construction and operation of pretreatment systems or devices necessary for compliance with the provisions of this chapter in the shortest time possible. No compliance schedule shall allow more than nine months from commencement of the compliance schedule to achieving a milestone compliance to full compliance. In the case of a new categorical industrial user, the final date in the compliance schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. All proposed pretreatment systems or devices shall be subject to the review and comment of the director, but such review shall not relieve an industrial user of the responsibility for taking all steps necessary to comply with all applicable discharge limitations and standards pursuant to this chapter and other laws. All required pretreatment systems or devices shall be installed, operated, and maintained at the industrial user's expense. The director is authorized to require industrial users to promptly notify the department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

hazardous wastes for which the IU has submitted initial notification under 40 CFR 403.12(p)."

SECTION 7. Section 14-1.9, Revised Ordinances of Honolulu 1990 ("Use of public sewers—Restrictions—Violations"), is amended by amending subsection (g) to read as follows:

"(g) No person shall discharge or cause to be discharged any of the following into any public sewer or any private sewer that is connected to a public sewer:

- (1) Any ~~[pollutant(s) which]~~ pollutant that may cause obstruction, upset, pass-through, or interference with the operation of the POTW or may impact public health or the environment;
- (2) Pollutants which may create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Section 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system be over five percent, nor shall any single reading be over ten percent of the lower explosive limit of the meter;
- (3) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or higher than 11.0, unless the POTW is specifically designed to accommodate such discharges;
- (4) Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW resulting in interference;
- (5) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which may cause pass-through or interference in the POTW;
- (6) Heat in the amounts which may inhibit biological activity in the POTW resulting in interference, but in no case shall heat be permitted in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit);
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants except those allowed by permit at discharge points designated by the director;



A BILL FOR AN ORDINANCE

- (9) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper ware (either whole or ground), or any other solid or viscous substances or normally dry[;] solid wastes capable of causing obstruction to the flow in or damage to sewers or other interference with the proper operation of the wastewater works;
- (10) Any wastewater containing toxic pollutants such as herbicides and insecticides, in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW. A toxic pollutant shall include, but is not limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended;
- (11) Any unusual volume of flow or concentration of wastewater constituting "slugs," as defined in Section 14-1.2, without notification to the POTW;
- (12) Water or wastes which have been contaminated by radioactive materials;
- (13) Water added for the purpose of diluting wastewater, which would otherwise exceed applicable maximum concentration limitations set by the POTW or the federal categorical pretreatment standards;
- (14) Water or wastewater ~~[containing in excess of]~~ that violates the ~~[following]~~ local limits~~[:]~~ developed by the city:
 - ~~[0.50 mg/L Arsenic~~
 - ~~0.60 mg/L Cadmium~~
 - ~~2.77 mg/L Total chromium~~
 - ~~3.38 mg/L Copper~~
 - ~~1.90 mg/L Total cyanide~~
 - ~~0.60 mg/L Lead~~
 - ~~0.50 mg/L Mercury~~
 - ~~3.98 mg/L Nickel~~
 - ~~2.00 mg/L Selenium~~
 - ~~0.43 mg/L Silver~~
 - ~~2.61 mg/L Zinc~~
 - ~~2.00 mg/L Phenolic compounds~~
 - ~~100.00 mg/L Oil and grease:]~~
- (15) Wastewater with concentrations exceeding national categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Federal Water Pollution Control Act, as amended. The national categorical pretreatment standards in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this section. These



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10 of this chapter and, if more stringent than limitations imposed under this section, shall immediately supersede the limitations imposed under this section;

- (16) Any substance which may cause a city wastewater treatment plant's effluent or any other products thereof, such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to a city wastewater treatment plant cause it to be in noncompliance with sludge use or the disposal criteria, guidelines, or regulations developed under Section 405 of the Federal Water Pollution Control Act (P.L. 92-500), as amended; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or the Toxic Substances Control Act; or State of Hawaii criteria applicable to the sludge management method being used;
- (17) Any substance which may cause the city's wastewater treatment plant to violate its national pollutant discharge elimination system permit or State of Hawaii water quality standards;
- (18) Any wastewater with an animal/vegetable fat, oil, and grease (FOG) content having detrimental characteristics so as to cause obstruction, upset, interference, or pass-through in the POTW, or result in adverse impact on public health or the environment; and
- (19) Any wastewater with petroleum hydrocarbon concentration greater than 100 mg/L or having detrimental characteristics so as to cause obstructions, upset, interference, or pass-through in the POTW, or result in an adverse impact on the public health or the environment."

SECTION 8. Section 14-5.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 14-5.1 Industrial wastewater discharge permit—Violations.

- (a) No person shall discharge or cause to be discharged any industrial wastewater into the public sewers or into any private sewer which discharges to the public sewers, without first applying for and obtaining an industrial wastewater discharge permit. Industrial wastewater discharge permits shall meet the following requirements or include the following provisions:



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

- (1) Permits shall be issued by the director for a specified time period, not to exceed five years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date as determined by the director;
 - (2) No permit shall be transferable without the prior written consent of the director and provision of a copy of the existing permit to the new owner or operator;
 - (3) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
 - (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
 - (5) ~~[Statement]~~ A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable federal deadlines;
 - (6) A statement requiring the notification of a hazardous wastewater discharge in accordance with Section 14-5.12(f);
 - (7) Recordkeeping requirements as detailed in Section 14-1.11; and
 - (8) Permittees shall provide the director with written notification upon the discontinuance of their business operations.
- (b) This permit may require pretreatment of industrial wastewater before discharge, compliance with a schedule containing commencement and completion dates of events leading to the construction and operation of pretreatment systems, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, self-monitoring programs and submission of self-monitoring reports, and may include other conditions deemed appropriate by the director to ensure compliance with Articles 1 through 10 of this chapter, and federal and state laws.
- (c) No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the industrial wastewater discharge permit. Any person desiring to discharge wastewater ~~[which]~~ that is not, or use facilities ~~[which]~~ that are not, in conformance with the permit shall apply to the department for an amended permit.



A BILL FOR AN ORDINANCE

- (d) All self-monitoring submittals required by the permit, and reports filed with the director shall comply with the provisions specified in Section 14-5.11(a)(3).
- (e) Industrial users subject to categorical pretreatment standards shall submit baseline monitoring reports. The baseline monitoring report requirements for industrial users in 40 CFR Section 403.12(b), as further detailed in Section 14-5.8 and Section 14-5.11(b)-(c), are incorporated into this section. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10 of this chapter.
- (f) All waste haulers shall apply for and obtain an industrial wastewater discharge permit.
- (g) With the exception of those industrial users defined by federal regulations as significant industrial users (categorical industrial users), the director may exempt certain industrial users or waste haulers from the requirement to obtain an industrial wastewater discharge permit if the quantity ~~[and/or]~~ or quality, or both, of the wastewater or hauled wastewater is deemed to be unlikely to cause obstructions, upset, interference, or pass-through in the POTW or result in an adverse impact on public health or the environment.
- (h) Bypass is prohibited, and the director may take enforcement action against an industrial user for a bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass occurring during normal periods of equipment downtime or preventative maintenance; and
 - (3) The industrial user submitted notices as required under paragraph (c) of Section 40 CFR Section 403.17.
- (i) Bypass Notice.

If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the director, if possible at least 10 days before the date of the



A BILL FOR AN ORDINANCE

bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the director within 24 hours from when the industrial user becomes aware of the bypass. A written submission shall also be provided by the industrial user within five days of the bypass. The written submission shall contain:

- (1) A description of the bypass and its cause;
- (2) The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and
- (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

The director may waive the requirement for a written report, on a case-by-case basis, if the oral report has been received within 24 hours.

- (j) All industrial users shall promptly notify the director in advance of any substantial change in the volume or character of pollutants in their discharge."

SECTION 9. Section 14-5.8, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 14-5.8 Issuance and reissuance of wastewater discharge permit.

[An industrial user] First time issuance. Categorical Industrial Users shall apply for [a wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application at least 30 days prior to the expiration of the industrial user's existing wastewater discharge permit. An industrial user shall apply for a] an industrial wastewater discharge permit for a first-time issuance [at least] no less than 180 days prior to commencement of operations [-In the case of a new categorical industrial user or new source, the federal regulations set forth in 40 CFR Section 403.12(b) require that at least 90 days prior-] by submitting to the department a complete industrial wastewater discharge permit application to [the proposed startup of operations and discharge, a new source] include a baseline monitoring report, as follows:

- (a) Existing categorical industrial users currently discharging to or scheduled to discharge to the city shall submit [a baseline monitoring] to the director



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

a report [with] that contains the information [as required] listed in 40 CFR Section 403.12(b)(1)-(7) within 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later.

- (b) New sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard shall, at least 90 days prior to commencement of their discharge, submit to the director a report that contains the information listed in 40 CFR Section 403.12(b)(1)-(5) [in addition to the complete industrial wastewater-discharge permit application]. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged."

SECTION 10. The title of Section 14-5.11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 14-5.11 Sampling, analyses, [and] flow measurements, and reporting requirements."

SECTION 11. Section 14-5.11, Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsection (b) to read as follows:

- "(b) Baseline monitoring reports, reports on compliance with categorical standards, and periodic reports on continued compliance shall contain a statement, reviewed by an authorized representative of the industrial user, as defined in Section 14-1.2, and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance ~~[and/or]~~ or additional pretreatment [is], or both, are required for the industrial user to meet the pretreatment standards and requirements."

SECTION 12. Section 14-5.12, Revised Ordinances of Honolulu 1990 ("Pretreatment of industrial wastewaters"), is amended by amending subsection (d) to read as follows:

- "(d) ~~[All industrial users shall immediately notify the director of any discharge which is a potential problem, including slug loading. The city may require any industrial~~



A BILL FOR AN ORDINANCE

~~user to develop and implement an accidental discharge/slugs control plan. At least once every two years, the city shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slugs control plan shall submit a plan which addresses, at a minimum, the following:] Slug Control Plan. Significant industrial users are required to notify the POTW immediately of any changes at their facilities affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:~~

- (1) ~~[Description]~~ A description of discharge practices, including ~~[nonroutine]~~ non-routine batch discharges;
- (2) ~~[Description]~~ A description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of ~~[any accidental or]~~ slug discharges ~~[Such notification shall also be given for any discharge which]~~, including any discharge that would violate ~~[any of the prohibited discharges of this chapter;]~~ a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
- (4) ~~[Procedures]~~ If necessary, procedures to prevent any adverse impact from ~~[any accidental or slug discharge. Such procedures include, but are not limited to,]~~ accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site ~~[runoff]~~ run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), ~~[and/or]~~ and measures and equipment for emergency response."

SECTION 13. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 2 (2021), CD1

A BILL FOR AN ORDINANCE

SECTION 14. This ordinance takes effect upon its approval, provided that the amendments to Section 14-1.9(g)(14), Revised Ordinances of Honolulu, as enacted in SECTION 7 of this ordinance, take effect upon the Department of Environmental Services' adoption of Local Limits Administrative Rules.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

January 28, 2021

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

KAMILLA C.K. CHAN

APPROVED this 20th day of September, 20 21.

RICK BLANGIARDI, Mayor

City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 2 (2021), CD1

Introduced: 01/28/21 By: TOMMY WATERS - BY REQUEST Committee: PUBLIC INFRASTRUCTURE AND TECHNOLOGY (PIT)

Title: RELATING TO AMENDING CHAPTER 14 OF THE REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE PUBLIC WORKS INFRASTRUCTURE REQUIREMENTS INCLUDING FEES AND SERVICES BY AMENDING ARTICLES 1 AND 5 RELATING TO PUBLIC SEWERS.

Voting Legend: * = Aye w/Reservations

01/28/21	INTRO	Introduced.
02/17/21	CCL	Passed first reading. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS 1 ABSENT: TSUNEYOSHI
06/25/21	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
06/30/21	PIT	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-206 3 AYES: ELEFANTE, FUKUNAGA, TSUNEYOSHI 1 EXCUSED: TUPOLA
07/07/21	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
07/12/21	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
08/25/21	PIT	Reported out for passage on third reading. CR-252 4 AYES: ELEFANTE, FUKUNAGA, TSUNEYOSHI, TUPOLA
09/08/21	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN J. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO THE HOUSING CODE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to strengthen the mechanisms for enforcement of the Housing Code.

SECTION 2. Section 27-10.5, Revised Ordinances of Honolulu 1990 ("Enforcement—Penalty"), is amended by amending subsections (c) and (d) to read as follows:

"(c) Administrative Enforcement. In lieu of or in addition to enforcement pursuant to subsection (b), if the building official determines that any person is not complying with a notice of violation, the building official may have the responsible person or persons served with a notice of order.

(1) Contents of Order.

(A) The order may require the responsible person or persons to do any or all of the following:

- (i) Correct the violation within the time specified in the order;
- (ii) Pay a civil fine not to exceed \$1,000.00 in the manner, at the place, and before the date specified in the order;
- (iii) Pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

(B) The order must advise the responsible person or persons that the fines, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city, and can be recorded as an administrative lien on all real property owned by the responsible person or persons.

(C) The order must advise the responsible person or persons that the order becomes final 30 calendar days after the date of its delivery. The order must also advise that the building official's action may be appealed to the building board of appeals.



A BILL FOR AN ORDINANCE

- (2) Service of Notices of Order. A notice of order issued pursuant to this section must be served upon the responsible person or persons either personally or by certified mail. However, if the whereabouts of one or more responsible persons is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official provides an affidavit to that effect, a notice of order may be served by publishing the same in accordance with HRS Section 1-28.5, or if that provision no longer applies, by publication once each week for two consecutive weeks in a newspaper of general circulation in the city. A copy of the notice of order must also be posted in a conspicuous place on the property affected by the complaint or order and may be recorded in the state bureau of conveyances or the land court. If so recorded, a notice of order shall have the same force and effect as other lis pendens or other legal notices provided by law.
- (3) Effect of Order; Right to Appeal. The order issued by the building official under this section becomes final 30 calendar days after the date of the delivery of the order. The responsible person or persons may appeal the order to the building board of appeals as provided by the building code. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals does not stay any provision of the order.
- (4) Addition of Unpaid Civil Fines to Fees or Charges Collected by the City; Administrative Liens.
- (A) When civil fines imposed pursuant to this subsection remain unpaid after all rights to administrative appeal or judicial review have been exhausted, and the fines either:
- (i) Exceed \$150,000; or
- (ii) Have been outstanding for more than five years;
- the building official shall, pursuant to Chapter 1, Article 19, and rules adopted by the building official, add the civil fines to the fees and charges specified in paragraph (B), and record the unpaid civil fines as a lien in favor of the city on all real property owned by the responsible person or persons.
- (B) The building official shall, at a minimum, add the civil fines to the following fees and charges collected by the city, if applicable to the responsible person or persons:



A BILL FOR AN ORDINANCE

- (i) All fees collected by the department of planning and permitting, unless the fees are for permits, applications, or approvals for work necessary to correct the violation that is the subject of the notice of order;
 - (ii) Motor vehicle registration fee and vehicle weight tax;
 - (iii) Motor vehicle transfer of ownership fee;
 - (iv) Driver's license renewal fee;
 - (v) Business license renewal fee;
 - (vi) Liquor license and renewal fees;
 - (vii) Refuse collection fee; and
 - (viii) Refuse disposal fee.
- (d) Judicial Enforcement.
- (1) Injunctive relief. The corporation counsel is hereby authorized to bring an action to enjoin any public nuisance, as defined by this code, at the request of the building official. An injunction sought by the corporation counsel may request any appropriate relief, including but not limited to an order requiring a responsible person to remove, demolish, destroy, or otherwise abate a public nuisance or city authorization to enter private property and seize, remove, demolish, destroy, or otherwise abate a public nuisance.
 - (2) The corporation counsel may seek an injunction from a court under ~~[subsection (a)]~~ subdivision (1) if it appears that:
 - (A) The public nuisance complained of was cited by the building official pursuant to a notice of violation and notice of order and remains unabated after all rights to appeal the notice of order have been exhausted or expired; or



A BILL FOR AN ORDINANCE

- (B) ~~[It appears that a]~~ A building, use of real property, or conditions on real property governed by this code present an unreasonable risk of harm to the public health, safety, or welfare and the public interests favor the removal of such unsafe or unsanitary condition over the property owner's interest in maintaining the current use ~~[or]~~ or condition of the property.
- (3) Where the city enters private property to abate a public nuisance, all costs of correction, including legal costs and attorney's fees, may be reduced to a judgment or recorded as a lien against the property on which such abatement occurs. A lien recorded against the property that is registered in the bureau of conveyances or land court is enforceable in the same manner as any mortgage or other lien on real property. The interest secured by the city lien is senior to any lien recorded or registered after the city lien is recorded and subordinate to any lien recorded prior to the city lien.
- (4) The corporation counsel may seek enforcement of a lien under subsection (c)(4) and subdivision (3) in the circuit court of the first circuit, and the proceedings before the circuit court shall be conducted in the same manner and form as ordinary foreclosure proceedings as provided for in HRS Chapter 667. If the owners or claimants of the property against which a lien is sought to be foreclosed, are at the time out of the city or cannot be served within the city, or if the owners are unknown, and the fact shall be made to appear by affidavit to the satisfaction of the court, and it shall in like manner appear prima facie that a cause of action exists against such owners or claimants or against the property described in the complaint, or that such owners or claimants are necessary or proper parties to the action, the corporation counsel may request the court to permit service to be made in the manner provided by HRS Sections 634-23 through 634-29.
- (~~[4]~~5) Any person aggrieved by a private nuisance may bring a civil action for damages ~~[or]~~, for injunctive relief to enjoin such private nuisance~~[-]~~, or for both damages and injunctive relief.
- (6) Nothing in this section shall preclude the corporation counsel from seeking any other remedy or enforcement action available by law."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 17 (2021), CD1

A BILL FOR AN ORDINANCE

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

March 23, 2021

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

JACOB L. GARNER

APPROVED this 20th day of September, 20 21.



RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 17 (2021), CD1

Introduced: 03/23/21 By: TOMMY WATERS

Committee: ZONING AND PLANNING (ZP)

Title: RELATING TO THE HOUSING CODE.

Voting Legend: * = Aye w/Reservations

03/23/21	INTRO	Introduced.
04/14/21	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
04/22/21	ZP	Postponed to a date and time to be determined by the Committee Chair. 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
04/23/21	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
07/22/21	ZP	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-222 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
07/30/21	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/11/21	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 7 AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TULBA, TUPOLA, WATERS 2 ABSENT: KIA'ĀINA, TSUNEYOSHI
08/18/21	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
08/26/21	ZP	Reported out for passage on third reading. CR-257 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
09/08/21	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO NONCONFORMING USES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions relating to nonconforming uses.

SECTION 2. Section 21-4.110, Revised Ordinances Honolulu 1990 ("Nonconformities"), is amended by amending subsection (c) to read as follows:

- "(c) Nonconforming Uses. Strict limits are placed on nonconforming uses to discourage the perpetuation of these uses, and ~~[thus]~~ to facilitate the timely conversion to conforming uses.
- (1) A nonconforming use ~~[shall]~~ may not extend to any part of ~~[the]~~ a structure or lot ~~[which]~~ that was not arranged or designed for such use at the time of adoption of the provisions of this chapter or subsequent amendment; nor ~~[shall]~~ may the nonconforming use be expanded in any manner, or the hours of operation increased~~[-. Notwithstanding the foregoing,]; provided that~~ a recreational use that is accessory to the nonconforming use may be expanded or extended if the following conditions are met:
- (A) The recreational accessory use will be expanded or extended to a structure in which a permitted use also is being conducted, whether that structure is on the same lot or on an adjacent lot; and
- (B) The recreational accessory use is accessory to both the permitted use and the nonconforming use.
- (2) Any nonconforming use that is discontinued for any reason for 12 consecutive months, or for 18 months during any three-year period, ~~[shall]~~ may not be resumed; ~~[however,]~~ provided that a temporary cessation of the nonconforming use for purposes of ordinary repairs for a period not exceeding 120 days during any 12-month period ~~[shall]~~ will not be considered a discontinuation.
- (3) Work may be done on any structure devoted in whole or in part to ~~[any]~~ a nonconforming use~~[-];~~ provided that work on the nonconforming use portion ~~[shall]~~ of the structure must be limited to ordinary repairs. For purposes of this subsection, the term "ordinary repairs" ~~[shall]~~ means only ~~[be construed to include]~~ the following:



A BILL FOR AN ORDINANCE

- (A) The repair or replacement of existing walls, floors, roofs, fixtures, wiring, or plumbing; ~~[or]~~
- (B) ~~[May include work]~~ Work required to comply with city, state, or federal mandates ~~[such as]~~, including but not limited to~~[;]~~ the Americans with Disabilities Act (ADA) or the National Environmental ~~[Protection]~~ Policy Act (NEPA); or
- (C) ~~[May include interior]~~ Interior and exterior alterations, provided that there is no physical expansion ~~[of the nonconforming use or]~~ nor intensification of the nonconforming use~~[-];~~

~~[Further,]~~ provided that ordinary repairs ~~[shall]~~ must not exceed 10 percent of the current replacement cost of the structure within a 12-month period, and the floor area of the structure, as it existed on October 22, 1986, or on the date of any subsequent amendment to this chapter pursuant to which a lawful use became nonconforming, ~~[shall]~~ must not be increased~~[-]; and~~ further provided that the 10 percent of the current replacement cost limitation does not apply to work involving that portion of a structure devoted to nonconforming hotel use in the Diamond Head special district.

- (4) Any nonconforming use may be changed to another nonconforming use, subject to the prior approval of the director~~[-];~~ provided that:
 - (A) The change in use ~~[may be made]~~ is only permitted if any adverse effects on neighboring occupants and properties will not be greater than if the original nonconforming use were to be continued; and
 - (B) The director may impose conditions on the change in nonconforming use necessary or appropriate to minimize impact ~~[and/or]~~ or prevent greater adverse effects related to a proposed change in use. Other than as provided as "ordinary repairs" under subdivision (3), improvements intended to accommodate a change in nonconforming use or tenant ~~[shall]~~ are not ~~[be]~~ permitted.
- (5) Any action taken by an owner, lessee, or authorized operator ~~[which]~~ that reduces the negative effects associated with the operation of a nonconforming use ~~[—such as]~~, including but not limited to~~[-]~~ reducing hours of operation or exterior lighting intensity~~[—shall]~~, may not be reversed."



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 32 (2021), CD1

A BILL FOR AN ORDINANCE

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:


Tommy Waters (br)

DATE OF INTRODUCTION:

June 1, 2021
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

JACOB L. GARNER

APPROVED this 20th day of September, 2021.



RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 32 (2021), CD1

Introduced: 06/01/21 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: RELATING TO NONCONFORMING USES.

Voting Legend: * = Aye w/Reservations

06/01/21	INTRO	Introduced.
06/30/21	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
07/22/21	ZP	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-224 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
07/30/21	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/11/21	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS 1 ABSENT: KIA'ĀINA
08/18/21	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
08/26/21	ZP	Reported out for passage on third reading. CR-258 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
09/08/21	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


GLEN I. TAKAHASHI, CITY CLERK


TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO THE ADOPTION OF THE 2018 STATE FIRE CODE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the 2018 State Fire Code as adopted by the State of Hawaii on January 19, 2021, subject to certain amendments that shall apply to the City.

SECTION 2. Chapter 20, Article 1, Revised Ordinances of Honolulu 1990 ("Adoption of State Fire Code"), as amended, is repealed.

SECTION 3. Chapter 20, Revised Ordinances of Honolulu 1990 ("Fire Code"), is amended by adding a new Article 1 to read as follows:

"Article 1. Adoption of the State Fire Code

Sec. 20-1.1 Fire Code of the City and County of Honolulu.

The State Fire Code, as adopted by the State of Hawaii (State) on January 19, 2021, pursuant to Chapter 132 of the Hawaii Revised Statutes (HRS), which adopts, with modifications, the 2018 National Fire Protection Association (NFPA) 1 Fire Code that is published and copyrighted by the NFPA, is adopted by reference and made a part hereof, subject to the following amendments, which, unless stated otherwise, are in the form of amendments to NFPA 1:

(1) Amending Section 1.1.2. Section 1.1.2 is amended to read:

1.1.2 Title. This code shall be known and cited as the "Fire Code of the City and County of Honolulu" and will be referred to herein as "this code."

(2) Amending Section 1.10. Section 1.10 is amended to read:

1.10 Board of Appeals. See Chapter 16 (Building Code), Article 1, Revised Ordinances of Honolulu (ROH).

(3) Amending Section 1.12.8. Section 1.12.8 is amended to read:



A BILL FOR AN ORDINANCE

1.12.8 Permits, Licenses, and Fees. A permit or license shall be obtained from the Honolulu Fire Department's (HFD) Fire Prevention Bureau or designated agency prior to engaging in the following activities, operations, practices, or functions:

1. Places of Assembly. To operate a place of assembly. For permit requirements, see Section 20.1.1.1.

Annual Permit Fee: \$200

2. Tents and Canopies. For permit requirements, see Section 25.1.2.

Permit Fee: \$200

3. Flammable and Combustible Liquid Tank Installation. For permit requirements, see Section 66.1.5.

One-time Permit Fee:

\$150 for a tank capacity of 61 to 4,999 gallons

\$200 for a tank capacity of 5,000 gallons or greater

4. Liquefied Petroleum Gas (LPG) Container (Tank) Installation. For permit requirements, refer to Section 69.1.2.

One-time Permit Fee:

\$200 for a single container or the aggregate of interconnected containers of 125-gallon water capacity or more

5. Licenses to inspect, test, and maintain the following fire protection systems:

Fire Alarm Systems - Three-Year License Fee: \$100

Portable Fire Extinguishers - Three-Year License Fee: \$100

Private Fire Hydrants - Three-Year License Fee: \$100

Water-Based Systems - Three-Year License Fee: \$100

Other Fire Extinguishing Systems - Three-Year License Fee: \$100

6. Fireworks. For permits and license requirements, see Chapter 20, Article 6, ROH.



A BILL FOR AN ORDINANCE

7. Automatic Fire Extinguishing Systems for Commercial Cooking Equipment Inspection Fee.

Initial Inspection Fee: \$100

Reinspection Fee: \$100

8. Fire Alarm Systems Acceptance Test Inspection Fee. Inspection fees are as follows:

1-100 devices or appliances:

Initial Fee: \$100

Retest Fee: \$200

101-250 devices or appliances:

Initial Fee: \$250

Retest Fee: \$250

More than 250 devices or appliances:

Initial Fee: \$500

Retest Fee: \$500

9. Fire Plans Review Fee:

a. When plans or other specifications are submitted to the fire department per the Building Code, a plans review fee shall be paid at the time of submittal. The fees collected are hereby deemed appropriated upon receipt and may be expended for fire prevention activities relating to public education, fire investigations, plans checking, permit processing, fire inspections, and certifications.

b. The Fire Plans Review Revolving Fund is established and created herewith as a repository for such fees. The Fire Plans Review Fee shall be ten (10) percent of the building permit fee payable to the City and County of Honolulu prior to the issuance of the building permit.

EXCEPTION: Where an automatic fire sprinkler system is elected to be installed in accordance with NFPA 13D, NFPA 13R, or NFPA 13, the Fire Plans Review Fee shall be waived.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

10. Fireworks Public Display Inspection Fee. For permit requirements, see Section 20-6.12.

Inspection Fee: \$200

- (4) Amending Section 1.16.2.2. Section 1.16.2.2 is amended to read:

1.16.2.2 A copy of such order or final notice may be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice may be disseminated in accordance with the following:

Mailed to the last known address of the owner, occupant, or registered agent

- (5) Amending Section 1.16.4. Section 1.16.4 is amended to read:

1.16.4 Citations. Any person, firm, corporation, or entity who fails to comply with the provisions of this code or carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate shall be deemed guilty of a misdemeanor.

- (6) Amending Section 1.16.4.4. Section 1.16.4.4 is amended to read:

1.16.4.4 Failure to Comply. Each person, firm, corporation, or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, continued, or permitted. Upon conviction of any such violation, such person, firm, corporation, or entity shall be punished by a fine of not more than \$1,000 or imprisonment of not more than one year or both such fine and imprisonment.

- (7) Amending Section 4.1.3.2.2.5. Section 4.1.3.2.2.5 is amended by adding Subsection 4.1.3.2.2.5.1 to read:

4.1.3.2.2.5.1 The Authority Having Jurisdiction (AHJ) may require signage to be visible at the main entrance to the building and/or tenant space. Any required signage shall be made with lettering on a contrasting background as determined by the AHJ.

- (8) Amending Section 10.10.1. Section 10.10.1 is amended to read:



A BILL FOR AN ORDINANCE

10.10.1 Open Burning Fires. Open burning shall be conducted in accordance with this section and may be prohibited when the AHJ determines such fires are a hazard.

10.10.1.1 Compliance. Open burning shall comply with the following:

1. Fires for Cooking Food. Persons responsible for such fires not contained within an appliance, such as an imu, shall notify the HFD's Fire Communication Center (FCC) 15 minutes prior to lighting such fires.
2. Fires for Recreational, Decorative, or Ceremonial Purposes. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
3. Fires to Abate a Fire Hazard. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
4. Fires for Prevention or Control of Disease or Pests. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
5. Fires for Training of Fire Fighting Personnel. Fires for the training of fire fighting personnel shall be in accordance with NFPA 1403 and conducted only with the AHJ's approval. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
6. Fires for Disposal of Dangerous Materials. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
7. Fires for Residential Bathing Purposes. Notify the HFD's FCC at least 15 minutes prior to lighting such fires.



A BILL FOR AN ORDINANCE

10.10.1.2 Responsibility. Fires for open burning allowed under Section 10.10.1 shall be the responsibility of the person igniting and maintaining the fire.

10.10.1.3 Incinerators. Private incineration is prohibited by State health laws.

EXCEPTION: Closed incinerators approved by the State Department of Health shall be in accordance with NFPA 82.

- (9) Amending Section 10.10.6.1. Section 10.10.6.1 is amended to read:

10.10.6.1 For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within ten feet (three meters) of any structure without the AHJ's approval.

- (10) Amending Section 10.10. Section 10.10 is amended by adding Subsection 10.10.11 to read:

10.10.11 Open-Flame Performances Before a Proximate Audience.

10.10.11.1 Open-flame performances before a proximate audience shall comply with the following:

1. Performances that use an open flame, such as, but not limited to "fire dancing" and "logo burns," shall be held outdoors or within a building protected with an automatic sprinkler system in accordance with Section 20.1.5.3.
2. Performances shall be in an area provided with at least 25 feet of clearance to readily combustible materials.
3. A minimum clearance of 25 feet shall be kept between the performance and the audience at all times. This distance may be reduced, provided an AHJ-approved noncombustible safety net is in place in accordance with Section 20.1.5.3.
 - a. Fuel shall be stored in an approved container at least 25 feet away from the performance and the audience. The quantity of fuel stored shall only suffice for a single performance.



A BILL FOR AN ORDINANCE

- b. Performers shall not throw any open-flame props over the audience.
 - 4. A fire extinguisher with a minimum 4-A: 80-BC rating shall be readily available and within 30 feet of the performance. The fire extinguisher shall be constantly attended by a competent adult trained in the use of portable fire extinguishers.
 - 5. Fire props shall be adequately extinguished immediately after performances by soaking it in a bucket of water or other approved method.
 - 6. Additional clearances and/or means of fire extinguishment shall be provided if deemed necessary by the AHJ.
- (11) Amending Section 10.13.9. Section 10.13.9 is amended by adding Subsection 10.13.9.5 to read:

10.13.9.5

EXCEPTIONS:

- 1. Natural-cut Christmas trees shall be allowed in assembly occupancies that are protected throughout with an approved automatic fire sprinkler system that is installed and maintained in accordance with NFPA 13.
 - 2. Natural-cut Christmas trees shall be allowed in hotel occupancies that are protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13. An approved fire watch shall be provided for the duration in which the Christmas trees remain in the hotel.
- (12) Amending Section 10.13.10. Section 10.13.10 is amended by adding Subsection 10.13.10.4 to read:

10.13.10.4 Clearance of Brush or Vegetative Growth from Structures.

Persons owning, leasing, controlling, operating, or maintaining buildings or structures in, upon, or adjoining hazardous fire areas and persons owning, leasing, or controlling land adjacent to such buildings or structures shall at all times:

- 1. Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures.



A BILL FOR AN ORDINANCE

EXCEPTION: Single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation, and combustible growth located from 30 to 100 feet from such buildings or structures when required by the AHJ because of hazardous conditions causing a firebreak of only 30 feet, which is insufficient to provide reasonable fire safety.

EXCEPTION: Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within ten feet of a chimney's outlet.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Maintain the structure's roof free of leaves, needles, or other dead vegetative growth.

- (13) Amending Section 11.12.2.2.2.1. Section 11.12.2.2.2.1 is amended by adding an exception to read:

EXCEPTION: One- and two-family dwellings shall require only one three-foot wide access pathway from the eave to the ridge on each roof slope where the photovoltaic arrays are located. The access pathway shall be located at a structurally strong location of the building, such as a bearing wall.

- (14) Amending Section 11.12.2.2.2.2. Section 11.12.2.2.2.2 is amended by adding an exception to read:

EXCEPTION: Photovoltaic arrays for one- and two-family dwellings shall be located not less than 1½ feet below the ridge.

- (15) Amending Section 13.1.1. Section 13.1.1 is amended by adding Subsections 13.1.1.2 and 13.1.1.3 to read:



A BILL FOR AN ORDINANCE

13.1.1.2 Halon and Clean Agent Systems. Condition of acceptance of halon and clean agent systems shall be satisfactory passage of a final approval of an installation test in accordance with nationally recognized standards and the manufacturer's instructions prior to final acceptance of the system. The test shall be witnessed by the AHJ.

13.1.1.3 Nonwater-based Fire Extinguishing Systems. Upon completion of the installation of a nonwater-based fire extinguishing system that is required by this code, a satisfactory final approval of the system's installation test shall be made in accordance with nationally recognized standards and the manufacturer's instructions. Nonwater-based systems include, but are not limited to dry chemical and carbon dioxide extinguishing systems. The test shall be witnessed by the AHJ.

- (16) Amending Section 13.1.5 as amended. Section 13.1.5 is amended by adding Subsection 13.1.5.2 to read:

13.1.5.2 Fire department hose connections serving standpipe and sprinkler systems shall be located within 20 feet of a fire apparatus access road, not less than 18 inches and not more than 4 feet above grade, or as approved by the AHJ. Each fire department connection shall be designated by a sign with letters at least 1 inch (25.4 millimeter) in height that reads "STANDPIPE." For manual systems, the sign shall also indicate the system is manual and either wet or dry.

If automatic sprinklers are also supplied by the fire department connection, the sign or combination of signs shall indicate both designated services, e.g., "STANDPIPE AND AUTOMATIC SPRINKLER" or "AUTOMATIC SPRINKLER AND STANDPIPE" or "MANUAL STANDPIPE AND AUTOMATIC SPRINKLER."

- (17) Amending Section 13.3.2.20.1. Section 13.3.2.20.1 is amended to read:

13.3.2.20.1 When required by the county building code, all new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with Section 13.3.2.20.2.

- (18) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

13.3.2.26.2 Compliance shall be with an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems in accordance with the requirements of a building fire and life safety evaluation as achieved by a passing score on a building fire and life safety evaluation pursuant to Ordinance 18-14. Existing high-rise residential buildings not protected



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluations, which shall consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code on a form prescribed by the AHJ in accordance with Section 20-4.4. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo the building fire and life safety evaluation; provided all buildings continue to maintain a passing status on their respective building fire and life safety evaluation or maintain the codes and standards for automatic fire sprinkler systems that are current and applicable at the time the building permit application is submitted for approval. A passing score on the evaluation provides a minimum level of fire and life safety to fire fighters and occupants that is approved by the AHJ. A building fire and life safety evaluation shall be prepared by a licensed design professional or a building's authorized representative under the supervision of a licensed design professional, be stamped with the licensed design professional's authorized seal or stamp, and authenticated as provided under Hawaii Administrative Rules, Section 16-115-9. A building fire and life safety evaluation shall be conducted within four years from May 3, 2018, and the licensed design professional shall submit a copy of the authenticated building fire and life safety evaluation to the AHJ in accordance with Section 20-4.3. Buildings shall comply by passing the building fire and life safety evaluation within seven years from May 3, 2018, unless compliance is met with an automatic fire sprinkler system as indicated in Table 8 of the building fire and life safety evaluation form. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluation assessments or maintain an automatic sprinkler system that complies with this chapter and the building code at the time of the evaluation. For the purposes of this section, "existing high-rise residential building" means the same as "existing high-rise residential building" as defined in Section 20-5.1.

13.3.2.26.2.1 The association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building may appeal the final building fire and life safety evaluation score, the resulting fire safety requirements for the building, as assessed by the licensed design professional, or the determination of the AHJ by filing a written request for an appeal to the director or the head of the AHJ within 45 days of the date of the completed building fire and life safety evaluation or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a statement of the basis for appeal, supporting



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal no later than 30 calendar days from the receipt of the appeal. The AHJ shall submit an annual report to the City Council on the appeals filed for existing high-rise residential buildings and the disposition of the appeals.

13.3.2.26.2.2 Except as otherwise provided in this paragraph (18), which establishes the life safety evaluation system and authorizes owners of existing high-rise residential buildings to opt out of approved automatic sprinkler systems through a life safety evaluation process, existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system in accordance with this chapter and the building code. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo a building fire and life safety evaluation, but shall be required to apply for and obtain a building permit through a State-licensed specialty contractor for the automatic fire sprinkler system within three years from the date of notifying the AHJ of its option or selecting the option on the building fire and life safety evaluation code assessment form, Table 8.

13.3.2.26.2.3 Notwithstanding any other provision of this paragraph (18), the association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building 10 floors or higher may opt out of the automatic fire sprinkler system requirement; provided that, a majority of unit owners of a condominium or a majority of shareholders of a cooperative housing corporation decide to opt out of the requirement within four years of the completion of the building fire and life safety evaluation, either by vote at a regularly scheduled or special meeting of the owners or shareholders, convened and noticed in accordance with the condominium's or cooperative housing corporation's by-laws, or by written consent in lieu of a vote at a regularly scheduled or special meeting; provided further, that the building receives a passing score on the building fire and life safety evaluation through the implementation of alternative fire prevention and fire safety systems. An association of apartment owners of a condominium or a cooperative housing corporation that has opted out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners, shareholders, and residents. Verifiable public disclosure shall include signs posted in the building's public notification areas and real estate sales disclosures as may be required by Hawaii real estate industry practices.

13.3.2.26.2.4 Each building owner shall, within 180 days from May 3, 2018, file a written statement of its intent to comply with this paragraph (18) with the AHJ for approval.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

13.3.2.26.2.5 The AHJ shall review and respond to the written statement of the owner's intent to comply within 60 days of receipt of the statement of intent to comply.

13.3.2.26.2.6 Subject to the exceptions in Section 13.3.2.26.2.7, the entire building shall be required to be protected by:

- a. An approved automatic fire sprinkler system; or
- b. Alternative fire prevention and fire safety systems as approved by the AHJ

within 13 years of May 3, 2018, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

13.3.2.26.2.7 Compliance with the automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within nine years from May 3, 2018, common areas for buildings 10 to 19 floors shall be completed within 11 years from May 3, 2018, and all buildings, regardless of the number of floors, shall be completed within 13 years from May 3, 2018. An extension to 16 years from May 3, 2018, may be approved by the AHJ; provided that, compliance using an automatic fire sprinkler system in the common areas related to building egress path has been achieved.

EXCEPTION: Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.2 if all dwelling units have exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

EXCEPTION: Existing high-rise residential buildings less than ten floors in height can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.26.2.2.

EXCEPTION: Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.



A BILL FOR AN ORDINANCE

EXCEPTION: Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

EXCEPTION: Elevator hoist ways and machine rooms are not required to have automatic fire sprinkler protection.

EXCEPTION: Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.2.

EXCEPTION: Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

EXCEPTION: The time periods and deadlines for compliance set forth in Sections 13.3.2.26.2 and 13.3.2.26.2.7 shall be paused, tolled, or suspended where a building permit application, or other code application, for projects that relate to those sections or are required for the building to achieve compliance with the requirements of Section 13.3.2.26.2.2 for an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems, when the application is duly filed by a State-licensed specialty contractor for the design, installation, or upgrade of such system, and the review and issuance of the building permit or other code application has not been completed by the reviewing agency within 90 days of such submission to the reviewing agency. The period of time in excess of the 90-day period following timely filing of a complete application, but before issuance of the permit or approval of the application, shall constitute the period of time in which the time period and deadline are paused, tolled, or suspended.

- (19) Amending Section 13.7.1.9.4. Section 13.7.1.9.4 is further amended to read:

13.7.1.9.4 When approved by the AHJ and where permitted by Chapters 11 through 43 of NFPA 101, a positive alarm sequence shall be permitted, provided it is in accordance with NFPA 72. The following additional requirements shall also apply:

1. An automatic fire sprinkler system installed in conformance with the building code shall be provided throughout the building or facility.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

2. Written fire emergency procedures and an evacuation plan for the building or facility shall be reviewed by the AHJ prior to approval testing. The procedures and plan shall include, but not be limited to, immediate notification to the fire department, use of primary and secondary exits, and the use of fire protection appliances for the building(s) or facility(ies).
3. Trained personnel shall respond to emergencies on a 24-hour basis. The staff shall be instructed in fire emergency procedures and the use and operation of in-house fire appliances. Documentation of such training shall be maintained and filed on the premises.
4. Immediate notification to the fire department shall take place upon activation of any fire alarm initiating device.
5. If a fire alarm system's initiating device is activated, acknowledgement at the control unit by trained personnel shall be accomplished within 15 seconds in order to initiate the alarm investigation phase. If the signal is not acknowledged within 15 seconds, all building or facility and remote signals shall be activated immediately and automatically (general alarm).
6. If a fire alarm system's initiating device is activated, notification devices in that zone shall be activated. The zone notification shall include the floor of, the floor above, and the floor below the activated device. The zone notification areas may be modified with the AHJ's approval. This zone notification shall be for a maximum of three minutes, during which trained personnel shall initiate the alarm investigation phase, communicate their findings immediately to the fire department, and reset the system if appropriate. After three minutes or activation of any other initiating device(s), the fire alarm system shall be activated immediately and automatically for the entire building or facility (general alarm). At no time shall the fire alarm system be silenced until verification of the alarm is accomplished.
7. The fire alarm system shall provide a means to bypass the positive alarm sequence and immediately activate the general alarm for the entire building or facility.
8. The AHJ shall conduct a test of the positive alarm sequence prior to implementation.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

9. The AHJ may disapprove or rescind approval of the fire alarm system's positive alarm sequence if all of the abovementioned requirements are not met and shall require the fire alarm system to be reprogrammed to meet a general alarm notification at the owner's expense.

- (20) Amending Section 18.2.3.2.2.1. Section 18.2.3.2.2.1 is amended to read:

18.2.3.2.2.1 Automatic Sprinkler Systems. When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, an increase in distance in Section 18.2.3.2.2 shall be permitted as set forth by the AHJ.

- (21) Amending Section 18.2.3.2. Section 18.2.3.2 is amended by adding Subsection 18.2.3.2.3 to read:

18.2.3.2.3 Access for High-Piled Storage. When high-piled storage areas exceed 12,000 square feet, one or more access doors shall be provided in each 100 lineal feet, or major fraction thereof, of the exterior walls which face required access roadways. Required access doors shall be a minimum of three feet wide and six feet eight inches high. Roll-up doors shall not be allowed as access doors, unless approved by the AHJ.

- (22) Amending Section 18.4.5.1 and Subsection 18.4.5.1.1. Section 18.4.5.1 and Subsection 18.4.5.1.1 are amended to read:

18.4.5.1 One- and Two-Family Dwellings Not Exceeding 3,500 square feet (325.2 square meters).

18.4.5.1.1 The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 3,500 square feet (325.2 square meters) shall be 1,000 gallons per minute (3,785 liters per minute) for one hour.

- (23) Amending Section 18.5.2. Section 18.5.2 is amended by adding Item (3) to read:

- (3) When detached one- and two-family dwellings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13D, an increase in distance shall be permitted as set forth by the AHJ.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

(24) Amending Section 18.5.3. Section 18.5.3 is amended by adding Item (3) to read:

- (3) When detached one- and two-family dwellings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13D, an increase in distance shall be permitted as set forth by the AHJ.

(25) Amending Section 20.1.1.1. Section 20.1.1.1 is amended to read:

20.1.1.1 Permits and Plans. A permit is required for each place of assembly with an occupant load capacity of 300 or more persons, such as restaurants, nightclubs, and dancing and drinking establishments. The permit shall be posted in a conspicuous location on the premises.

At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the establishment's floor plan indicating the square footage (gross), seating arrangements (if more than one seating configuration is used by the establishment), occupancy load, aisle widths, exits and access ways to exits, and compliance with other fire code requirements in accordance with Chapter 20 of this code. See also amended Section 1.12.8.

(26) Amending Section 20.1.5.10.4.1. Section 20.1.5.10.4.1 is amended to read:

20.1.5.10.4.1 Any room or area constituting an assembly, regardless of seating arrangements, shall have a permanent occupant load sign posted in a conspicuous place near the main exit from the room. The occupant load shall be established in accordance with the current building code.

(27) Amending Section 25.1.2. Section 25.1.2 is amended by adding Subsection 25.1.2.1 to read:

25.1.2.1 Tents and Canopies. A permit is required to erect or operate a tent or canopy having an area in excess of 2,100 square feet. At the time of application, two copies of the plot plan shall be submitted to the AHJ indicating distances to property lines, buildings, other tents and canopies, parked vehicles, or internal combustion engines. Refer to amended Section 1.12.8.

EXCEPTION: Permits are not required for private parties on private property.



A BILL FOR AN ORDINANCE

- (28) Amending Section 50.4.4.3.1. Section 50.4.4.3.1 is amended to read:

50.4.4.3.1 In existing systems when changes in the cooking media, positioning, operation and use, or replacement of cooking equipment, or changes in ownership occur, the fire extinguishing system shall be made to comply with Sections 50.4.4.3 and 50.4.11.

- (29) Amending Section 50.4.10.2. Section 50.4.10.2 is amended by adding Subsection 50.4.10.2.3 to read:

50.4.10.2.3 Acceptance Test. Prior to commencing initial cooking operations, a satisfactory acceptance test of the system shall be made in accordance with the manufacturer's instructions. The acceptance test shall be of an approved method and witnessed by the AHJ.

- (30) Amending Section 65.1.1. Section 65.1.1 is amended to read:

65.1.1 The storage, use, and handling of explosives, fireworks, and model rocketry shall comply with the requirements of this chapter, NFPA standards referenced within this chapter, Sections 60.1 through 60.4 of this code, and applicable county laws and rules.

- (31) Amending Section 66.1.5. Section 66.1.5 is further amended by adding Subsection 66.1.5.1 to read:

66.1.5.1 Permits and Plans. A permit is required to install or operate equipment in connection with the storage, handling, use, or sale of flammable or combustible liquids regulated under Chapter 66 of this code.

Permits are not transferable, and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit.

At the time of application, two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher, and necessary signage and placards shall be submitted to the AHJ.

Tank installations within the jurisdiction of the City shall be approved by the Honolulu Department of Permitting and Planning (DPP) prior to submitting an



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

application for the HFD's flammable and combustible liquid tank installation permit. For installations in State conservation-zoned areas, tank installations shall be reviewed and approved by the State Department of Land and Natural Resources (DLNR). Refer to amended Section 1.12.8.

- (32) Amending Section 69.1.1.3. Section 69.1.1.3 is amended by adding Subsection 69.1.1.3.1 to read:

69.1.1.3.1 Records. Installers shall maintain a record of installations for permits not required by Section 1.12.8, and such record shall be available for inspection by the AHJ.

EXCEPTION: Installation of gas-burning appliances and replacement of portable cylinders.

- (33) Amending Section 69.1.2. Section 69.1.2. is amended by amending Subsection 69.1.2.1 to read:

69.1.2.1 Permits and Plans. A permit is required to install or dispense LPG or maintain an LPG container (tank).

EXCEPTION: A permit is not required to install or maintain a portable container or the aggregate of interconnected containers of less than a 125-gallon water capacity.

Permits shall not be transferable, and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit. Distributors shall not fill an LPG container for which a permit is required, unless a permit for installation has been issued for that location by the AHJ.

Where a single container or the aggregate of interconnected containers is of a 125-gallon water capacity or more, the installer shall submit plans to the AHJ.

LPG installations requiring a permit shall have the permit on site and available for inspection by the AHJ.

At the time of permit application, the installer shall submit to the AHJ two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter piping, location of fire extinguisher(s), and necessary signage and placards.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

Container installations within the City's jurisdiction shall be approved by the DPP prior to submitting an application for the HFD's LPG tank installation permit. For installations in State preservation-zoned areas, container installations shall be reviewed by the State DLNR. Refer to amended Section 1.12.8.

(34) Amending Section 69.3.6.1.2. Section 69.3.6.1.2 is amended to read:

69.3.6.1.2 LPG containers or systems of which they are a part shall be protected from damage from vehicles in accordance with Section 60.5.1.9."

SECTION 4. Chapter 20, Article 4, Revised Ordinances of Honolulu 1990, as amended by Ordinance 21-3, is amended to read as follows:

"Article 4. Fire and Life Safety Evaluation of Existing High Rise Residential Buildings

Sec. 20-4.1 Definitions.

As used in this article, unless the context requires otherwise:

"Building code" means the provisions of Chapter 16, ROH 1990.

"Building fire and life safety evaluation [~~code assessment~~]" means an assessment of building safety features and fire protection systems providing a minimum level of fire and life safety to occupants and firefighters that is approved by the AHJ[.] and is prescribed by the AHJ for assessing the safety features and fire protection systems of an existing high-rise building.

~~["Building fire and life safety evaluation form" means a form that is prescribed by the AHJ for assessing the safety features and fire protection systems of an existing high-rise building.]~~

"Existing high-rise residential building" means the same as "existing highrise residential building" as defined in Section 20-5.1.

Sec. 20-4.2 Requirement for building fire and life safety evaluations.

Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall receive a building fire and life safety evaluation [~~code assessment~~] in accordance with Section 13.3.2.26.2 on a form that is prescribed by the AHJ.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

Sec. 20-4.3 Compliance.

- (a) A building fire and life safety evaluation code assessment shall be prepared by a licensed design professional or a building's authorized representative under the supervision of a licensed design professional using the building fire and life safety evaluation ~~[form]~~ prescribed by the AHJ in accordance with Section 13.3.2.26.2; provided that existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo a building fire and life safety evaluation ~~[code assessment]~~ for initial compliance. The AHJ may grant an extension per Section 13.3.2.26.2.7 if automatic fire sprinkler systems in common areas are used to achieve compliance. All buildings that are required to undergo a building fire and life safety evaluation ~~[code assessment]~~ must continue to maintain a passing status on their respective building fire and life safety evaluation ~~[code assessments]~~.
- (b) The licensed design professional shall submit a copy of the authenticated building fire and life safety evaluation to the AHJ within five business days of its completion~~[- or if the evaluation was completed prior to the effective date of this ordinance, then within five business days of the effective date of this ordinance.]~~.

Sec. 20-4.4 Building fire and life safety evaluation form.

The AHJ shall prescribe the building fire and life safety evaluation form for conducting building fire and life safety evaluations. No changes or modifications shall be made to the building fire and life safety evaluation form that is prescribed by the AHJ according to this article, or the procedures and process of utilizing the building fire and life safety evaluation form in assessing existing high-rise residential buildings, without the approval of the Council. The AHJ shall make the building fire and life safety evaluation ~~[form]~~ readily available to the public through all reasonable means, including but not limited to, providing copies through the United States Postal Service or by making electronic copies available for downloading from the AHJ's website."

SECTION 5. In SECTION 4 of this ordinance, ordinance material to be repealed is bracketed and stricken and new ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 33 (2021), CD1

A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 22, 2021
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

GABRIELE V. PROVENZA

APPROVED this 20th day of September, 20 21.

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 33 (2021), CD1

Introduced: 06/22/21 By: TOMMY WATERS - BY REQUEST Committee: PUBLIC SAFETY (PS)

Title: RELATING TO THE ADOPTION OF THE 2018 STATE FIRE CODE.

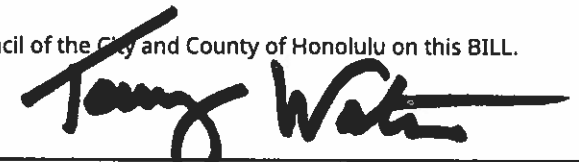
Voting Legend: * = Aye w/Reservations

06/22/21	INTRO	Introduced.
07/07/21	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
07/22/21	PS	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-217 4 AYES: FUKUNAGA, SAY, TSUNEYOSHI, TULBA
07/30/21	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/11/21	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS 1 ABSENT: KIA'ĀINA
08/18/21	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
08/25/21	PS	Reported out for passage on third reading. CR-253 4 AYES: FUKUNAGA, SAY, TSUNEYOSHI, TULBA
09/08/21	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER