# REPORT OF THE COMMITTEE ON PUBLIC SAFETY

**Voting Members:**
Val A. Okimoto, Chair; Augie Tulba, Vice Chair;
Tyler Dos Santos-Tam, Andria Tupola

Committee Meeting Held
November 19, 2024

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Safety, which considered Bill 55 (2024), CD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO THE ADOPTION OF THE 2021 STATE FIRE CODE,"

which passed second reading and was the subject of a public hearing held at the November 7, 2024, Council meeting, reports as follows:

The purpose of Bill 55 (2024) is to adopt the 2021 State Fire Code as adopted by the State of Hawai'i on January 20, 2023, subject to certain amendments that shall apply to the City and County of Honolulu.

Fire Chief Kalani Hao and Battalion Chief Pao-Chi Hwang of the Honolulu Fire Department provided comments on the Bill, and answered questions from the Committee.

Your Committee considered and approved a proposed posted CD2 version which makes the following amendments:

A. In SECTION 3:

1. In paragraph (11), corrects the reference to Section 11.12.2.2.2.1 with Section 11.12.3.2.3.



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2 In paragraph (12), corrects the reference to Section 11.12.2.2.2.2 with Section 11.12.3.2.4 and converts the measurements of 1 ½ feet to 18 inches.

3. In paragraph (15), clarifies the requirements for fire department connection signs indicating manual wet and dry standpipe systems, manual and automatic wet standpipe systems combined with a sprinkler system, and all other standpipe system.

4. In paragraph (17):

(a) Amends Section 13.3.2.25.2 to:

(1) Require that all buildings must continue to maintain an acceptable building fire and life safety evaluation score or maintain the codes and standards for automatic fire sprinkler systems that are current at the time the building permit application is submitted for approval;

(2) Remove the requirement that a building's aggregate fire and life safety evaluation score be published on the AHJ's website; and

(3) Require existing high-rise residential buildings to receive an acceptable score on the building fire and life safety evaluation by no later than May 3, 2038, instead of May 3, 2018.

(b) Amends Section 13.3.2.25.2.3 to:

(1) Remove the requirement 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 automatic fire sprinkler requirement within nine years of having received an acceptable score on the building fire and life safety evaluation;

(2) Removes the requirement that disclosure of the AOAO or cooperative housing corporation's actions regarding the opt out decision be made public and posted on the website of the AHJ.

(c) Amends Section 13.3.2.25.2.4 to:

(1) Remove the requirement that within 180 days of May 3, 2018, each building owner file a statement of its design plans and implementation timeline to achieve an acceptable life safety evaluation score, and instead inserts a requirement that by May 3, 2030, each building owner shall meet with the unit owners or tenants to discuss obtaining an acceptable life safety evaluation score by the required date; and

(2) Require that a building owner must file its intent to comply no later with this paragraph (17) no later than May 3, 2030.

(d) Amends Section 13.3.2.25.2.6 to:

(1) Require compliance with the automatic fire sprinkler system or alternative fire prevention and fire safety systems for the entire building to be completed by May 3, 2038; and

(2) Require a financial and design plan for existing high-rise residential buildings to that opt to install an automatic fire sprinkler system to be filed with the AHJ no later than May 3, 2030.

(e) Amends Section 13.3.2.25.2.7 to:

(1) Require compliance with the automatic fire sprinkler system or alternative fire prevention and fire safety systems in common areas to be completed by May 3, 2038, instead of May 3, 2018; and

(2) Amends the extension deadline to May 3, 2048, instead of May 3, 2039.

B. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee has concerns with the Fire Plans Review Revolving Fund appropriation language. However, due to the statutory deadline, your Committee desires to move this measure forward to ensure the Honolulu Fire Department's amendments are ordained in the Revised Ordinances of Honolulu.

# REPORT OF THE COMMITTEE ON PUBLIC SAFETY

**Voting Members:**
Val A. Okimoto, Chair; Augie Tulba, Vice Chair;
Tyler Dos Santos-Tam, Andria Tupola



Your Committee on Public Safety is in accord with the intent and purpose of Bill 55 (2024), CD1, as amended herein, and recommends that it pass third reading in the form attached hereto as Bill 55 (2024), CD2. (Ayes: Dos Santos-Tam, Okimoto, Tulba, Tupola – 4; Noes: None.)

Respectfully submitted,

Val A. Okimoto

Committee Chair

**HONOLULU CITY COUNCIL**
***Ke Kanihela o ke Kalana o Honolulu***
CITY AND COUNTY OF HONOLULU

ADOPTED ON DEC 11 2024

COMMITTEE REPORT NO. 330

# HONOLULU CITY COUNCIL

***KE KANIHELA O KE KALANA O HONOLULU***

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **55 (2024), CD2**

## A BILL FOR AN ORDINANCE

RELATING TO THE ADOPTION OF THE 2021 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 2021 State Fire Code as adopted by the State of Hawai'i on January 20, 2023, subject to certain amendments that shall apply to the City and County of Honolulu ("City").

SECTION 2. Chapter 20, Article 1, Revised Ordinances of Honolulu 2021 ("Adoption of State Fire Code"), as amended, is repealed.

SECTION 3. Chapter 20, Revised Ordinances of Honolulu 2021 ("Fire Code of the City and County of Honolulu"), 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 Hawai'i ("State") on January 20, 2023, pursuant to Chapter 132 of the Hawaii Revised Statutes ("HRS"), which adopts, with modifications, the 2021 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").

# A BILL FOR AN ORDINANCE

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

**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

**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.

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.

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

**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.

**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.

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 11.12.3.2.3. Section 11.12.3.2.3 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.

(12) Amending Section 11.12.3.2.4. Section 11.12.3.2.4 is amended by adding an exception to read:

**EXCEPTION:** Photovoltaic arrays for one- and two-family dwellings shall be located not less than 18 inches below the ridge.

(13) Amending Section 12.6.9.1.1. Section 12.6.9.1.1 is amended to read:

**12.6.9.1.1** Christmas tree placement within buildings shall comply with Table 12.6.9.1.1.

**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.

(14) 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:

**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.

(15) Amending Section 13.1.5. 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.

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Each fire department connection shall be designated by a sign with contrasting letters at least 1 inch (25.4 millimeters) in height.

If automatic sprinklers are also supplied by the fire department connection, the sign or combination of signs shall indicate both designated services.

1. For manual wet standpipe systems, the sign shall read as follows:

   Manual Wet Standpipe _____ PSI Top Most Outlet Pressure, FDC System Demand _____ GPM @ _____ PSI

2. For manual dry standpipe systems, the sign shall read as follows:

   Manual Dry Standpipe _____ PSI Top Most Outlet Pressure, FDC System Demand _____ GPM @ _____ PSI

3. For automatic wet standpipe systems that are combined with a sprinkler system, the sign shall read as follows:

   Automatic Wet Standpipe _____ PSI Top Most Outlet Pressure, FDC System Demand _____ GPM @ _____ PSI and Automatic Sprinkler

4. For manual wet standpipe systems that are combined with a sprinkler system, the sign shall read as follows:

   Manual Wet Standpipe _____ PSI Top Most Outlet Pressure, FDC System Demand _____ GPM @ _____ PSI and Automatic Sprinkler

5. For all other standpipe systems, the signage shall be approved by the AHJ.

(16) Amending Section 13.3.2.19.1. Section 13.3.2.19.1 is amended to read:

**13.3.2.19.1** 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 13.3.2.19.2

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(17) Amending Section 13.3.2.25.2. Section 13.3.2.25.2 is amended to read:

**13.3.2.25.2** 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 receiving an acceptable score on a building fire and life safety evaluation pursuant to Ordinance 18-14. Existing high-rise residential buildings not protected 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 that all buildings must continue to maintain an acceptable score 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. An acceptable 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. The licensed design professional shall provide the scores by each category of the building fire and life safety evaluation to the association of apartment owners of a condominium or the housing cooperative housing corporation. A building fire and life safety evaluation shall be conducted by no later than August 31, 2022, 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. Existing high-rise residential buildings must comply by receiving an acceptable score on the building fire and life safety evaluation by no later than May 3, 2038, 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 13.3.2.25.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain an acceptable score 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 paragraph (17) "existing high-rise residential building" means the same as "existing highrise residential building" as defined in Section 20-5.1.

**13.3.2.25.2.1** 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 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.

**13.3.2.25.2.2** Except as otherwise provided in this paragraph (17), 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 or select the option on the building fire and life safety evaluation code assessment form, Table 8.

**13.3.2.25.2.3** Notwithstanding any other provision of this paragraph (17), 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 the building receives an acceptable score on the building fire and life safety evaluation, or alternative fire prevention and fire safety systems to obtain an acceptable life safety evaluation score have been implemented. 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 disclosure of its action to all current and future owners, shareholders,

and residents. Verifiable disclosure shall include real estate sales disclosures as may be required by Hawaii real estate industry practices.

**13.3.2.25.2.4** No later than May 3, 2030, each building owner shall meet with unit owners or, in the case of an apartment building, with tenants, to discuss a design plan, financing options, and implementation timelines to obtain an acceptable life safety evaluation score by the required date. A statement describing the building owner's design plan and implementation timelines to obtain an acceptable life safety evaluation score and the building owner's intent to comply with this paragraph (17) must be filed no later than May 3, 2030, with the AHJ for approval.

**13.3.2.25.2.5** 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.

**13.3.2.25.2.6** Subject to the exceptions in Section 13.3.2.25.2.7, 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

by May 3, 2038, except where an extension is approved by the AHJ as provided in Section 13.3.2.25.2.7. A financial and design plan for existing high-rise residential buildings that opt to install an automatic fire sprinkler system must be filed with the AHJ for approval no later than May 3, 2030.

**13.3.2.25.2.7** Compliance with the automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems provisions of Section 13.3.2.25.2.2 shall be achieved as follows: Common areas for all buildings shall be completed by May 3, 2038. An extension to no later than May 3, 2048 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 13.3.2.25.2.2 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 10 floors in height can receive an acceptable score on the building fire and life safety evaluation in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.25.2.2.

**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.

**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 13.3.2.25.2.2.

**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 Section 13.3.2.25.2 and Section 13.3.2.25.2.7 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 13.3.2.25.2.2 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. The reviewing agency shall process applications filed pursuant to Section 13.3.2.25.2 and Section 13.3.2.25.2.7 in a timely manner, provided that no penalties shall be imposed upon those buildings whose applications have not been processed by the

reviewing agency before the deadlines to achieve compliance with the requirements set forth in Section 13.3.2.25.2 and Section 13.3.2.25.2.7 and were submitted to the reviewing agency at least 90 days prior to the respective deadline.

(18) Amending Section 13.7.1.1. Section 13.7.1.1 is amended by adding Subsection 13.7.1.1.1 to read:

**13.7.1.1.1** When a fire alarm control unit is replaced, it shall be considered as newly introduced equipment, as stated in 1.3.6.4, and shall comply with requirements for new construction.

(19) Amending Section 13.7.1.9.5. Section 13.7.1.9.5 is further amended to read:

**13.7.1.9.5** 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.

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, the 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.

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 13.7.3.2.1. Section 13.7.3.2.1 is amended to read:

**13.7.3.2.1 Approval and Acceptance.** The AHJ shall be notified prior to the installation or alteration of equipment or wiring [**72:**10.20.2]. The documentation requirements of 13.7.3.2.2 and 13.7.3.2.3 shall be required.

(21) Amending Section 17.3.5.2.1.11. Section 17.3.5.2.1.11 is amended by adding Subsection 17.3.5.2.1.11.6 to read:

**17.3.5.2.1.11.6 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.

   **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.

(22) Amending Section 18.2.3.1.3. Section 18.2.3.1.3 is amended to read:

**18.2.3.1.3** The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exists:

(1) Not more than two one- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1

(2) Not more than two existing one- and two-family dwellings

(3) Private garages having an area not exceeding 400 $ft^2$ (37 $m^2$)

(4) Carports having an area not exceeding 400 $ft^2$ (37 $m^2$)

(5) Agricultural buildings having an area not exceeding 400 $ft^2$ (37 $m^2$)

(6) Sheds and other detached buildings, not classified as a residential occupancy, having an area not exceeding 400 $ft^2$ (37 $m^2$)

(23) 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.

(24) 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.

(25) Amending Section 18.2.3.5.6.1. Section 18.2.3.5.6.1 is amended to read:

**18.2.3.5.6.1** Fire department access roads shall not exceed 10 percent in grade.

**EXCEPTION:** Grades steeper than 10 percent as approved by the AHJ

(26) 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 $ft^2$ (325.2 $m^2$) shall be 1,000 gallons per minute (3,785 liters per minute) for one hour.

# A BILL FOR AN ORDINANCE

(27) 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.

(28) 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.

(29) 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.

(30) 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 temporary tents or other coverings used for private family parties or for camping for periods not to exceed 14 consecutive days.

(31) 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.

(32) 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.

(33) 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.

(34) Amending Section 66.1.5. Section 66.1.5 is 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 City Department of Permitting and Planning ("DPP") prior to submitting an application for the HFD's flammable and combustible liquid tank installation permit.

(35) 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.

(36) 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 LP-Gas or maintain an LP-Gas 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 LP-Gas 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. LP-Gas 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.

Container installations within the City's jurisdiction shall be approved by the DPP prior to submitting an application for the HFD's LP-Gas tank installation permit. For installations in State preservation-zoned areas, container installations shall be reviewed by the State Department of Land and Natural Resources. Refer to amended Section 1.12.8.

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(37) Amending Section 69.3.8.1.2. Section 69.3.8.1.2 is amended to read:

**69.3.8.1.2** LP-Gas containers or systems that are installed within 10 feet (3 meters) of public vehicular thoroughfares shall be provided with a means of vehicular barrier protection in accordance with Section 60.5.1.9."

# A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

October 2, 2024
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

RICK BLANGIARDI, Mayor
City and County of Honolulu

**Report Title:**
National Fire Protection Association ("NFPA"); State Fire Code; Fire Code of the City and County of Honolulu

**Description:**
Adopts the 2021 State Fire Code subject to certain amendments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*