SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 58 (2024)
RELATING TO THE BUILDING CODE.

The PROPOSED CD1 makes the following amendments:

A. In SECTION 2 of the bill, sets out City Building Code Amendment (2) in its entirety, deletes Section 104.4.8 Other Codes, renumbers the balance of the sections in Section 101.4, and clarifies the amendatory language.

B. In SECTION 29 of the bill, sets out City Building Code Amendment (82) in its entirety.

C. In SECTION 30 of the bill, sets out City Building Code Amendment (85) in its entirety.

D. Deletes SECTION 58 of the bill because the existing language of ROH Section 16-14.5 comports with the language change proposed by SECTION 58. Renumbers subsequent sections of the bill.

E. Throughout the bill, makes miscellaneous technical and nonsubstantive amendments, including clarifying the amendatory language and comporting the bill with recommended drafting format.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **58 (2024), CD1**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO THE BUILDING CODE.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the Building Code of the City and County of Honolulu.

SECTION 2. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code") is amended by amending Amendment (2) to read as follows:

"(2) Amending Section 101.4. Section 101.4 is amended to read:

101.4 Referenced codes. The codes referenced in Sections 101.4.1 through 101.4.9 shall be considered part of the requirements of this code to the prescribed extent and scope of each such reference. Sections 101.4.1 through [~~101.4.9~~] 101.4.8 are amended and a new Section 101.4.9 is added to read:"

101.4.1 Gas. Whenever the term International Fuel Gas Code is used in this code, it shall mean the provisions of ROH Chapter 19, Plumbing Code. The provisions of ROH Chapter 19 apply and are incorporated into this code.

101.4.2 Mechanical. Provisions in the International Mechanical Code are not adopted by this code but may be considered for guidance.

101.4.3 Plumbing. Whenever the International Plumbing Code is referenced, the provisions of ROH Chapter 19, Plumbing Code, shall apply.

101.4.4 Fire prevention. Whenever the provisions of the International Fire Code are referenced, the provisions of ROH Chapter 20, Fire Code of the City and County of Honolulu, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal [~~or~~] fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.5 Energy. Whenever the term International Energy Conservation Code is used, it shall mean the provisions of ROH Chapter 16B, Building Energy Conservation Code.

101.4.6 Existing buildings. Whenever the term International Existing Building Code is used in this code, the provisions of ROH Chapter 16, Article 9, shall apply to matters governing the *repair, alteration*, change of occupancy, *addition* to and relocation of existing buildings.

101.4.7 Electrical Codes. Whenever the term International Electrical Code is used in this code, the provisions of ROH Chapter 17, Electrical Code, shall apply.

[~~**101.4.8 Other Codes.** Other referenced codes not listed in Section 101.4 are considered referenced guidelines and not mandatory.~~]

[~~**101.4.9**~~] **101.4.8 Fixed transit and passenger rail systems.** The provisions of the Standard for Fixed Guideway Transit and Passenger Rail Systems, NFPA 130, shall apply to fixed guideway transit and passenger rail stations to the prescribed extent of this standard.

[~~**101.4.10**~~] **101.4.9 Housing Code.** Whenever the term Housing Code is used in this code, the provisions of ROH Chapter 16A, Housing Code, shall apply."

SECTION 3. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (5) to read as follows:

"(5) [~~Amending~~] Adding Section 103. Section 103 [~~is~~] of the International Building Code, 2018 Edition, is added by reference and made a part of this code, except Sections 103.2 and 103.3, which are amended to read:

SECTION 103
ORGANIZATION AND ENFORCEMENT

103.2 Building official appointment authority. In accordance with the prescribed procedures and with the approval of the appointing authority, the *building official* shall have the authority to appoint technical officers, inspectors, plan examiners and other personnel necessary to support this code enforcement agency. The *building official* may designate such inspectors or employees as

may be necessary to carry out the functions of this code enforcement agency. Such employees shall have powers as delegated by the building official.

103.3 Deputies. The *building official* may deputize volunteers to temporarily carry out functions of the code enforcement agency in the event of a major natural disaster."

SECTION 4. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (6) to read as follows:

"(6) [~~Amending~~] Adding Section 104. Section 104 [~~is amended by adding Section 104.11 and Section 104.11.3~~] of the International Building Code, 2018 Edition, is added by reference and made a part of this code. Section 104.11 is amended and Section 104.11.3 is added to read:

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method, or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety. Where an application for approval of an alternative material, design, or method of construction is submitted to the building official for approval, but is not approved, the building official shall respond in writing to the applicant, stating the reasons why the submitted alternative was not approved.

104.11.3 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the building code official, the building [~~code~~] official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory, or fire safety specialty organization acceptable to the building [~~code~~] official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The

building [~~code~~] official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional."

SECTION 5. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (7) to read as follows:

"(7) Adding Section 105. A new Section 105 [~~and all of its subsections are deleted in their entirety and replaced with the following:~~] is added to read:

SECTION 105
PERMITS

The provisions of ROH Chapter 18 apply."

SECTION 6. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by adding a new Amendment (7a) to read as follows:

"(7a) Adding Section 106. Section 106 of the International Building Code, 2018 Edition, is added by reference and made a part of this code."

SECTION 7. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (8) to read as follows:

"(8) [~~Amending~~] Adding Section 107. Section 107 of the International Building Code, 2018 Edition, is added by reference and made a part of this code, except that Section 107.1 is amended and Section 107.1.1 is added to read:

107.1 General. See ROH Chapter 18.

107.1.1 Conflicts. In the event of a conflict between Section 107 of this Code and ROH Chapter 18, both codes will be given effect to maximum extent possible, such that one code will not by implication nullify any requirements arising under the other code. If a conflict is irreconcilable and cannot be resolved without nullifying the provisions of one code, the conflict will be resolved in favor of Chapter 18."

A BILL FOR AN ORDINANCE

SECTION 8. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (9) to read as follows:

"(9) [~~Amending Section 107.~~] Amending Sections 107.2, 107.2.1, 107.2.2, 107.2.3, 107.2.6, 107.2.6.1, 107.2.7 and adding Sections 107.2.6.2, 107.2.9, 107.2.9.1, and 107.2.10. Sections 107.2, 107.2.1, 107.2.2, 107.2.3, 107.2.6, 107.2.6.1, [~~107.2.6.2,~~] and 107.2.7 of the International Building Code, 2018 Edition, are amended and Sections 107.2.6.2, 107.2.9, 107.2.9.1, and 107.2.10 are [~~amended~~] added to read:

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.8 of this code.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it shall conform to the provisions of this code and relevant laws, ordinances, rules and regulation, as determined by the building official.

For construction of new buildings, the construction documents shall include but not limited to, the building occupancy group classification, the building height and area, the classification of buildings as to type of construction and the fire and smoke protection features.

107.2.2 Fire protection system shop drawings. When automatic sprinkler systems are installed, construction drawings shall contain all information as required by the referenced installation standards in International Building Code Chapter 9.

For new installations, the construction drawings shall include but are not limited to, the spacing, location, and position of all fire sprinkler heads, the sprinkler system monitoring and alarm system information, the system riser and fire department connection details with their location.

For existing construction, the construction drawings shall include but are not limited to, the locations of the existing and final fire sprinkler heads affected by the proposed work.

Working drawings shall be required for new installations. The drawings shall include but are not limited to, existing systems that increase the coverage areas, change the hazard classification, provide in-rack sprinkler systems, and identify any storage in excess of 12 feet in height. Drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be submitted by the fire protection special inspector in accordance with International Building Code Section 919.

107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.6 Site plan. In addition to the plot plan required in ROH Chapter 18, the construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale; the size and location of new construction and any existing structures on the site, distances from *lot lines*, the established street grades and the existing and proposed finished grades and as applicable, location of fire hydrants, fire department apparatus roads, flood hazard areas, floodways, design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and location and size of existing structures and construction that are to remain on the site or plot

107.2.6.1 Special flood hazard areas. Where base flood elevations are not specified, they shall be established in accordance with ROH Chapter 21A.

107.2.6.2 Topographic survey. For new or additions to structures and buildings, on properties where the elevation difference on that site is 5 feet (1,524 mm) or more, there shall be provided a topographic survey of the existing site.

107.2.7 Erosion and sediment control measures. An Erosion Sediment Control Plan (ESCP) shall be prepared in compliance with ROH Chapter 18A and the Rules Relating to Water Quality, Chapter 3 of the Administrative Rules, Title 20, Department of Planning and Permitting. The ESCP shall provide the Best Management Practices (BMP) and good housekeeping practices during

construction to minimize the discharge of runoff containing sediment and pollutants into the receiving waters.

107.2.9 Installation and operation of stationary storage battery systems. Where an energy storage system is designed to provide electrical power to a building or facility the following information shall be provided:

(a) Location and layout diagram of the room in which the stationary storage battery system is to be installed.

(b) Details on hourly fire-resistance-rated assemblies provided.

(c) Quantities and types of storage batteries and battery systems.

(d) Manufacturer's specifications, ratings and listings of storage batteries and battery systems.

(e) Details on energy management systems.

(f) Location and content of signage.

(g) Details on fire-extinguishing, smoke detection and ventilation systems.

(h) Rack storage arrangement, including seismic support criteria.

107.2.9.1 Hazard mitigation analysis. A Failure Modes and Effects Analysis (FMEA) or other approved hazard mitigation analysis shall be provided under any of the following conditions:

(a) Battery technologies not specifically identified in Table 2704.2 of this code.

(b) More than one stationary storage battery technology is provided in a room or indoor area where there is a potential for adverse interaction between technologies.

(c) Where allowed as a basis for increasing maximum allowable quantities in accordance with Section 2704.2.9 of this code.

107.2.10 Mechanical ventilation. Where mechanical ventilation is used for dwelling units, there must be submitted a letter of certification that the proposed

design was reviewed by a professional mechanical engineer licensed in the State of Hawaii, to be in conformance with ANSI/ASHRAE 62.1 and 62.2, this individual will not be the design professional engineer responsible for the plans but will be the special inspector required by Section 1705 of the International Building Code."

SECTION 9. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (10) to read as follows:

"(10) Amending Section 107.3.1. Section 107.3.1 of the International Building Code, 2018 Edition, is amended to read:

107.3.1 Approval of construction documents. ROH Chapter 18 applies in lieu of this section."

SECTION 10. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (11) to read as follows:

"(11) Amending Section 107.3.4. Section 107.3.4 of the International Building Code, 2018 Edition, is amended to read:

107.3.4 Design professional in responsible charge. All plans and specifications relating to work that affects the public safety or health and for which a building permit is required shall be prepared by or under the supervision of a duly licensed professional engineer or architect and construction shall be under the observation of a duly licensed professional engineer or architect, as required by HRS Chapter 464."

SECTION 11. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (12) to read as follows:

"(12) Amending Section 107.3.4.1. Section 107.3.4.1 of the International Building Code, 2018 Edition, is amended to read:

107.3.4.1 Deferred submittals. Deferral of any submittal items shall have the [~~prior~~] approval of the building official before the permit is approved. The design

professional in responsible charge shall list the deferred submittals on the construction documents for review by the *building* official

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building."

SECTION 12. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (13) to read as follows:

"(13) Amending Section 107.4. Section 107.4 of the International Building Code, 2018 Edition, is amended to read:

107.4 Amended construction documents. Work shall be done in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The *building official* may approve the amended set of construction documents if they comply with the provisions of this code and all other applicable laws. If the *building official* is unable to approve the amended set of construction documents, the work not shown in the approved construction documents shall be removed and shall not be at the expense of the City."

SECTION 13. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (14) to read as follows:

"(14) [~~Amending~~] Adding Section [~~108.1.~~]108. Section 108 of the International Building Code, 2018 Edition, is added by reference and made a part of this code, except Section 108.1, which is amended [~~by adding an Exemption~~] to read:

108.1 General.
The *building official i*s authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

A BILL FOR AN ORDINANCE

Exemption: See ROH Section [~~18.3.4.~~] 18-3.4."

SECTION 14. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (15) to read as follows:

"(15) [~~Amending~~] Adding Section 109. Section 109 is [~~amended~~] added to read:

SECTION 109
FEES

ROH Chapter 18 will apply."

SECTION 15. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (16) to read as follows:

"(16) [~~Amending~~] Adding Section [~~110.3.~~] 110. Section 110 of the International Building Code, 2018 Edition, is added by reference and made a part of this code, except Sections 110.3, 110.3.3, 110.3.5, 110.3.9, 110.3.10, and 110.3.11, which are amended to read:

110.3 Required inspections. The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.3, 110.3.5, 110.3.9, 110.3.10, and 110.3.11 of this code.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, an elevation certification required in Section 1612.4 of the IBC shall be submitted to the building official.

110.3.5 Lath and/or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, in construction required to be fire-resistive, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Lath and gypsum board installed in Group U Occupancies.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3.3 and 110.3.5 of this code, the *building official* is authorized to make or

require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by this code.

110.3.10 Special inspections. The submitted plans shall have all special inspections listed as a condition for permit issuance. Where special inspection is required by this code, a complete list of the special inspections shall be provided on the submitted plans as a condition for permit issuance. For special inspections, see International Building Code Sections 110, 919, 1704, 1705, and 1707.

110.3.11 Final inspection. To be made after all construction is completed and prior to issuance of a final certificate of occupancy."

SECTION 16. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (17) to read as follows:

"(17) [~~Amending~~] Adding Section [~~111.1.~~]111. Section 111 of the International Building Code, 2018 Edition, is added by reference and made a part of this code, except Section 111.1, which is amended [~~by adding a second exception~~] to read:

111.1 Change of occupancy.
A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception:

1. Certificates of occupancy are not required for work exempt from permits in accordance with ROH Chapter 18.

2. The provisions of Section 111.1 are not applicable to the following:

    (a) For R-3 Occupancies, see Residential Code Section R110.1.

    (b) Group U Occupancies.

    (c) For work exempted from permits."

A BILL FOR AN ORDINANCE

SECTION 17. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by adding a new Amendment (17a) to read as follows:

"(17a) Adding Section 112. Section 112 of the International Building Code, 2018 Edition, is added by reference and made a part of this code."

SECTION 18. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (18) to read as follows:

"(18) [~~Amending~~] Adding Section 113. Section 113 is [~~amended~~] added to read:

SECTION 113
BOARD OF APPEALS

113.1 Creation of Board of Appeals. There shall be and is hereby created a board of appeals consisting of nine members who shall be qualified by experience and training to pass upon matters pertaining to building construction and fire safety and who shall be appointed by the mayor with the approval of the council. Four members shall be currently licensed as engineers or architects with the State of Hawaii board of registration of professional engineers, architects, land surveyors, or landscape architects. One member shall be qualified by experience and training to pass on matters pertaining to electrical work. One member shall be qualified by experience and training to pass on matters pertaining to plumbing work. Two members shall be qualified by experience and training to pass on matters pertaining to fire safety. One member shall be a general contractor licensed under HRS Chapter 444. The members of the board shall serve for terms of five years and until their successors have been appointed and qualified. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The board shall select a chair and vice-chair annually. Board members serving on the effective date of this code shall continue to serve for the remainder of their appointed terms.

113.2 Board action. All board action requires an affirmative vote of five or more board members.

113.3 Power and duties. The board powers and duties include:

113.3.1 Conduct a Hearing based on the decision of a building official. Hear and determine appeals from the decisions of the *building official* in the administration of the *Building Code, Electrical Code, Plumbing Code, Housing Code, [~~Energy Code,~~] Building Energy [~~Efficiency Standards~~,]* *Conservation Code,* and ROH Chapter 18, including, but not limited to, matters involving any approval or denial, the use of new or alternate materials, types of construction, equipment, devices or appliances, administrative enforcement, and the issuance, suspension or revocation of permits issued under ROH Chapter 18.

In the case of any denial of the use of new or alternative materials, types of construction, equipment, devices or appliances, an appeal may be sustained if the record shows that: (1) the new or alternate materials, types of construction, equipment, devices or appliances meet the required standards established by the codes being appealed from; (2) permitting the use thereof shall not jeopardize life, limb or property; and (3) the use shall not be contrary to the intent and purpose of the code being appealed from. The appellant shall pay all expenses necessary for tests that may be ordered by the board.

In all cases not involving the use of new or alternate materials, an appeal shall only be sustained if the record shows that the decision of the building official is based on an erroneous finding of material fact, based on arbitrary or capricious decision making, or is a manifest abuse of discretion. The board may reverse, affirm or modify, in whole or in part, the decision appealed from.

113.3.2 Conduct a hearing based on the decision of the fire code official. The board of appeals shall hear and determine appeals from the decisions of the fire code official in the administration of the *Fire Code*, including the suspension or revocation of permits issued pursuant to the *Fire Code*, and any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances. The standard of review for the use of new or alternate materials, types of construction, equipment, devices or appliance shall be the same as for Section 113.3.1.

113.3.3 Conduct a hearing based on a variance to the code. The board of appeals shall hear and determine petitions for varying the application of the *Building Code, Electrical Code, Plumbing Code, Fire Code, or Building Energy [~~Efficiency Standards~~.]* *Conservation Code*. A variance may be granted if the board finds: (1) that the strict application, operation or enforcement of the code provision or provisions being appealed from would result in practical difficulty or

unnecessary hardship to the applicant; (2) that safety to life, limb, and property shall not be jeopardized; and (3) that the granting of a variance would not be injurious to the adjoining lots and the [~~building~~] buildings thereon, would not create additional fire hazards and would not be contrary to the purposes of the code and public interest. In making its determination, the board shall take into account the character, use, and type of occupancy and construction of adjoining buildings, buildings on adjoining lots and the building involved.

113.3.4 Conduct a hearing based on administrative enforcement of ROH Chapter 13, Article 4 ("Litter Control"). The board of appeals shall hear and determine appeals from the decisions of the *building official* in the administration and enforcement of ROH Chapter 13, Article 4. An appeal shall only be sustained if the record shows that the decision of the building official is based on an erroneous finding of material fact, based on arbitrary or capricious decision making, or is a manifest abuse of discretion. The board may reverse, affirm or modify, in whole or in part, the decision appealed from.

113.3.5 Conduct a hearing concerning summary removal of unlawful signs pursuant to ROH Chapter 13, Article 14 ("Unlawful Signs Within Street Rights-of-Way and Public Malls"). The board of appeals shall hear and determine appeals concerning the summary removal of unlawful signs pursuant to ROH Chapter 13, Article 14. Such appeals shall be limited to a determination of whether a sign was properly removed pursuant to the provisions of that article. An appeal shall only be sustained if the record shows that the decision of the building official is based on an erroneous finding of material fact, based on arbitrary or capricious decision making, or is a manifest abuse of discretion. The board may reverse, affirm or modify, in whole or in part, the decision appealed from.

113.3.6 Conduct a hearing based on the decision of a building official to issue, suspend or revoke. Appeals from the decisions of the building official to issue, suspend, or revoke permits shall be in writing and filed with the board within ten (10) working days of the permittee's receipt of the notice of issuance, suspension, or revocation. In all other cases, appeals from the decisions of the *building official* and fire official shall be in writing and filed within thirty (30) calendar days of the decision appealed from.

113.4 Compensation. Each member of the board shall be compensated at the rate of $20 per day for each day's actual attendance at a meeting, but such compensation shall not exceed, in the aggregate, $60 in any one month.

113.5 Procedure. The proceedings of the board shall be subject to the provisions of HRS Chapter 91. The board shall adopt reasonable rules and regulations for conducting its meetings, hearings, and investigations in conformity therewith and may impose reasonable fees to cover the costs of such proceedings.

113.6 Fees. The filing fee for a petition for appeal from a decision of the Authority Having Jurisdiction (AHJ) in the administration of the *Building Code, Electrical Code, Fire Code, Plumbing Code, Housing Code*, ROH Chapter 13, Article 4, ROH Chapter 18 and the *Building Energy [~~Efficiency Standard~~] Conservation Code* or an application for varying the application of the *Building Code, Electrical Code, Plumbing Code, Fire Code, or Building Energy [~~Efficiency Standard~~] Conservation Code* shall be $600.00. No petition for appeal shall be filed without payment of said fee."

SECTION 19. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (19) to read as follows:

"(19) [~~Amending~~] Adding Section 114. Section 114 is [~~amended~~] added to read:

SECTION 114
VIOLATIONS AND PENALTIES

For violation and penalty provisions, see ROH Chapter 16, Article 10."

SECTION 20. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (20) to read as follows:

"(20) [~~Amending~~] Adding Section 115. Section 115 is [~~amended~~] added to read:

SECTION 115
STOP WORK ORDER

ROH Chapter 18 will govern the issuance of stop work orders."

A BILL FOR AN ORDINANCE

SECTION 21. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (21) to read as follows:

"(21) [~~Amending Sections 116 through 116.4.~~] Adding Section 116. Section 116 of the International Building Code, 2018 Edition, is added by reference and made a part of this code, except Sections 116.1 through 116.4, which are amended to read:

SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT

116.1 General. All buildings or structures that are structurally unsafe or not provided with adequate egress; or that constitute a fire hazard; or are otherwise dangerous to human life; or that in relation to existing use constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in this code or any other effective ordinance are, for the purpose of this section, unsafe buildings. An unsafe building shall also include a dangerous building as defined by International Existing Building Code Chapter 2. All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, removal, or other methods ordered by the building official.

116.2 Notice to owner. If the building official determines that a structure or use or occupancy of a structure is unsafe, the building official may issue an order to any person who may be affected by the unsafe conditions, including, without limitation, the owner of the structure and its occupants. The order may restrict or prohibit the use of the unsafe structure and restrict or prohibit access to the unsafe structure. The *building official* may also order the owner of a structure or its occupants to take any actions that the building official deems reasonably necessary to reduce or eliminate risks to persons or property arising from the unsafe or unsanitary conditions identified by the *building official*. Such actions may include, without limitation, vacating the structure, securing the structure from entry, the immediate repair of the structure, and the demolition and removal of the structure.

In addition to actions authorized above, the *building official* may issue orders to show cause, requiring the persons concerned by the order to appear before the building official and show why the building official should not issue an order relating to an unsafe structure. The building official's discretion to issue an order

to show cause does not prohibit the person concerned by the order relating to an unsafe structure from timely writing the building official to contest the building official's determination to issue an order relating to an unsafe structure.

The *building official* may also enter into consent orders that are agreed to by the *building official* and persons concerned by an unsafe structure. A consent order entered into by the *building official* may require the responsible persons to take specific actions to address unsafe or unsanitary conditions associated with an unsafe structure and pay agreed upon penalties upon such terms as the *building official* deems appropriate.

Service of any notice or order issued under this section must be made by hand delivery or certified mail, with return receipt requested, provided that if the *building official* is unable to serve the notice or order by hand delivery or certified mail, the *building official* may then serve the notice or order by posting a copy of the notice or order in a conspicuous location on the property and publishing a copy of the same in a newspaper of general circulation within the City and County of Honolulu for not less than once each week in four successive weeks. Service by publication shall be deemed complete upon the last publication required by this section if a copy of the notice or order was also posted on the property as required by this section.

116.3 Posting of signs. The *building official* may post signage on a property with an unsafe structure stating: "DO NOT ENTER. UNSAFE TO OCCUPY. DEPARTMENT OF PLANNING AND PERMITTING, CITY AND COUNTY OF HONOLULU." Such notice shall not be removed without written permission of the *building official*, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

116.4 Action by the building official. If the responsible persons do not comply with an order issued under Section 116.2 or if immediate action is reasonably necessary to prevent significant harm to persons or property, the *building official* may secure an unsafe structure from entry, repair the structure, or demolish the unsafe structure, in whole or in part, to reduce or eliminate the risk of harm. When the *building official* takes action pursuant to this section, the persons responsible for the unsafe building will be responsible for all costs incurred by the City and shall reimburse the City all incurred costs within 30 days of receiving a request for payment from the *building official*. If the responsible persons do not reimburse the City within 30 days of receiving a request for payment, the building official may collect the costs by any lawful means, including attaching the debt to

any real property owned by the responsible persons and foreclosing on the lien. The *building official* shall serve notices of actions taken pursuant to this section and requests for payment by hand delivery or certified mail, with return receipt requested. However, if the *building official* is unable to serve a notice or a request for payment by hand delivery, the *building official* may then serve a notice or request for payment by posting a copy of the notice or request for payment in a conspicuous location on the property and publishing a copy of the same in a newspaper of general circulation within the City and County of Honolulu for not less than once each week in four successive weeks. Service by publication shall be deemed complete upon the last publication required by this section if a copy of the notice or order was also posted on the property as required by this section."

SECTION 22. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending paragraph (r) of Amendment (22) to read as follows:

"(r) By amending the following definition to read:

WINDBORNE DEBRIS REGION. Areas in Hawaii where the basic design wind speed is 140 mph (62.59 m/s) or greater. For Risk Category II buildings and structures the windborne debris region will be based on Figure [~~26.5-2C.~~] 26.5-2B of ASCE 7. For Risk category III buildings and structures, the windborne debris region shall be based on Figure 26.5-2C of ASCE 7. For Risk Category IV buildings, the windborne debris region will be based on Figure 26.5-2D of ASCE7. This definition replaces Section W102 of Appendix W."

SECTION 23. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Table 413.1 of Amendment (36) to read as follows:

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"TABLE 413.1
GENERAL FIRE PROTECTION AND LIFE SAFETY REQUIREMENTS

a. Commodity classification I-IV, defined in the Fire Code.

COM-MODITY CLASS	SIZE OF HIGH-PILED AREA (SQUARE FEET)	ALL STORAGE AREA				SOLID-PILED STORAGE SHELF STORAGE AND PALLETIZED STORAGE		
		AUTOMATIC FIRE EXTINGUISHING SYSTEM	FIRE DETECTION SYSTEM	SMOKE AND HEAT REMOVAL	DRAFT CURTAINS	MAXIMUM PILE DIMENSION (FEET)	MAXIMUM PERMISSIBLE STORAGE HEIGHT (FEET)	MAXIMUM PILE VOLUME (CUBIC FEET)
I – IV[a]	2,501 – 12,000 Public access	Yes	Not required	Not required	Not required	100	40	400,000
	2,501 – 12,000 Nonpublic access	Yes	Not required	Not required	Not required	100	40	400,000
	2,501 – 12,000 Nonpublic access	Not required	Yes	Yes	Yes	100	30	200,000
	Greater than 12,000	Yes	Not required	Yes	Not required	100	40	400,000
High hazard[b]	501 – 2,500 Public access	Yes	Not required	Not required	Not required	50	30	75,000
	501 – 2,500 Nonpublic access	Yes	Not required	Not required	Not required	50	30	75,000
	501 – 2,500 Nonpublic access	Not required	Yes	Yes	Yes	50	30	50,000
	Greater than 2,500	Yes	Not required	Yes	Not required	50	30	75,000

b. High Hazards, defined in IBC Section 415."

SECTION 24. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Table 413.2 of Amendment (37) to read as follows:

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"TABLE 413.2
REQUIRED FLUE SPACES FOR RACK STORAGE

RACK CONFIGURATION	AUTOMATIC SPRINKLER PROTECTION		SPRINKLER AT THE CEILING WITH OR WITHOUT MINIMUM IN-RACK SPRINKLERS			IN-RACK SPRINKLERS AT EVERY TIER	NON-SPRINKLERED
			≤ 25 FEET		> 25 FEET	ANY HEIGHT	ANY HEIGHT
	STORAGE HEIGHT		OPTION 1	OPTION 2			
Single-row rack	Transverse flue space	Size [b]	3 inches	Not Applicable	3 inches	Not Required	Not Required
		Vertically aligned	Not Required	Not Applicable	Yes	Not Applicable	Not Required
	Longitudinal flue space		Not Required	Not Applicable	Not Required	Not Required	Not Required
Double-row rack	Transverse flue space	Size [b]	6 inches [a]	3 inches	3 inches	Not Required	Not Required
		Vertically aligned	Not Required	Not Required	Yes	Not Applicable	Not Required
	Longitudinal flue space		Not Required	6 inches	6 inches	Not Required	Not Required
Multi-row rack	Transverse flue space	Size [b]	6 inches	Not Applicable	6 inches	Not Required	Not Required
		Vertically aligned	Not Required	Not Applicable	Yes	Not Applicable	Not Required
	Longitudinal flue space		Not Required	Not Applicable	Not Required	Not Required	Not Required

Flue spaces shall comply with Section 413.1.13.7 of this code and 2015 International Fire Code, Table 3208.3.
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

a. Three-inch transverse flue space shall be provided not less than every 10 feet where ESFR sprinkler protection is provided.

b. Random variations are allowed, provided that the configuration does not obstruct water penetration."

SECTION 25. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (49) to read as follows:

"(49) Amending Section 506.3.1. Section 506.3.1 is amended by adding an Exception to read:

Exception: For the purposes of this section, an adjoining private right-of-way may be considered a *public way* if it meets [~~Section 501.2.1~~] Section 502.1 of this code, and the owner of the premises for which the building permit application is filed, owns a portion thereof."

SECTION 26. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (72) to read as follows:

"(72) Amending Section 909.20. Section 909.20 is amended to read:

909.20 Smokeproof enclosures. Where required by Section 1023.11 of the International Building Code, a smokeproof enclosure shall be constructed in accordance with this section. A smokeproof enclosure shall consist of an *interior exit stairway* or *ramp* that is enclosed in accordance with the applicable provisions of Section 1023 of the International Building Code and an open exterior balcony or ventilated vestibule meeting the requirements of this section. Where access to the roof is required by Section 1011.12 of the International Building Code, such access shall be from the smokeproof enclosure where a smokeproof enclosure is required."

SECTION 27. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (73) to read as follows:

"(73) Amending Section 910.2.2. Section 910.2.2 is amended to read:

910.2.2 High-piled combustible storage. Smoke and heat removal required by Table 413.1 for buildings and portions thereof containing high-piled combustible stock or rack storage in any occupancy group shall be installed in accordance with Section 910.3 of the International Building Code, 2018 Edition, in unsprinklered [~~building.~~] buildings. In buildings and portions thereof containing high-piled combustible storage equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 of the International Building Code, 2018 Edition, a smoke and heat removal system shall be installed in accordance with Section 910.3 or 910.4 of the International Building Code, 2018 Edition. In occupied portions of a building equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 of the International Building Code, 2018 Edition, where the upper surface of the story is not a roof assembly, a

mechanical smoke removal system in accordance with Section 910.4 of the International Building Code, 2018 Edition, shall be installed."

SECTION 28. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (77) to read as follows:

"(77) Amending Section 915.1. Section 915.1 is amended to read:

915.1 General. Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.11 through 915.6 of the International Building Code, 2018 Edition. When the valuation of an addition, alteration or repair to existing *dwelling* and *sleeping units* exceeds the valuation specified in ROH Chapter 18 and a permit is required, or when one or more *sleeping rooms* are added or created in existing *dwelling units,* carbon monoxide alarms shall be installed in the locations specified in Section 915.2 of the International Building Code, 2018 Edition, and the installation shall be in accordance with Section 915.4 of the International Building Code, 2018 Edition.

Exceptions:

1. Repairs to the exterior surfaces of an existing Group R occupancy are exempt.

2. Carbon monoxide alarms are permitted to be solely battery operated where the code that was in effect at the time of construction did not require carbon monoxide detectors to be provided.

3. Carbon monoxide alarms are permitted to be solely battery operated in dwelling units that are not served from a commercial power source.

4. A carbon monoxide detection system in accordance with Section 915.5 of the International Building Code, 2018 Edition, shall be an acceptable alternative to carbon monoxide alarms."

SECTION 29. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (82) to read as follows:

"(82) Amending Chapter 9. Chapter 9 is amended by amending Section 919 to read:

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SECTION 919
FIRE PROTECTION SYSTEMS SPECIAL INSPECTIONS

919.1 General. Where application is made for construction as described in this section, the owner or the licensed design professional in responsible charge, acting as the owner's agent, shall employ one or more fire protection systems' special inspectors to provide inspections during construction on the types of work listed under Section 919. The fire protection system special inspector shall be approved by the *building official*. These inspections are in addition to the inspections specified in Section 110[~~.~~] of this code.

919.1.1 Building Permit Requirement. The submitted plans shall include a statement of fire protection system inspection prepared by the licensed engineer of record as a condition for permit issuance.

> **Exception:** The *building official* may waive the requirements for the employment of a special inspector if the construction is of minor nature.

919.1.2 Report Requirement. Fire protection system inspectors shall keep records of inspections and shall review working drawings prior to installation. The fire protection system inspector shall furnish inspection reports to the owner, licensed engineer or architect of record, and other owner-designated persons. Reports shall indicate that work inspected was done in conformance to the applicable code and shall include, but not be limited to, working drawings and acceptance tests required by this section.

All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design professional and to the *building official*.

The special inspector shall submit a final signed report stating that they have reviewed the shop drawings and whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance to the approved plans and specifications and the applicable workmanship provisions of this code. This report shall include a copy of the shop drawings provided to the *building official* prior to the final inspection.

919.2 Automatic Sprinkler Systems. Automatic systems shall be inspected and evaluated in accordance to the requirements of Section 903.

(a) During installation.

Exception: Special inspector need not be present continuously during the installation of the sprinkler system, provided the special inspector has inspected for conformance with this code and approved plans prior to concealment.

(b) During acceptance tests as required by NFPA 13, 13R, and 13D.

919.3 Alternative Automatic Fire-Extinguishing Systems. Alternative automatic fire-extinguishing systems shall be inspected and evaluated in accordance to the requirements of Section 904 of this code and the International Building Code, 2018 Edition.

919.4 Standpipe Systems. Standpipe systems shall be inspected and evaluated in accordance to the requirements of International Building Code Section 905.

(a) During installation.

Exception: Special inspector need not be present continuously during the installation of the standpipe system provided the special inspector has inspected for conformance with this code and approved plans prior to concealment.

(b) During acceptance tests as required by NFPA 14.

919.5 Smoke Control Systems. Smoke control systems shall be inspected and evaluated in accordance to the requirements of International Building Code Sections 909 and 1705.18.

(a) During erection of ductwork and prior to concealment for the purposes of leakage testing and recording device location.

(b) Prior to occupancy and after sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.

919.6 Fire pumps. Fire pump systems shall be inspected and tested in accordance to the requirements of Section 913 of the *Fire Code*. Acceptance test shall be performed and submitted to the *building official.*"

SECTION 30. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (85) to read as follows:

"(85) Amending Section 1006.3.3. Section 1006.3.3 is amended by adding Conditions 6 through 6.15 to read:

6. Not more than three stories of Group R-2 occupancy are permitted to be served by a single exit under the following conditions:

6.1 The building has not more than six stories above grade plane.

6.2 The building does not contain a boarding house.

6.3 There are no more than four dwelling units on any floor.

6.4 The building is of not less than one-hour fire-resistive construction and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the International Building Code. Residential-type sprinklers shall be used in all habitable spaces in each dwelling unit.

6.5 There are no more than two single exit stairway conditions on the same building.

6.6 An exterior stairway or interior exit stairway is provided. The interior exit stairway, including any related exit passageway, shall be pressurized in accordance with Section 909.20 of this code. Doors in the stairway shall swing into the interior exit stairway regardless of the occupant load served; provided that doors from the interior exit stairway to the building exterior are permitted to swing in the direction of exit travel.

6.7 A corridor separates each dwelling unit entry/exit door from the door to an interior exit stairway, including any related exit passageway, on each floor. Dwelling unit doors shall not open directly into an interior exit stairway. Dwelling unit doors are permitted to open directly into an exterior stairway.

6.8 There are no more than 20 feet (6,096 mm) of travel to the exit stairway from the entry/exit door of any dwelling unit.

6.9 Travel distance measured in accordance with Section 1016 of the International Building Code, 2018 Edition, does not exceed 125 feet.

6.10 The exit does not terminate in an egress court where the court depth exceeds the court width unless it is possible to exit in either direction to the public way.

6.11 Elevators are pressurized in accordance with International Building Code Section 909.21 or shall open into elevator lobbies that comply with International Building Code Section 713. Where approved by the building official, natural ventilation is permitted to be substituted for pressurization where the ventilation would prevent the accumulation of smoke or toxic gases.

6.12 Other occupancies are permitted in the same building, provided they comply with all the requirements of this code. Other occupancies shall not communicate with the Group R occupancy portion of the building or with the single-exit stairway.

Exception: Parking garages accessory to the Group R occupancy are permitted to communicate with the exit stairway.

6.13 The exit serving the Group R occupancy does not discharge through any other occupancy, including an accessory parking garage.

6.14 There shall be no openings within 10 feet (3,048 mm) of unprotected openings into the stairway other than required exit doors having a one-hour fire-resistance rating.

6.15 The minimum width of this stairway is not less than 48 inches."

SECTION 31. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (90) to read as follows:

"(90) [~~Amending~~] Adding Section 1027.2. Section 1027.2 is [~~amended~~] added to read:

1027.2 Use in a means of egress. Exterior exit stairways shall not be used as an element of a required means of egress for Group I-2 occupancies. For occupancies in other than Group I-2, exterior exit stairways and ramps shall be permitted as an element of a required means of egress for buildings."

SECTION 32. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (91) to read as follows:

"(91) Amending Section 1027.3. Section 1027.3 is amended by adding a second and third paragraph to read:

Exterior exit stairways shall be arranged to avoid any impediments to the use by persons having a fear of high places. Outside stairs more than six stories above the grade plane shall be provided with an opaque visual obstruction not less than 48 inches (1,220 mm) in height.

Materials providing visual obstruction shall be construction which restricts the passage of light or sight, which may include a special architectural treatment, such as devices of metal or masonry screens and grilles, which may serve as a visual barrier. Guards constructed with materials meeting the requirements of Section 1015 of this code and the International Building Code, 2018 Edition, shall be considered to be a visual obstruction if not less than 48 inches in height."

SECTION 33. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Section 1207.5.2.2 of Amendment (105), to read as follows:

"**1207.5.2.2 Ladders.** Ladders accessing lofts shall comply with Section 1207.5.3.1[~~.~~] of the International Building Code, 2018 Edition."

SECTION 34. Section 16-1.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Sections 3109.5.1.7, 3109.5.1.8, 3109.5.1.9, and 3109.5.2 of Amendment (134) to read as follows:

"**3109.5.1.7 Gates.** Access doors or gates shall comply with the requirements of Sections 3109.5.1.1 through 3109.5.1.6 of this code and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be readily openable from the egress side without the use of a key or special knowledge or effort. Where the release mechanism of the self-latching device is located less than 54 inches (1,372 mm) from grade, the release mechanism shall be located on the vessel side of the gate, and the gate and barrier shall be without openings greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.5.1.8 Dwelling wall as a barrier. Where a wall of a *dwelling* serves as part of the barrier, one of the following shall apply:

(a) Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be *listed* and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units*, *Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1,372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units*, *Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (1,372 mm) and not less than 48 inches (1,219 mm) above the threshold of the door.

(b) The pool shall be equipped with a power safety cover that complies with ASTM F 1346.

(c) An approved means of protection, such as self-closing doors with self-latching devices, which are approved, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.5.1.8, Item (a) or (b)[~~.~~] of this code.

3109.5.1.9 Pool structure as barrier. Where an onground residential pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, the following shall apply:

(a) The onground pool wall itself shall be permitted to be the barrier where the pool structure is on grade and the wall is at least 48 inches (1,219

mm) above grade for the entire perimeter of the pool and complies with the requirements of Section 3109.5.1.1[~~.~~] of this code.

(b) The means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.5.1.1 through 3109.5.1.8[~~.~~] of this code.

(c) Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.5.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.5.1.8[~~.~~] of this code."

SECTION 35. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (3) to read as follows:

"(3) [~~Amending~~] Adding Section [~~R103.1.~~] R103. Section R103 of the International Residential Code, 2018 Edition, is added by reference and made a part of this code. Section R103.1 is amended to read:

R103.1 General. Code enforcement agency shall be in accordance with Building Code Section 103."

SECTION 36. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by adding Amendment (3a) to read as follows:

"(3a) Adding Section R104. Section R104 of the International Residential Code, 2018 Edition, is added by reference and made a part of this code."

SECTION 37. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (4) to read as follows:

"(4) [~~Amending~~] Adding Section [~~R105.1.~~] R105. Section [~~R105.1~~] R105 of the International Residential Code, 2018 Edition is added by reference and made a part of this code. Section R105.1 is amended to read:

R105.1 Required. A *building permit* is required to perform work covered by this code as provided in ROH Chapter 18."

SECTION 38. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (5) to read as follows:

"(5) Amending Section R105.8. Section R105.8 of the International Residential Code, 2018 Edition, is amended to read:

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation, alteration, or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code."

SECTION 39. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (6) to read as follows:

"(6) [~~Amending~~] Adding Section [~~R106.1.~~] R106. Section [~~R106.1~~] R106 of the International Residential Code, 2018 Edition, is added by reference and made a part of this code, except Section R106.1, which is amended, and Sections R106.1.4, R106.1.5, and R106.1.6 through R106.1.6.2, which are added, to read:

R106.1 Submittal documents. See ROH Chapter 18. In addition to the requirements of the plot plan required in ROH Chapter 18, the construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site plan showing to scale the size of and location of the new construction and distances from lot lines. In the case of demolition, the site plans shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot."

SECTION 40. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (7) to read as follows:

"(7) [~~Amending~~] Adding Section R106.1.4. A new Section R106.1.4 is [~~amended~~] added to read:

R106.1.4 Information for construction in flood hazard areas. For buildings and structures in flood hazard areas as established by ROH Chapter 21A, construction documents shall include:

(a) Delineation of flood hazard areas, floodway boundaries and flood zones, and the design flood elevation, as appropriate;

(b) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;

(c) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and

(d) If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the applicant shall submit to the building official a flood study, flood data, and other pertinent information prepared by a licensed design professional, as required by ROH Chapter 21A."

SECTION 41. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (8) to read as follows:

"(8) [~~Amending~~] Adding Section R106.1.5. A new Section R106.1.5 is [~~amended~~] added to read:

R106.1.5 Topographic survey. For new or additions to structures and buildings, on properties where the elevation difference on that site is 5 feet (1,524 mm) or more, there shall be provided a topographic survey of the existing site."

SECTION 42. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (9) to read as follows:

"(9) [~~Amending~~] Adding [~~Section R106.1.~~] Sections R106.1.6 through R106.1.6.2. New Sections R106.1.6 through R106.1.6.2 are [~~amended~~] added to read:

R106.1.6 Stormwater management. Stormwater management systems for residential uses include, but are not limited to, reducing the total runoff generated on the site by reducing the total impervious surface area of the lot and implementing source control BMP and good housekeeping practices.

R106.1.6.1 Increased runoff. Maximum impervious surface. The impervious surface area for construction of a one-family or two-family detached dwelling or duplex shall be in accordance with ROH Chapter 21, Land Use Ordinance.

R106.1.6.2 Residential Stormwater Management Plan or RSWMP. A RSWMP shall be prepared for building permit applications for Single-Family Dwelling, Two-Family Dwelling, and duplex projects resulting in an increase or decrease of total impervious surface area or replacing existing impervious surface area. All the existing and proposed impervious and permeable surface areas shall be reflected on the Site or Plot Plan, drawn to scale."

SECTION 43. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (11) to read as follows:

"(11) [~~Amending~~] Adding Section R109. Section R109 [~~is amended by amending Sections R109.1.1 through R109.1.6 and adding Sections R109.5 through R109.9~~] of the International Residential Code, 2018 Edition, is added by reference and made a part of this code. Sections R109.1, R109.1.1, R109.1.3, R109.1.5, R109.1.5.1 and R109.1.6 are amended and R109.5 through R109.9 are added to read:

R109.1 Types of Inspections. Inspections and lot surveys shall be in accordance with the International Building Code Section B110.

R109.1.1 Required inspections. The *building official*, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or the permit holder's agent if the same fails to comply with this code.

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by ROH Chapter 21A, upon placement of the lowest floor, including basement, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a land surveyor, licensed in the State of Hawaii, of the elevation of the lowest floor, including basement, required in Section R106, for the following two stages of construction:

(a) Upon placement of the lowest floor, including basement, and prior to further vertical construction; and

(b) Upon completion of the structure.

R109.1.5 Other inspections. In addition to the inspections specified in Sections R109.1.3 through R109.1.6 of this code, the *building official i*s authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by this code.

R109.1.5.1 Fire-resistance-rated construction inspection. When fire-resistance-rated construction is required between dwelling units or due to location on property, an inspection of such construction shall be required after all lathing and/or wallboard is in place, but before any plaster is applied, or before, wallboard joints and fasteners are taped and finished.

R109.1.6 Final inspections. Final inspections shall be made after the permitted work is complete and prior to final occupancy.

R109.5 Special inspections. Where application is made for construction as described in this section, the owner shall employ one or more special inspectors independent of the contractors performing the work, to provide inspections during construction on the types of work listed under Sections R109.5.1 and R109.5.6 of this code. These inspections are in addition to the inspections specified in Section R109 of this code. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the *building official*, for inspection of the particular type of construction or operation requiring special inspection. The *building official* may impose reasonable fees to cover the cost to conduct examination in licensing of special inspectors and issuance of registration cards.

Exceptions:

1. The *building official* may waive the requirements for the employment of a special inspector if the construction is of minor nature.

2. The employment of a special inspector shall not be required for construction work for any government agency that provides for its own inspections.

3. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by HRS Section 464.

R109.5.1 Special inspections for wind requirements. Special inspections are required for buildings and structures constructed where the 3-second-gust effective ultimate design wind speed is 140 mph or greater.

R109.5.1.1 Structural wood. Continuous special inspection is required during field gluing operations of elements of the main windforce-resisting system. Periodic special inspection is required for nailing, bolting, anchoring, and other fastening of components within the main windforce-resisting system, including wood shear walls, wood diaphragms, drag struts, braces, and hold-downs.

Exception: Special inspection is not required for wood shear walls, shear panels, and diaphragms, including nailing, bolting, anchoring, and other fastening to other components, of the main windforce-resisting system, where the fastener spacing of the sheathing is more than 4 inches (102 mm) on center.

R109.5.1.2 Cold-formed steel light-frame construction. Periodic special inspection is required during welding operations of elements of the main windforce-resisting system. Periodic special inspection is required for screw attachment, bolting, anchoring and other fastening of components within the main windforce-resisting system, including shear walls, braces, diaphragms, collectors (drag struts) and hold-downs.

Exceptions: A special inspection is not required for cold-formed steel light-frame shear walls, braces, diaphragms, collectors (drag struts) and hold-downs where either of the following apply:

1. The sheathing is gypsum board or fiberboard.

2. The sheathing is wood structural panel or steel sheets on only one side of the shear wall, shear panel or diaphragm assembly and the fastener spacing of the sheathing is more than 4 inches (102 mm) on center (o.c.).

R109.5.1.3 Wind-resisting components. Periodic special inspection is required for the following systems and components:

(a) Roof cladding.

(b) Wall cladding.

R109.5.2 Termite protection. Special inspections are required for termite barrier, treated structural lumber, and pipe penetrations for new wood frame residential buildings.

R109.5.3 Automatic fire protection systems. Automatic fire sprinkler systems shall be inspected and evaluated in accordance to the requirements of NFPA 13, NPFA 13D, and NFPA 13R respectively.

R109.5.4 Concrete construction. The special inspections and verifications are required for concrete construction inspected in accordance with ACI 318.

Exceptions: Special inspections shall not be required for:

1. Foundation concrete for structures permitted to be designed under the International Residential Code.

2. Concrete footings supporting buildings three stories or less in height that are fully supported on earth or rock where the structural design is based on a specified compressive strength of no greater than 2,500 pounds per square inch (psi) (17.2 MPa), regardless of the compressive strength specified in the construction documents or used in the footing construction. Periodic inspection of the reinforcing for all concrete footings shall be required.

3. Nonstructural concrete slabs supported directly on the ground, including pre-stressed slabs on grade, where the effective pre-stress in the concrete is less than 150 psi (1.03 MPa).

4. Concrete foundation walls constructed in accordance with Tables B1807.1.6.2, B1807.1.6.3(1), B1807.1.6.3(2), B1807.1.6.3(3), or B1807.1.6.3(4).

5. Concrete patios, driveways, and sidewalks on grade.

R109.5.5 Floodplain construction. See ROH Chapter 21A.

R109.6 Building permit requirement. Where special inspection or testing is required by Section R109.5, the construction drawings shall include a complete list of special inspections required by this section.

R109.7 Statement of special inspections. The applicant shall submit a statement of special inspections as a condition for permit issuance.

R109.8 Contractor responsibility. When special inspection is required, a contractor's statement shall be submitted containing an acknowledgement of awareness of the special inspection requirements contained on the drawings and that the construction requiring special inspections shall be made accessible for inspections.

R109.9 Report requirement. The licensed engineer or architect of record shall submit a final signed report stating that they have received all the special inspection reports and documenting that there are no known unresolved code requirements that create significant public safety deficiencies."

SECTION 44. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (12) to read as follows:

"(12) [~~Amending~~] Adding Section R110. Section [~~R110.1~~] R110 of the International Residential Code, 2018 Edition, is added by reference and made a part of this code. Section R110.1 is amended to read:

R110.1 Use and occupancy. No new building or structure shall be used or occupied, and no change in the existing *occupancy classification* of a building or structure or portion thereof shall be made until the *building official* has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this code or other ordinances of the jurisdiction.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits in ROH Chapter 18.

2. Accessory buildings or structures."

SECTION 45. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (13) to read as follows:

"(13) Amending Section R110.2. Section R110.2 of the International Residential Code, 2018 Edition, is amended to read:

R110.2 Change in use. Changes in the *occupancy classification* of an existing structure shall not be made except as specified by this code."

SECTION 46. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (14) to read as follows:

"(14) Amending Section R110.3. Section R110.3 of the International Residential Code, 2018 Edition, is amended to read:

R110.3 Certificate issued. After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department, the *building official* shall issue a certificate of occupancy which shall contain the following:

(a) The building permit number.

(b) The address of the structure.

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(c) The name and address of the owner.

(d) A description of the structure or portion thereof for which the certificate is issued.

(e) A statement that the described structure or portion thereof has been inspected for compliance with the requirements of this code.

(f) The name of the *building official*.

(g) If an automatic sprinkler system is provided.

(h) Any special conditions for this permit."

SECTION 47. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (15) to read as follows:

"(15) Amending Section R110.4. Section R110.4 of the International Residential Code, 2018 Edition, is amended to read:

R110.4 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit; provided that such portion or portions shall be occupied safely and is in compliance with the requirements of this code. The *building official* shall set a time period during which the temporary certificate of occupancy is valid."

SECTION 48. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (16) to read as follows:

"(16) Amending Section R110.5. Section R110.5 of the International Residential Code, 2018 Edition, is amended to read:

R110.5 Revocation. The *building official* may suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information provided, or where it is determined that the structure or portion thereof violates any ordinance or regulation or any of the provisions of this code."

A BILL FOR AN ORDINANCE

SECTION 49. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by adding a new Amendment (16a) to read as follows:

"(16a) Adding Section 111. Section 111 of the International Residential Code, 2018 Edition, is added by reference and made a part of this code."

SECTION 50. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (17) to read as follows:

"(17) [~~Amending~~] Adding Section [~~R112.1.~~] R112. Section R112 of the International Residential Code, 2018 Edition, is added by reference and made a part of this code. Section R112.1 is amended to read:

R112.1 General. Board of Appeals shall be in accordance with International Building Code Section B113 as adopted by the City and County of Honolulu."

SECTION 51. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Building Code"), is amended by amending Amendment (18) to read as follows:

"(18) [~~Deleting~~] Adding Section R113. A new Section R113 is [~~deleted in its entirety and replaced with a new Section R113~~] added to read:

SECTION R113
VIOLATIONS AND PENALTIES

For violation and penalty provisions, see ROH Chapter 16, Article 10."

SECTION 52. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (23) to read as follows:

"(23) Amending Section R301.2.1. Section R301.2.1 is amended to read:

R301.2.1 Wind design criteria. Buildings and portions thereof may be constructed in accordance with the wind provisions of this code; provided that the ultimate design wind speed V_{ult}, determined from Figure~~s~~ R301.2(5)(e), is less

than 140 mph. The structural provisions of this code for wind loads are not permitted where wind design is required as specified in Section R301.2.1.1 of [~~this code~~] the 2018 State Residential Code. Where different construction methods and structural materials are used for various portions of a *Building*, the applicable requirements of this section for each portion shall apply. Where not otherwise specified the wind loads listed in Table R301.2(2) of [~~this code~~] the International Residential Code, 2018 Edition, is adjusted for height and exposure. Table R301.2(3) of the International Residential Code, 2018 Edition, shall be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors, and exterior doors. Asphalt shingles shall be designed for wind speeds in accordance with Section R905.2.4 of the International Residential Code, 2018 Edition. A continuous load path shall be provided to transmit the applicable uplift forces in Section R802.11.1 of the International Residential Code, 2018 Edition, from the roof assembly to the foundation."

SECTION 53. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (25) to read as follows:

"(25) Amending Section R301.2.1.3 and Table R301.2.1.3. Section R301.2.1.3 and Table R301.2.1.3 are amended to read:

R301.2.1.3 Wind speed conversion. When referenced documents are based on fastest mile wind speeds, $V_{fm,}$ or three second gust effective nominal wind speeds, $V_{eff\text{-}asd,}$ the effective ultimate design wind speed, $V_{eff\text{-}ult,}$ obtained from Figure R301.2(8) of the [~~IBC~~] International Residential Code, 2018 Edition, shall be converted using Table R301.2.1.3 of this code.

TABLE R301.2.1.3
CONVERSION OF EQUIVALENT BASIC SPEEDS [a, b, c]

$V_{eff\text{-}ult}$	107	114	120	126	133	139	152	158	164	177	183	190	202	215
$V_{eff\text{-}asd}$	85	90	95	100	105	110	120	125	130	140	145	150	160	170
V_{fm}	71	76	80	85	90	95	104	109	114	123	128	133	142	152

For SI: 1 mile per hour = 0.447 m/s.

a. Linear interpolation is permitted.

b. $V_{eff\text{-}asd}$ = Effective nominal design wind speed applicable to methods specified in Exceptions 1 through 5 of Section 1609.1.1 of the International *Building* Code. $V_{eff\text{-}asd} = 0.791\ V_{eff\text{-}ult}$

c. $V_{eff\text{-}ult}$ = Effective ultimate design wind speed from Table R301.2(8) of this code."

SECTION 54. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (37) to read as follows:

"(37) Amending Section R317. Section R317 is amended by adding Section R317.6 to read:

R317.6 Under-floor clearance. Minimum clearance between the bottom of floor joists or bottom of floors without joists and the ground beneath shall be 24 inches (610 mm); the minimum clearance between the bottom of girders and the ground shall be 18 inches (457 mm).

Exception: Open slat wood decks shall have ground clearance of at least 6 inches (152 mm) for any wood member. Accessible under-floor areas shall be provided with a minimum 14 inches x 24 inches (356 mm x 610 mm) access opening.

Accessible under-floor areas shall be provided with a minimum 18-inch (457 mm) by 24-inch (610 mm) access opening, effectively screened or covered. Pipes, ducts and other construction shall not interfere with the accessibility to or within under-floor areas. See Section M1305.1.3 of the International Residential Code, 2018 Edition, for access requirements where mechanical equipment is located under floors."

SECTION 55. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Section R328.3 of Amendment (44) to read as follows:

"**R328.3 Fastening.** Fastening shall be adequate to withstand the loads in Section R301 of the International Residential Code, 2018 Edition. Proper allowance shall be made for expansion and contraction of light-transmitting plastic materials in accordance with accepted data on the coefficient of expansion of the material and other material in conjunction with which it is employed."

A BILL FOR AN ORDINANCE

SECTION 56. Section 16-1.2, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Residential Code"), is amended by amending Amendment (48) to read as follows:

"(48) [~~Deleting~~] Adding Chapter 11. A new Chapter 11 is [~~deleted in its entirety and replaced with a new Chapter 11~~] added to read:

CHAPTER 11
ENERGY EFFICIENCY

See ROH Chapter 16B."

SECTION 57. Section 16-9.1, Revised Ordinances of Honolulu 2021 ("Adoption of the Hawaii State Existing Building Code"), is amended by amending Amendment (5) to read as follows:

"(5) [~~Amending~~] Adding Section 116. A new Section 116 is [~~amended~~] added to read:

Section 116 EMERGENCY MEASURES.

See ROH Chapter 16, Article 1, Section 116 – UNSAFE STRUCTURES AND EQUIPMENT."

SECTION 58. Section 16-14.6, Revised Ordinances of Honolulu 2021 ("Ventilation"), is amended by amending subsection (a) to read as follows:

"(a) *Mechanical ventilation*. Mechanical ventilation as required in accordance with the International Mechanical Code. Air intakes and exhausts must be designed and installed to meet the wind load and missile impact criteria of [~~§§ 16-14.5(i)(2) and 16-14.5(i)(3).~~] this article."

SECTION 59. 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.

A BILL FOR AN ORDINANCE

SECTION 60. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

October 3, 2024
Honolulu, Hawaii

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:
Building Code; Residential Code; Existing Building Code

Description:
Amends the City Building Code (Ordinance 24-15).

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