OFFICE OF THE MAYOR
KE KE'ENA O KA MEIA
CITY AND COUNTY OF HONOLULU
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RICK BLANGIARDI
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MEIA

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DEPUTY MANAGING DIRECTOR
HOPE PO'O HO'OKELE

October 25, 2024

'24OCT25 AM 9:30 CITY CLERK

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Veto of Bill 22 (2024), Relating to the Fire Code

I am returning, with my veto, Bill 22 (2024), Relating to the Fire Code.

Bill 22 would amend the Fire Code of the City and County of Honolulu by exempting consumer fireworks from permit requirements when used during designated periods, essentially repealing the ban on consumer fireworks established by Ordinance 10-25 in 2010.

The years since the enactment of Ordinance 10-25 has provided the Honolulu Fire Department ("HFD") with important information illustrating the dramatic decline of fireworks-related injuries and fireworks-related fires after the ban went into effect. The data that HFD presented clearly indicates that existing consumer fireworks laws lowered the risk of structure and wildland fires in communities across O'ahu, and we do not believe that relaxing those laws will have any positive impact on the proliferation of illegal aerial fireworks. Each year we witness the devastating impacts caused by fireworks, and our efforts should focus on lowering these risks and increasing efforts in protecting the health and safety of our communities and first responders.

MAYOR'S MESSAGE 194

CCM

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
October 25, 2024

Given the Honolulu Fire Department's strong opposition, and with an eye toward increasingly drier weather conditions and ever-worsening wildfire concerns, I stand in support of our firefighters and first responders and cannot in good conscience allow Bill 22 to become law. For these reasons, I am returning Bill 22 (2024) with my veto, and urge you to sustain it.

Sincerely,

Rick Blangiardi
Mayor

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 22 (2024)

A BILL FOR AN ORDINANCE

RELATING TO THE 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 address fireworks use and permitting in the City and County of Honolulu.

SECTION 2. Section 20-6.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 20-6.3 Exceptions.

The prohibitions in § 20-6.2 shall not apply to:

(1) The import, storage, sale, and use by a person having obtained a license or permit for display fireworks pursuant to §§ 20-6.4 and 20-6.12;

(2) The import, storage, sale, and use by a person having obtained a license or permit for firecrackers pursuant to §§ 20-6.4 and 20-6.13[;], except that a permit is not required for consumer fireworks other than firecrackers when used during designated periods pursuant to § 20-6.13(d);

(3) The use of flares, noisemakers, or signals for warning, pest control, or illumination purposes by the police and fire departments, utility companies, transportation agencies, and other governmental or private agencies or persons, including agricultural operations, in connection with emergencies, their duties, or business; or

(4) The sale or use of blank cartridges for a show or theater, or for signal, commercial, or institutional purposes in athletics or sports."

SECTION 3. Section 20-6.4, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 20-6.4 License to import, store, and sell display fireworks or firecrackers.

(a) [~~*License required.*~~] It shall be unlawful for any person to import, store, offer to sell, or sell, at wholesale or retail, for use in the city, any display fireworks or firecrackers, unless such person [~~shall~~] has first [~~secure~~] secured a license.

A BILL FOR AN ORDINANCE

(b) The licenses shall be issued by the fire chief and shall be nontransferable. Licenses shall specify the date of issuance or effect and the date of expiration, which shall be March 31 of each year. The application shall be made on a form setting forth the date upon which the importations are to begin, the address of the importer, and the name of the proprietor or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the names of its officers. If the fire chief discovers at a later date that a licensee has been convicted of a violation of this article, the licensee's license shall be revoked and no new license shall be issued to the licensee for two years.

(c) Each storage, wholesaling, and retailing facility or site shall be required to obtain a separate license. Any license issued pursuant to this article may be revoked by the fire chief if the licensee violates this article or if the licensee stores or handles the fireworks in such a manner as to present an unreasonable safety hazard.

(1) Retailing facilities and sites licensed under this section are permitted to acquire and issue firecracker permits and must comply with all permit application requirements pursuant to § 20-6.13.

(2) At any time before or after the issuance of a license, the fire chief may inspect the proposed retailing facilities and sites where firecrackers will be sold to ensure that the location is in compliance with the State fire code, city fire code, and city building code.

(3) No retailing facility or site shall be allowed at any location where the fire chief deems that sale of firecrackers will pose a threat to public health or safety.

(4) The fire chief may adopt rules for the administration, inventory, recordkeeping, and compliance of retail sales of fireworks.

(d) Display fireworks or firecrackers shall only be sold or transferred by a seller to a person with a valid permit under § 20-6.12 or 20-6.13. No person with a valid permit under § 20-6.12 or [~~20-6.13~~] § 20-6.13 shall sell or transfer display fireworks or firecrackers to any other person.

(e) Any license issued pursuant to this article shall be prominently displayed in public view at each licensed location.

(f) Display fireworks or firecrackers shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory; provided that if a licensee provides display fireworks, firecrackers, or articles pyrotechnic more than once a month, the licensee may import or store, if necessary, sufficient display fireworks, firecrackers, or articles pyrotechnic for a six-month inventory."

SECTION 4. Section 20-6.13, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 20-6.13 Permit for firecrackers.**

(a) Any person desiring to set off, ignite, discharge, or otherwise cause to explode firecrackers on New Year's Eve, New Year's Day, Fourth of July, Chinese New Year's Day, or for cultural uses, such as, but not limited to, births, deaths, weddings, grand openings, blessings, anniversaries, and other cultural uses [~~shall~~] must apply to and obtain a permit from the fire chief[~~.~~] or at locations licensed and approved by the fire chief.

(b) The permit application shall be submitted to the fire chief or a location licensed and approved by the fire chief not less than 10 days before the date of the use of the firecrackers, and shall state, among other things:

(1) The name, age, and address of the applicant;

(2) The purpose of the event or celebration for which the permit is requested; and

(3) The date, time, and location of the use of the firecrackers.

(c) [~~No permit shall be allowed at any location where the fire chief deems that use of the firecrackers will pose a threat to public health or safety.~~]

For the purposes of this section, licensed retailers may acquire firecracker permits from the fire chief not less than 14 days before the date of the use of the firecrackers; provided that not more than 14 days after the ending date of the designated firecracker sale period, retailers licensed and subject to this section must provide to the fire chief:

(1) The name, age, and address of the permit purchasers;

(2) The purpose of the event or celebration for which the permit is requested;

(3) The date, time, and location of the use of the firecrackers;

(4) All unused firecracker permits acquired by the retailer; and

(5) The amount of all monies collected for firecracker permits.

(d) The permit shall allow the use of firecrackers from 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; or from 1:00 p.m. to 9:00 p.m. on the Fourth of July. A permit for a cultural use shall allow use from 9:00 a.m. to 9:00 p.m. on the day of the requested use. A permit is not required for the use of consumer fireworks other than firecrackers when used during the designated periods pursuant to this subsection.

(e) Each permit shall allow the purchase and use of up to 5,000 individual firecrackers.

(f) The fee for the permit to use firecrackers shall be $25.

(g) The permit shall be [~~nontransferrable,~~] nontransferable, except for permits authorized under subsection (b), and the permittee shall have the permit available for inspection at the location where the firecrackers are to be used.

(h) The fire chief shall adopt rules for the administration and implementation of the permit program."

SECTION 5. 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.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 22 (2024)

A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Calvin K.Y. Say

DATE OF INTRODUCTION:

APR 11 2024

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

GVP

Deputy Corporation Counsel

APPROVED this GABRIELE V. PROVENZA day of _____, 20 ___.

VETO

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

BILL 22 (2024)

Introduced: 04/11/24 By: CALVIN K.Y. SAY Committee: PUBLIC SAFETY (PS)

Title: RELATING TO THE FIRE CODE.

Voting Legend: * = Aye w/Reservations

04/11/24	INTRO	Introduced.
04/17/24	CCL	Passed first reading. 7 AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS, WEYER* 2 ABSENT: DOS SANTOS-TAM, TUPOLA
05/23/24	PS	Reported out for passage on second reading and scheduling of a public hearing. CR-185 3 AYES: DOS SANTOS-TAM, OKIMOTO, TULBA 1 ABSENT: TUPOLA
05/24/24	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
06/05/24	CCL/PH	Committee report adopted. Bill passed second reading, public hearing closed and referred to committee. 7 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, TULBA, WATERS, WEYER* 2 ABSENT: OKIMOTO, TUPOLA
06/12/24	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
06/27/24	PS	Postponed to a date and time to be determined by the Committee Chair. 3 AYES: DOS SANTOS-TAM, OKIMOTO, TULBA 1 ABSENT: TUPOLA
09/26/24	PS	Reported out for passage on third reading. CR-306 4 AYES: DOS SANTOS-TAM*, OKIMOTO, TULBA, TUPOLA
10/09/24	CCL	Committee report adopted and Bill passed third reading. 8 AYES: CORDERO, DOS SANTOS-TAM*, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS 1 NO: WEYER

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

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER