SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 7 (2025), CD1
RELATING TO THE FIRE CODE.

The PROPOSED CD2 makes the following amendments:

A. In SECTION 3 of the bill, amends ROH § 20-6.9(f) to provide that if a person is licensed to import, store, or sell fireworks, in addition to the penalties enumerated in the section, the Fire Chief shall (instead of may) revoke or suspend the license.

B. In SECTION 3 of the bill, adds a new ROH § 20-6.9(g) to provide that nothing in the section should be construed to preclude any other penalties authorized by law.

C. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **7 (2025), CD2**
PROPOSED

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 and findings. The purpose of this ordinance is to address fireworks use and violations in the City and County of Honolulu.

The Council finds that the illegal use of fireworks has been a longstanding problem in the City and County of Honolulu. Although the Illegal Fireworks Task Force, established pursuant to Act 67, Session Laws of Hawaii 2023, has reportedly seized over 187,000 pounds of illegal fireworks to date, illegal fireworks have nevertheless proliferated throughout many O‘ahu neighborhoods, as evidenced by many social media videos and news reports. The frequency at which the public experiences and witnesses illegal fireworks has frustrated many community members, including those suffering from medical conditions, people with pets, veterans suffering from post-traumatic stress disorder, first responders answering calls for medical attention, and many more.

The Council additionally finds that the use of illegal fireworks on New Year's Eve continues to take a toll on first responders. In addition to the multiple fireworks-related incidents that required attention from the Honolulu Emergency Medical Services personnel, the Honolulu Fire Department reported a 30 percent increase in fireworks-related calls compared to the previous year.

The Council further finds that fireworks violators are rarely cited. If charges against fireworks violators are filed, such charges are often dropped. This cycle has led to a situation where the public may witness illegal fireworks exploding in the sky, yet the perpetrators are rarely, if ever, brought to justice. In order to break this cycle, penalties for the illegal use of fireworks must be aligned between State and City laws, and among all applicable enforcement agencies.

SECTION 2. Section 20-6.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended as follows:

1. By repealing the definitions of "Consignee," "Consignment," "Place of Entertainment," "Sporting Event," and "Theatrical Production."

"[~~***Consignee.*** A merchant to which goods are delivered in a consignment.~~]"

"[***Consignment.*** ~~A transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:~~

~~(1) The merchant:~~

~~(A) Deals in goods of that kind under a name other than the name of the person making delivery;~~

~~(B) Is not an auctioneer; and~~

~~(C) Is not generally known by its creditors to be substantially engaged in selling the goods of others.~~

~~(2) With respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;~~

~~(3) The goods are not consumer goods immediately before delivery; and~~

~~(4) The transaction does not create a security interest that secures an obligation.~~]"

"[***Place of Entertainment.*** ~~A theater, dinner theater, hall, coliseum, convention center, arena, auditorium, stadium, concert hall, garden, outdoor space, or other place of amusement at which theatrical productions, sporting events, or other events are presented.~~]"

"[***Sporting Event.*** ~~Those contests, games, or other events involving athletic or physical skills that are shown to the public in a place of entertainment.~~]"

"[***Theatrical Production.*** ~~Live-staged dramatic productions, musical productions, and concerts, which are shown to the public at a place of entertainment as defined in this section.~~]"

2. By amending the definitions of "Aerial Device," "Articles Pyrotechnic," "Consumer Fireworks," "Display Fireworks," "Fireworks," and "Pyrotechnic Composition" or "Pyrotechnic Contents," to read as follows:

"***Aerial Device.*** [~~Any fireworks containing 130 milligrams or less of explosive materials that produce an audible or visible effect and is designed to rise into the air and~~

~~explode or detonate in the air or to fly about above the ground. Aerial devices classified as fireworks under UN0336 and UN0337 by the United States Department of Transportation as set forth in CFR Title 49 include firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, Roman candles, flying pigs, and jumping jacks that move about the ground farther than a circle with a radius of 12 feet as measured from the point where the item was placed and ignited, aerial shells, and mines.~~] Has the same meaning as defined in HRS § 132D-2."

"***Articles Pyrotechnic.*** [~~Pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction, but not intended for consumer use that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UN0431 or UN0432 by the United States Department of Transportation.~~] Has the same meaning as defined in HRS § 132D-2."

"***Consumer Fireworks.*** [~~Any fireworks designed primarily for retail sale to the public during authorized dates and times, that produce visible or audible effects by combustion, and that is designed to remain on or near the ground and, while stationary or spinning rapidly on or near the ground, emit smoke, a shower of colored sparks, whistling effects, flitter sparks, or balls of colored sparks, and include combination items that contain one or more of these effects. Consumer fireworks include firecrackers, snakes, sparklers, fountains, and cylindrical or cone fountains that emit effects up to a height not greater than 12 feet above the ground, illuminating torches, bamboo cannons, whistles, toy smoke devices, wheels, and ground spinners that when ignited remain within a circle with a radius of 12 feet as measured from the point where the item was placed and ignited, novelty or trick items, combination items, paperless firecrackers, and other fireworks of like construction that are designed to produce the same or similar effects.~~] Has the same meaning as defined in HRS § 132D-2."

"***Display Fireworks.*** [~~Includes: 1) any fireworks used for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than 2 grains (130 milligrams) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces that exceed the limits of explosive materials for classification as "consumer fireworks"; 2) any fireworks or articles pyrotechnic used for movie or television production activities; and 3) any fireworks or articles pyrotechnic used for a theatrical production or sporting event. This term also includes fused set pieces containing components, which together exceed 50 milligrams of salute power.~~] Has the same meaning as defined in HRS § 132D-2."

"***Fireworks.*** [~~Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation including but not limited to aerial devices, articles pyrotechnic, or consumer or display fireworks as defined by this article or contained in the regulations of the United States Department of Transportation as set forth in CFR Title 49. The term fireworks shall not include any explosives or pyrotechnics regulated under HRS Chapter 396 or automotive safety flares, nor shall the term be construed to include toy pistols, toy cannons, toy guns, party poppers, pop-its, or other devices that contain 25/100ths of a grain or less of explosive substance.~~] Has the same meaning as defined in HRS § 132D-2."

"***Pyrotechnic Composition*** or ***Pyrotechnic Contents.*** [~~The combustible or explosive component of fireworks.~~] Has the same meaning as defined in HRS § 132D-2."

SECTION 3. Section 20-6.9, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 20-6.9 Penalty.**

(a) Any person convicted of violating the prohibitions under § 20-6.2(1), relating to consumer fireworks, shall be [~~sentenced to a fine of not less than $200 and not more than $1,000 or by imprisonment of not more than 30 days, or by both such fine and imprisonment.~~] guilty of a petty misdemeanor.

(b) Any person violating [~~this article, other than § 20-6.2(1) shall be sentenced to a fine of not less than $250 and not more than $2,000 or by imprisonment of not more than one year, or by both such fine and imprisonment.~~

~~(c) In addition to the penalties provided in subsections (a) and (b), if the person is licensed to sell fireworks, the court may, in addition to the foregoing penalties, revoke or suspend such license. No license shall be issued to any person whose license has been so revoked or suspended until the expiration of two years after such revocation or suspension.~~] prohibitions under § 20-6.2(2), relating to aerial devices, articles pyrotechnic, or display fireworks, shall be subject to penalties pursuant to HRS § 132D-14, as may be amended or superseded.

(c) Any person violating prohibitions under § 20-6.2(3), relating to importing, storing, selling, keeping, offering for sale, or exposing for sale any fireworks without a license, shall be subject to penalties pursuant to HRS § 132D-14, as may be amended or superseded.

(d) Any person violating prohibitions relating to the purchase and use of any fireworks without a permit shall be subject to penalties pursuant to HRS § 132D-14, as may be amended or superseded.

(e) Any person violating prohibitions under § 20-6.7, relating to violations involving minors, shall be subject to penalties pursuant to HRS § 132D-14, as may be amended or superseded.

(f) If a person is licensed to import, store, or sell fireworks, in addition to the foregoing penalties, the fire chief shall revoke or suspend the license. No license may be issued to any person whose license has been revoked or suspended until the expiration of two years after the revocation or suspension.

(g) Nothing in this section should be construed to preclude any other penalties authorized by law."

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

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Esther Kiaʻāina

Val A. Okimoto

DATE OF INTRODUCTION:

January 8, 2025
Honolulu, Hawaiʻi

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:
Fire Code; Fireworks; Definitions; Penalties; Fines

Description:
Amends the Fire Code to amend the definitions and penalties to more closely comport with State law.

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