

SUPPLEMENT 11 (1-2022)

Insertion Guide

Hawai'i County Code 1983 (2016 Edition) Volumes 1 - 3

(Covering general ordinances effective through 12-31-21 and numbered through 21-92)

This supplement consists of reprinted pages replacing existing pages in the Hawai'i County Code 1983 (2016 Edition). Remove the pages listed in the column headed "Remove Pages" and replace them with the pages listed in the column headed "Insert Pages." This insertion guide should be retained as a permanent record of pages supplemented and filed in Volume 3, behind the "Supplement Insert Guides" tab.

Remove Pages

Insert Pages

VOLUME 1

Vol. 1 Cover Page Vol. 1 Cover Page

Table Of Contents

ii – iii ii – iii

Chapter 2 Administration

ix – xi	.....	ix – xi
2-85 – 2-86	.....	2-85 – 2-86
2-89 – 2-94	.....	2-89 – 2-94
2-109 – 2-110	.....	2-109 – 2-114

Chapter 5 Construction Administrative Code

5-1 – 5-8	.....	5-1 – 5-8
5-23 – 5-26	.....	5-23 – 5-26
5-35 – 5-38	.....	5-35 – 5-38
5-45 – 5-46	.....	5-45 – 5-46

Chapter 5A Building Code

i – ii	.....	i – ii
5A-1 – 5A-4	.....	5A-1 – 5A-4
5A-29 – 5A-34	.....	5A-29 – 5A-34
5A-79 – 5A-86	.....	5A-79 – 5A-81

Chapter 5B Residential Building Code

--	.....	Tab “5B. Residential Building Code”
--	.....	i
--	.....	5B-1 – 5B-51

Chapter 5C Existing Building Code

--	.....	Tab “Chapter 5C. Existing Building Code”
--	.....	i
--	.....	5C-1 – 5C-12

Chapter 5D Electrical Code

i	.....	i
5D-1 – 5D-4	.....	5D-1 – 5D-4

Chapter 5E Energy Conservation Code

i	.....	i
5E-1 – 5E-4	.....	5E-1 – 5E-4

Chapter 5F Plumbing Code

i	.....	i
5F-1 – 5F-14	.....	5F-1 – 5F-14

Chapter 14 General Welfare

14-1 – 14-6	14-1 – 14-6
-------------	-------	-------------

Chapter 15 Parks and Recreation

15-19 – 15-20	15-19 – 15-20
---------------	-------	---------------

VOLUME 2

Vol. 2 Cover Page Vol. 2 Cover Page

Table Of Contents

i – ii i – ii

Chapter 19 Real Property Taxes

iii – iv iii – iv
19-27 – 19-32 19-27 – 19-32
19-35 – 19-40 19-35 – 19-40

Chapter 23 Subdivisions

23-17 – 23-18 23-17 – 23-18
23-25 – 23-28 23-25 – 23-28

Chapter 25 Zoning

25-15 – 25-16 25-15 – 25-16
25-89 – 25-90 25-89 – 25-90
25-127 – 25-128 25-127 – 25-128

Chapter 25 Zoning Annexes

25A-127 – 25A-128 25A-127 – 25A-128

Continued on next page.

VOLUME 3

Vol. 3 Cover Page Vol. 3 Cover Page

Table Of Contents
i – ii i – ii

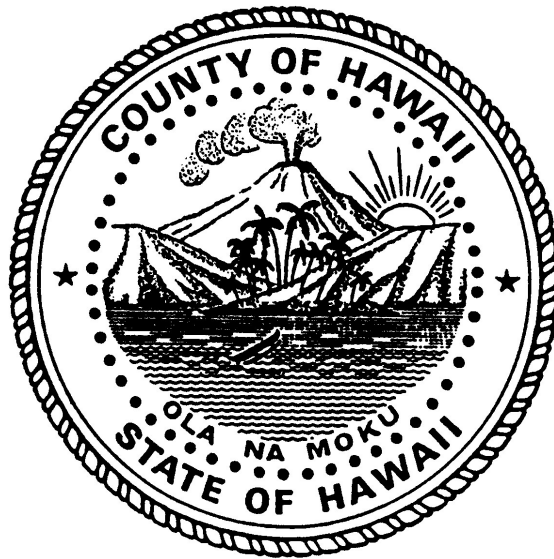
Legislative History
T-1 – T-6 T-1 – T-6
T-29 – T-30 T-29 – T-31

Supplement Insert Guide
-- Supp. 11 Insertion
Guide

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 11 (1-2022)
Contains ordinances effective through: 12-31-2021



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
Hilo, Hawai‘i 96720
(808) 961-8255

Volume One

TABLE OF CONTENTS

VOLUME 1

Chapter 1	General Provisions
Chapter 2	Administration
Chapter 3	Signs
Chapter 4	Animals
Chapter 5	Construction Administrative Code
Chapter 5A	Building Code
Chapter 5B	Residential Building Code
Chapter 5C	Existing Building Code
Chapter 5D	Electrical Code
Chapter 5E	Energy Conservation Code
Chapter 5F	Plumbing Code
Chapter 6	Businesses
Chapter 7	Civil Defense
Chapter 8	Dedication of Land
Chapter 9	Reserved
Chapter 10	Erosion and Sedimentation Control
Chapter 11	Housing
Chapter 12	Improvements by Assessments
Chapter 13	Minors
Chapter 14	General Welfare
Chapter 15	Parks and Recreation
Chapter 16	Planning
Chapter 17	Reserved
Chapter 18	Public Transportation

VOLUME 2

- Chapter 19 Real Property Taxes
- Chapter 20 Integrated Solid Waste Management
- Chapter 21 Sewers
- Chapter 22 County Streets
- Chapter 23 Subdivisions
- Chapter 24 Vehicles and Traffic
 - Traffic Schedules
- Chapter 25 Zoning
 - Zoning Annex

VOLUME 3

- Chapter 26 Fire
 - Chapter 27 Flood Control
 - Chapter 28 State Land Use District Boundary Amendment Procedures
 - Chapter 29 Water Use and Development
 - Chapter 30 Development Agreements
 - Chapter 31 Enterprise Zone Program
 - Chapter 32 Special Improvement Financing by Community Facilities Districts
 - Chapter 33 Tax Increment Districts
 - Chapter 34 Public Access
 - Chapter 35 Business Improvement Districts
 - Chapter 36 Redistricting
- Index
- Legislative History
 - Legislative History Table
 - Ordinance Table
- Supplement Insert Guides

**Article 38. Claims and Actions Against County Officers,
Employees and Former Employees.**

Section 2-188. Defense by the County; punitive damages.

Article 39. Workforce Innovation and Opportunity Act Program.

Section 2-189. Established.
Section 2-190. Purpose.
Section 2-191. Powers and duties.
Section 2-192. Workforce innovation and opportunity board.
Section 2-193. Creation of fund.
Section 2-194. Funding.
Section 2-195. Expenditures from fund.
Section 2-196. Impairment of Federal funds.
Section 2-197. Termination of fund.

Article 40. Department of Environmental Management.

Section 2-198. Definitions.
Section 2-199. Composition of department.
Section 2-200. Statement of policy.
Section 2-201. Appointment and qualifications of department head.
Section 2-202. Powers, duties, and functions.
Section 2-203. Divisions within department.
Section 2-204. Enforcement.
Section 2-205. Penalties.
Section 2-206. Administrative penalties.
Section 2-207. Environmental management commission.

Article 41. Repealed.

Section 2-208. Repealed.
Section 2-209. Repealed.
Section 2-210. Repealed.
Section 2-211. Repealed.
Section 2-212. Repealed.
Section 2-213. Repealed.

Article 42. Public Access, Open Space, and Natural Resources Preservation.

Section 2-214. Repealed.
Section 2-214.1. Public access, open space, and natural resources preservation fund.
Section 2-214.2. Public access, open space, and natural resources preservation maintenance fund.
Section 2-215. Public access, open space, and natural resources preservation commission.

- Section 2-216. Oath of affirmation.
- Section 2-217. Duties and responsibilities of the commission.
- Section 2-218. Prioritized list of qualifying lands worthy of preservation.

Article 43. Budget Stabilization Fund.

- Section 2-219. Creation of fund; purpose.
- Section 2-220. Funding.
- Section 2-221. Expenditures.
- Section 2-222. Appropriations.
- Section 2-223. Prohibitions.
- Section 2-223.1. Dissolution of the fund.

Article 44. Hawai'i County Cultural Resources Commission.

- Section 2-224. Purpose.
- Section 2-225. Definitions.
- Section 2-226. Commission established.
- Section 2-227. Officers and expenses.
- Section 2-228. Meetings and voting.
- Section 2-229. Powers and duties.
- Section 2-230. Nominations to the Hawai'i or national register of historic places.
- Section 2-231. Guidelines.
- Section 2-232. Administration.

Article 45. General Excise and Use Tax Surcharge.

- Section 2-233. Establishment of surcharge.
- Section 2-234. General excise tax fund.
- Section 2-235. Use of funds.
- Section 2-236. Termination of surcharge.

Article 46. Commercial Sponsorship of County Assets.

- Section 2-237. Findings and purpose.
- Section 2-238. Definitions.
- Section 2-239. Commercial sponsorships.
- Section 2-240. Exclusions.
- Section 2-241. Sponsorship agreement.
- Section 2-242. Sponsorship recognition.
- Section 2-243. General requirements.
- Section 2-244. Funds received from sponsorship agreements.
- Section 2-245. Adoption of rules.

Article 47. Disaster Relief and Recovery.

- Section 2-246. Findings and purpose.
- Section 2-247. Definitions.
- Section 2-248. Applicability; restrictions of funding source; County reservation of funds.
- Section 2-249. Administration.
- Section 2-250. Eligible organizations.
- Section 2-251. Conditions for grants.
- Section 2-252. Procedure for awarding grants.
- Section 2-253. Criteria.
- Section 2-254. Maximum grant award.
- Section 2-255. No lapse of disaster relief funds.
- Section 2-256. Records, reporting, and fiscal accountability requirements.
- Section 2-257. Indemnification.
- Section 2-258. Rules.

Article 48. Transient Accommodations Tax.

- Section 2-259. Tax established.
- Section 2-260. Definitions.
- Section 2-261. Payment of tax.
- Section 2-262. Annual return.
- Section 2-263. Rent collection by third party; filing with the director; statement required.
- Section 2-264. Assessment of tax for failure to make payment; limitation period; exceptions; extension by agreement.
- Section 2-265. Appeals.
- Section 2-266. Collection by suit; injunction.
- Section 2-267. Penalty and interest.
- Section 2-268. Director of finance.
- Section 2-269. Administrative rules.

This page intentionally left blank.

- (2) Membership shall include representatives of government agencies, education, labor, and business and satisfy the Act's requirements.
- (3) Chairperson must be elected from among the business representatives.
- (b) The board shall have all powers, duties, and functions required to implement within the Island of Hawai'i, in partnership with the mayor, the Workforce Innovation and Opportunity Act of 2014.
(2000, ord 00-43, sec 3; am 2015, ord 15-65, sec 2.)

Section 2-193. Creation of fund.

Pursuant to section 10-12, Hawai'i County Charter, a special fund to be known as the Workforce Innovation and Opportunity Act program fund is established.
(2000, ord 00-43, sec 3; am 2015, ord 15-65, sec 2.)

Section 2-194. Funding.

The Workforce Innovation and Opportunity Act program shall be funded by Federal grants, County funds, State funds, or a combination thereof.
(2000, ord 00-43, sec 3; am 2015, ord 15-65, sec 2; am 2018, ord 18-34, sec 2.)

Section 2-195. Expenditures from fund.

The proceeds from the fund shall be used for the necessary expenditures of administering and carrying out the Workforce Innovation and Opportunity Act of 2014. Every expenditure shall comply with the requirements of that law.
(2000, ord 00-43, sec 3; am 2015, ord 15-65, sec 2; am 2021, ord 21-82, sec 2.)

Section 2-196. Impairment of Federal funds.

If any part of the Charter, this Code, or this article is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the County, under the Workforce Innovation and Opportunity Act of 2014, the conflicting part of the Charter, this Code, or this article is inoperative to the extent of the conflict and with respect to the agencies directly affected. This finding shall not affect the operation of the remainder of these laws in their application to the agencies concerned.
(2000, ord 00-43, sec 3; am 2015, ord 15-65, sec 2.)

Section 2-197. Termination of fund.

Upon either the termination of the Workforce Innovation and Opportunity Act of 2014, or the withdrawal of the County from participation in the program, the Workforce Innovation and Opportunity Act program fund shall be terminated. Prior to termination, any remaining proceeds in the fund shall be disposed of in accordance with federal requirements.
(2000, ord 00-43, sec 3; am 2015, ord 15-65, sec 2.)

Article 40. Department of Environmental Management.**Section 2-198. Definitions.**

“Department” means the department of environmental management.

“Director” means the director of the department of environmental management.

“Commission” means the environmental management commission.

(2005, ord 05-22, sec 1; am 2020, ord 20-86, sec 4.)

Section 2-199. Composition of department.

There shall be a department of environmental management consisting of a director, the necessary staff and an environmental management commission.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)

Section 2-200. Statement of policy.

The department of environmental management is established to protect, preserve, and enhance our environment by promoting the wise management of our waste.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1.)

Section 2-201. Appointment and qualifications of department head.

The director of environmental management shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor. The director shall have had a minimum of five years' administrative experience in a related field and either an engineering degree or a degree in a related field.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1; am 2020, ord 20-86, sec 5.)

Section 2-202. Powers, duties, and functions.

The department of environmental management shall manage solid waste, wastewater, and recycling programs of the County, and exercise other functions as prescribed by the mayor or prescribed by ordinance.

The department shall administer this article as well as chapters 20 and 21 through the director. The director may delegate to any person such power and authority vested in the director as the director deems reasonable and proper for the effective administration of these chapters, except the power to make rules. The director may adopt, amend, and repeal rules relating to solid waste, wastewater, and recycling.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1; am 2020, ord 20-86, sec 5.)

Section 2-203. Divisions within department.

The department of environmental management shall be divided under the director into the following divisions:

- (1) Solid Waste Division. The solid waste division shall be responsible for the construction, maintenance, and operation of all solid waste and recycling programs and facilities operated by and for the County.
- (2) Wastewater Division. The wastewater division shall be responsible for the construction, maintenance, and operation of all sewage programs and facilities operated by and for the County.

(2001, ord 01-110, sec 2; am 2005, ord 05-22, sec 1; am 2020, ord 20-86, sec 5.)

Article 41. Repealed.**Section 2-208. Repealed.**

(2004, ord 04-4, sec 2; am 2011, ord 11-130, sec 2; rep 2021, ord 21-57, sec 2.)

Section 2-209. Repealed.

(2004, ord 04-4, sec 2; am 2006, ord 06-98, sec 1; am 2011, ord 11-130, sec 3; rep 2021, ord 21-57, sec 2.)

Section 2-210. Repealed.

(2004, ord 04-4, sec 2; am 2006, ord 06-98, sec 2; am 2011, ord 11-130, sec 4; rep 2021, ord 21-57, sec 2.)

Section 2-211. Repealed.

(2004, ord 04-4, sec 2; rep 2021, ord 21-57, sec 2.)

Section 2-212. Repealed.

(2004, ord 04-4, sec 2; rep 2021, ord 21-57, sec 2.)

Section 2-213. Repealed.

(2004, ord 04-4, sec 2; rep 2021, ord 21-57, sec 2.)

Article 42. Public Access, Open Space, and Natural Resources Preservation.

Section 2-214. Repealed.

(2005, ord 05-85, sec 2; am 2005, ord 05-166, sec 1; am 2006, ord 06-151, sec 1; ord 06-169, sec 1; am 2007, ord 07-21, sec 1; am 2009, ord 09-66, sec 2; am 2013, ord 13-31, sec 2; rep 2015, ord 15-97, sec 3.)

Section 2-214.1. Public access, open space, and natural resources preservation fund.

- (a) A public access, open space, and natural resources preservation fund is hereby established. This special fund shall be administered and managed by the finance department. Monies deposited shall be invested in a conservative interest-bearing account that will allow monies to be available for property acquisition and prevent any erosion of the fund's principal amount.
- (b) The fund shall consist of monies from:
 - (1) The proceeds from the sale of any general obligation bonds, authorized and issued for the purposes of this section;
 - (2) Council appropriations for the purposes of this section;
 - (3) Any source of revenue dedicated by the Charter or the Code for the purposes of this section;
 - (4) Grants and private contributions intended for the purposes of this section;
 - (5) Two percent of Hawai'i County real property tax revenues collected annually (including penalties and interest). Deposits will be made to the Fund on June 30, 2007 and then again on December 31, 2007, and on December 31 and June 30, in successive years, with deposits being calculated on all real property tax payments (including penalties and interest) received in the prior six months. Additional deposits and adjustments may be made at the discretion of the director of finance;
 - (6) Monies from items numbered (1), (2), (3), and (4) above, shall be deposited as received; and
 - (7) Notwithstanding (b)(5) of this section, for the period from July 1, 2009 to June 30, 2011, no payments relating to this section shall be allocated or deposited, provided, however, that all payments accrued through June 30, 2009 shall be allocated and deposited by July 31, 2009.
- (c) The fund shall be used for acquiring lands or property entitlements in the County of Hawai'i for the following purposes:
 - (1) Public outdoor recreation and education, including access to beaches and mountains;
 - (2) Preservation of historic or culturally important land areas and sites;
 - (3) Protection of natural resources, including buffer zones;
 - (4) Preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and
 - (5) Protection of watershed lands to preserve water quality and water supply.

- (d) The director of finance shall ensure that the following covenant is written and duly recorded as part of the deed of any property acquired pursuant to this section:

“This land/easement was acquired with moneys from the Public Access, Open Space, and Natural Resources Preservation Fund. It shall be held in perpetuity for the use and enjoyment of the people of Hawai‘i County and may not be sold, mortgaged, traded or transferred in any way.”

The director of finance shall select either “land” or “easement” based on the type of property acquired.

(2005, ord 05-85, sec 2; am, ord 05-166, sec 1; am 2006, ord 06-151, sec 1; ord 06-169, sec 1; am 2007, ord 07-21, sec 1; am 2009, ord 09-66, sec 2; am 2013, ord 13-31, sec 2; am 2015, ord 15-97, sec 3-5.)

Section 2-214.2. Public access, open space, and natural resources preservation maintenance fund.

- (a) Pursuant to section 10-16(c) of the Charter, a special fund known as the public access, open space, and natural resources preservation maintenance fund is established. The purpose of this special fund is to accrue and use moneys for maintenance of lands and easements acquired in full or in part by the public access, open space, and natural resources preservation fund.
- (b) Pursuant to section 10-16(c) of the Charter, the maintenance fund shall be administered and managed by the department of finance. Adequate staff to carry out the provisions of this article and section 10-16 of the Charter shall be provided by the department of finance.
- (c) Pursuant to section 10-16(h) of the Charter, and article 25 of this chapter, stewardship grants may be provided to 501(c)(3) nonprofit organizations or an organization operating under the umbrella of a 501(c)(3) nonprofit organization.

(2015, ord 15-97, sec 6; am 2021, ord 21-56, sec 1.)

Section 2-215. Public access, open space, and natural resources preservation commission.

- (a) There is established a public access, open space, and natural resources preservation commission. There shall be nine members on this commission, appointed by the mayor and confirmed by the council. The members may be removed upon recommendation by the mayor and the approval of the council. One member shall reside in each County council district. The members shall serve staggered terms of five years. Upon initial appointment of the commission, one member shall be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years. Staff support shall be provided by the finance department.
- (b) No member shall be eligible for a second appointment to the commission prior to the expiration of two years, provided that members initially appointed for a term of one year and two years shall be eligible to succeed themselves for an additional term.
- (c) No member whose term has expired shall continue to serve on the commission, except that if no successor has been appointed and confirmed, the member shall continue to serve for ninety days or until a successor is appointed and confirmed, whichever comes first.
- (d) Any vacancy occurring in the commission shall be filled for the unexpired term.
- (e) Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance pursuant to article 16.
- (f) A chairperson shall be elected from its membership annually.
- (g) The affirmative vote of a majority of those members present shall be necessary to make any action valid.
- (h) The commission shall have the power to establish its rules of procedure necessary for the conduct of its business, which rules shall contain the time and place of all regular meetings, and which shall specify that a quorum shall be a majority of the members to which the commission is entitled.
- (i) No person shall, by reason of occupation alone, be barred from serving as a member of this commission.
- (j) The council shall act to confirm or reject any appointment made to the commission by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed.
- (k) The redrawing of the council district boundaries during a member's term shall not affect a member's eligibility to represent the district to which the member was appointed.

(2005, ord 05-166, sec 2; am 2021, ord 21-56, sec 2.)

Section 2-216. Oath of affirmation.

Before beginning their duties, each member appointed shall subscribe to the oath or affirmation before some person duly qualified to administer oaths:

“I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Hawai‘i, and that I will faithfully discharge my duties as a member of the public access, open space, and natural resources preservation commission to the best of my ability.”

(2005, ord 05-166, sec 3.)

Section 2-217. Duties and responsibilities of the commission.

The duties and responsibilities of this commission are:

- (1) To develop and submit to the mayor an island-wide prioritized list of qualifying lands worthy of preservation. The commission shall give emphasis to land acquisitions where the County’s contribution can be leveraged to obtain State, Federal, and/or private lands. Priorities shall be listed on an island-wide rather than district basis. The list shall include the significance of each parcel or entitlement identified, the reason for its priority, and its anticipated use after acquisition;
- (2) To update this list at any time, but at least annually by December 31 of each year;
- (3) To explore methods of funding land acquisition and make recommendations to the mayor;
- (4) To review, evaluate, and make recommendations to the director of finance regarding applications for stewardship grants from the maintenance fund, within six months of receipt of each application. Recommendations shall address whether grant applicants have the ability to complete their proposed projects according to the project plan, on time, and within cost estimates, in accordance with section 10-16(h) of the Charter;
- (5) To review stewardship grant applications, business plans, agreements, and other documentation accompanying grant applications. The commission may also conduct interviews and perform site visits and other activities necessary to formulate a recommendation; and
- (6) To review stewardship grant recipient performance reports, conduct interviews, and perform site visits and other activities necessary to verify that grant objectives are being met. The commission shall forward its findings to the director of finance.

(2005, ord 05-166, sec 4; am 2015, ord 15-97, sec 7; am 2021, ord, 21-56, sec 3.)

Section 2-218. Prioritized list of qualifying lands worthy of preservation.

- (a) The prioritized list developed by the commission shall be submitted to the mayor for comments and recommendation. Within sixty days after receipt, the mayor will submit the list to the council with comments and recommendations. The council shall, by resolution, select the land or lands to be preserved. Under no circumstances shall the purchase price paid for a property exceed the appraised value as prepared by an independent appraiser engaged by the County. Where there are multiple lands under consideration at any one time, priority shall be given to coastal lands and lands where matching funding is available to leverage the County contribution.
- (b) Negotiations for acquisition of lands to be preserved shall occur between the County and the seller or its commissioned agent, or a licensed broker only. The commission shall have no role in the negotiations other than in its advisory capacity.
- (c) Appraisals, title reports, surveying and other costs incidental to the acquisition of land shall be permitted uses of the public access, open space, and natural resources preservation fund.
- (d) Adequate staff to carry out the provisions of this article and to manage the land acquired shall be provided in the department of finance to maximize the use of available funds by minimizing the payment of commission to outside agents to put together funding plans and to ensure that the County is a good steward of any land that comes under its control through this article.

(2005, ord 05-166, sec 5; am 2007, ord 07-21, sec 2; am 2015, ord 15-97, sec 8.)

Article 43. Budget Stabilization Fund.**Section 2-219. Creation of fund; purpose.**

- (a) Pursuant to section 10-12, Hawai'i County Charter 2000, a special fund to be known as the budget stabilization fund is created.
- (b) The purpose of the budget stabilization fund shall be a temporary, supplemental source of funds for the County to use during times of financial hardships while a plan for cost reduction or revenue enhancement is developed. Additionally, the fund may be used to insulate general fund programs and current service levels from:
 - (1) Revenue shortfalls to minimize the need for budget cuts or tax increases;
 - (2) A revenue reduction due to a change in state or federal legislation; or
 - (3) Slower revenue growth that typically occurs during an economic recession.

(2006, ord 06-101, sec 1; am 2011, ord 11-128, sec 2.)

- (e) Grant awards of \$25,000 or less may be authorized solely by the director.
 - (f) Grant awards in excess of \$25,000 shall specifically identify the organization receiving the grant funds and the purpose for which the grant funds shall be used in a resolution.
- (2020, ord 20-28, sec 1.)

Section 2-253. Criteria.

The director shall take the following criteria into consideration when determining the amount of a grant award:

- (1) The extent to which the organization has the capacity to carry out the proposed use of the disaster relief funds;
- (2) The strength of fiscal and administrative controls to properly manage the disaster relief funds;
- (3) The ability to leverage or obtain other funds to contribute to the proposed use of the disaster relief funds;
- (4) The extent to which the proposed use of the disaster relief funds reflects a coherent and feasible approach, including a reasonable timeline for completion of the work, which shall demonstrate how the proposed use intends to address the relief, recovery, mitigation, and/or remediation following the 2018 Kīlauea eruption; and
- (5) The submittal of a realistic, thorough, and accurate budget for the proposed use of the disaster relief funds.

(2020, ord 20-28, sec 1.)

Section 2-254. Maximum grant award.

A nonprofit organization shall not be awarded more than \$500,000 under this article. This maximum grant award amount shall not apply to other grant amounts that may have been awarded, or may be awarded in the future, to the same nonprofit organization under article 25 of this chapter.

(2020, ord 20-28, sec 1.)

Section 2-255. No lapse of disaster relief funds.

The disaster relief funds held in the account shall not lapse, and shall remain in the account until appropriated, and shall be available until fully expended.

(2020, ord 20-28, sec 1.)

Section 2-256. Records, reporting, and fiscal accountability requirements.

- (a) The nonprofit organization shall follow generally accepted accounting procedures and practices and shall maintain books, records, documents, and other evidence that sufficiently and properly account for the expenditure of the disaster relief funds. The books, records, and documents shall be subject at all reasonable times to inspection, reviews, or audits by the director and the legislative auditor, or by their designated representatives.
- (b) The director may request periodic written reports on the use of the disaster relief funds.

- (c) The nonprofit organization shall submit a written report to the director within sixty days after the final expenditure of the amount of disaster relief funds that was awarded. The report shall include, but not be limited to, a detailed description focusing on specific, measureable outcomes of how the disaster relief funds were used and a breakdown of other funding sources and their expenditures.
 - (d) In addition to any other remedy provided by law, if the nonprofit organization fails to submit the written report due within sixty days from the date of the final expenditure of the amount of disaster relief funds that was awarded, the director shall require the nonprofit organization to return all grant funds awarded and deem the nonprofit organization ineligible to receive future grant awards for at least the following fiscal year, and for all subsequent fiscal years until such time as the written report is submitted to, and accepted by, the director.
 - (e) Should the director determine that the written report is deficient in any way, the nonprofit organization shall be notified of the deficiencies and shall provide additional information to mitigate the deficiencies within thirty days of notice. Noncompliance shall constitute a violation of this section.
- (2020, ord 20-28, sec 1.)

Section 2-257. Indemnification.

All contracts executed under this article shall contain a provision that the awarded grantee shall save, indemnify, defend, and hold harmless the County against any claims arising from the award or use of disaster relief funds.

(2020, ord 20-28, sec 1.)

Section 2-258. Rules.

The director may adopt administrative rules pursuant to chapter 91 of the Hawai'i Revised Statutes, as amended, as may be necessary to implement this article.

(2020, ord 20-28, sec 1.)

Article 48. Transient Accommodations Tax.

Section 2-259. Tax established.

Pursuant to Part III of Act 1, Special Session Laws of Hawai'i 2021, a three percent transient accommodations tax is established on all gross rental, gross rental proceeds, and fair market rental value considered taxable under the definitions of section 237D-1, Hawai'i Revised Statutes. This tax shall be levied beginning on January 1, 2022.

If the gross rental, gross rental proceeds, and fair market rental value are received as payments beginning in the taxable year in which this tax becomes effective, on written contracts entered into prior to the establishment of this article, and the written contracts do not provide for the passing on of increased rates of taxes, the County transient accommodations tax will not be imposed on the gross rental, gross rental proceeds, and fair market rental value covered under the written contracts.

(2021, ord 21-89, sec 2.)

Section 2-260. Definitions.

- (a) "Director" means the director of finance of the County.
 - (b) Unless otherwise provided in this article or by rule adopted by the director, the definitions provided in section 237D-1, Hawai'i Revised Statutes, as may be amended, and by State administrative rule adopted for application to chapter 237D, Hawai'i Revised Statutes, shall apply to this article.
- (2021, ord 21-89, sec 2.)

Section 2-261. Payment of tax.

- (a) Unless otherwise provided in this article or by rule adopted by the director, any taxpayer required to pay State transient accommodations tax pursuant to chapter 237D, Hawai'i Revised Statutes, shall also pay the County transient accommodations tax imposed pursuant to this article.
- (b) Unless otherwise provided in this article or by rule adopted by the director, any taxpayer required to pay the County transient accommodations tax shall remit payment to the director, and if not filing electronically, a periodic voucher approved by the director.
- (c) County transient accommodations tax payments shall be made on or before the date by which the person is required to pay the State transient accommodations tax.

(2021, ord 21-89, sec 2.)

Section 2-262. Annual return.

Every taxpayer required to file an annual reconciliation return and submit residue tax with the State director of taxation set forth under section 237D-7, Hawai'i Revised Statutes, shall also remit to the director residue County transient accommodations tax together with an annual reconciliation return approved by the director pursuant to this article.

(2021, ord 21-89, sec 2.)

Section 2-263. Rent collection by third party; filing with the director; statement required.

- (a) Every taxpayer authorized under an agreement by the owner of transient accommodations located within this County to collect rent on behalf of such owner shall be subject to this section.
- (b) Every written rental collection agreement, in addition to the requirements of section 237D-8.5, Hawai'i Revised Statutes, shall include the following statement in bold print and ten-point type size:

**“HAWAII COUNTY TRANSIENT ACCOMMODATIONS TAXES
MUST BE PAID ON THE GROSS RENTS COLLECTED
BY ANY TAXPAYER RENTING TRANSIENT ACCOMMODATIONS
IN THE COUNTY OF HAWAII.”**

Every taxpayer entering an oral rental collection agreement shall furnish the director a copy of the information furnished to the State as required under section 237D-8.5, Hawaii Revised Statutes, and shall give the owner of the property a copy of the notice required by this subsection. The statement required by this subsection may be combined with the statement-required language under section 237D-8.5, Hawaii Revised Statutes, by adding in bold print and in ten-point type size to the front of the statement in section 237-30.5, Hawaii Revised Statutes, the following in parentheses:

**“HAWAII (INCLUDING HAWAII COUNTY ADDED)
TRANSIENT ACCOMMODATIONS TAXES AND”**

(2021, ord 21-89, sec 2.)

Section 2-264. Assessment of tax for failure to make payment; limitation period; exceptions; extension by agreement.

- (a) If any taxpayer fails to make payment as required by this article, the director or designee shall estimate the tax liability of the taxpayer from any information the director or designee obtains, and according to the estimate, assess the taxes, interest, and penalty due to the County from the taxpayer, give notice of the assessment to the taxpayer, and make demand upon the taxpayer for payment. The assessment shall be presumed correct unless, upon an appeal duly taken, the contrary is proved by the taxpayer assessed. The burden of proof on appeal to disprove the correctness of assessment shall be on the taxpayer assessed.
- (b) The director or designee shall cause the payment to be examined and may conduct further audits or investigations as the director or designee considers necessary. If the director or designee determines that there is a deficiency in the payment of any tax due under this article, the director or designee shall assess the taxes and interest due the County, give notice of the assessment to the taxpayers liable, and make demand upon the taxpayers for payment.
- (c) Except as provided by this section, the amount of taxes imposed by this article shall be assessed or levied within three years of the due date prescribed for the submission of payment. Without an assessment, no proceeding in court for the collection of any of the taxes may be commenced after the expiration of the period. Where the assessment of the tax imposed by this article has occurred within the applicable period of limitation, the tax may be collected by levy or by a proceeding in court. Unless otherwise provided in this article or rule adopted by the director, the limitation period for collecting the County transient accommodations tax shall be suspended for any period set forth in chapter 237D, Hawaii Revised Statutes.

(2021, ord 21-89, sec 2.)

Section 2-265. Appeals.

Any taxpayer aggrieved by any assessment of the tax or liability imposed by this article may appeal from the assessment within thirty days of the issuance of the assessment to the appropriate State of Hawai'i court having jurisdiction over the amount in controversy, unless otherwise superseded by State law. Alternatively, if the taxpayer aggrieved has also filed a proceeding against the State for the State tax or liability imposed, the aggrieved taxpayer may also join the County in the State proceeding.

(2021, ord 21-89, sec 2.)

Section 2-266. Collection by suit; injunction.

- (a) The director may collect taxes due and unpaid under this article, together with all accrued penalties, by filing suit or other appropriate proceeding in an appropriate State of Hawai'i court located in the third circuit having jurisdiction over the amount due and unpaid.
- (b) Notwithstanding subsection (a) above, the director may join any proceeding filed by the State of Hawai'i to collect State transient accommodations tax and assert the County's claims regardless of whether the venue is located in the third circuit.

(2021, ord 21-89, sec 2.)

Section 2-267. Penalty and interest.

Unless otherwise provided in this article or rule adopted by the director, penalties and interest shall be added to and become a part of the County tax in the same manner as penalties and interest are added to and become part of the State transient accommodations tax.

(2021, ord 21-89, sec 2.)

Section 2-268. Director of finance.

- (a) The director shall administer and enforce this article, in respect of:
 - (1) The examination of books and records of taxpayers;
 - (2) Procedure and powers upon failure or refusal by a taxpayer to make a return, a proper return, or payment;
 - (3) The general administration of this article;
 - (4) To enter into agreements with the director of taxation, other State agency, or entity approved in furtherance of the administration and enforcement of this article; and
 - (5) To identify taxpayers and delinquencies to the director of any County department charged with permitting, oversight or enforcement of transient accommodations.
- (b) The director shall have the rights and powers conferred by section 6-6.3, Hawai'i County Charter.

- (c) The director is further authorized to delegate any authority provided in this article.
- (d) If any section in this article conflicts with this authority to enter into an agreement for the collection of taxes, it shall be void. The director must appropriately notify taxpayers of any voided section.

(2021, ord 21-89, sec 2.)

Section 2-269. Administrative rules.

The director may adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes, as amended, as may be necessary to implement this article.

(2021, ord 21-89, sec 2.)

CHAPTER 5
BUILDING
(Rep 2020, ord 20-61, sec 12.)

CHAPTER 5
CONSTRUCTION ADMINISTRATIVE CODE

Article 1. General Provisions.

Section 5-1-1. Title.

This chapter shall be known as the “construction administrative code.”
(2020, ord 20-61, sec 2.)

Section 5-1-2. Purpose.

This chapter consolidates the administrative provisions relating to the County’s construction code, including chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code into one chapter. These administrative provisions relate to: permitting; enforcement; inspections; and related procedures. This consolidation will enable the County to develop a system based on a single permit, rather than multiple construction permits and generally promote consistency in procedures across construction disciplines. The purpose of these policy changes is to enable the County to implement its responsibilities in this area with greater efficiency and effectiveness.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 3.)

Section 5-1-3. Scope; exceptions.

The provisions of this chapter shall apply to the administrative, permitting, enforcement, inspection, and related procedures of chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code.

This chapter shall apply to all building, electrical, and plumbing work related to the construction, alteration, movement, addition, replacement, repair, establishment of and changes in use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the County inland of the shoreline high-water line.

This chapter shall not apply to:

- (1) Work on buildings or premises owned by or under the direct control of the Federal government;
- (2) Work in public State or County road right-of-ways for utility installations, street lighting, traffic signals, police and fire alarms, bridges, poles, hydraulic flood control structures, and mechanical equipment not specifically regulated in this code where installed:
 - (A) Outside the proposed premises or boundary lines in a subdivision under development; or

- (B) In an approved subdivision, where the work is in planned or actual roadways or other common infrastructure areas;
- (3) Pursuant to section 448E-13, Hawai'i Revised Statutes, work by employees of a public utility within the State under a franchise or charter granted by the State which is regulated by the public utilities commission and community antennae television company, while so employed;
 - (4) Electrical work related to work regulated by chapter 397, Hawai'i Revised Statutes, relating to the elevator code, but not including electrical work for the supply of power to the control panels of elevators, dumbwaiters, escalators, moving walks, and manlifts;
 - (5) Replacement or repair of electrical devices and apparatus for air conditioning, refrigeration, and heating systems, except electrical work on overcurrent devices that are not physically attached to, or physically mounted on, such systems;
 - (6) The construction, alteration or repair of electrical devices commonly used in the home such as portable appliances as defined in section 5-1-5;
 - (7) Plumbing work related to work regulated by chapter 397, Hawai'i Revised Statutes, relating to boilers and pressure vessels; and
 - (8) Agricultural buildings, structures, and appurtenances without electrical power and plumbing systems are exempt from permit and construction code requirements pursuant to section 46-88, Hawai'i Revised Statutes, except as otherwise provided for in this construction code. No electrical power and no plumbing systems shall be connected to a building or structure without first obtaining a permit for electrical or plumbing work.
- (2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 4.)

Section 5-1-4. Existing buildings.

- (a) Permitted buildings in existence at the time of the adoption of this code may have their existing permitted use or occupancy continued if such use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a hazard to the general safety and welfare of the occupants and the public.
 - (b) Alteration, repair, addition, and change of occupancy. Alteration, repair, addition, and change of occupancy to a building or structure in existence at the time of the adoption of this code shall comply with the requirements of chapter 34 of the International Building Code, relating to existing structures, until the adoption by the County of the International Existing Building Code. *
- (2020, ord 20-61, sec 2.)

* **Editor's Note:** The County adopted the International Existing Building Code on September 8, 2021, in Ordinance 21-41.

Section 5-1-5. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Accessory structure” means a structure not greater than 3,000 square feet (279 m²) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

“Agricultural building” means a development, including a nonresidential building or structure, built for agricultural or aquacultural purposes, located on a commercial farm or ranch constructed or installed to house farm or ranch implements, agricultural or aquacultural feeds or supplies, livestock, poultry, or other agricultural or aquacultural products, used in or necessary for the operation of the farm or ranch, or for the processing and selling of farm or ranch products. An agricultural building for personal use shall be excluded from this definition.

“Architect” means a person who is licensed and in good standing as an architect in the State of Hawai‘i.

“Authority having jurisdiction” means the director of the department of public works, or the director’s authorized representative.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

To the extent context otherwise permits and/or requires, the definitions of “building” as used in chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.

“Building work” means the design, construction, alteration, relocation, enlargement, replacement, repair, removal, demolition of any building or structure, or any other activities regulated by this chapter.

“Construction code” means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

“Director” means the director of public works of the County of Hawai‘i or the director’s duly authorized representative.

“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Electrical wiring” means any conduit, raceway, manhole, handhole, conductor, material, device, fitting, apparatus, appliance, fixture, or equipment constituting a part of or connected to any electrical installation, attached or fastened to any building, structure, or premises and which installation or portion thereof is designed, intended, or used to generate, transmit, transform, or utilize electrical energy within the scope and purpose of the National Electrical Code.

“Electrical work” means the installation, alteration, reconstruction, or repair of electrical wiring.

“Engineer” means a person who is licensed and in good standing as a professional engineer in the State of Hawai‘i.

“Existing building” means a building erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“Existing structure” means a structure erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“Factory-built home” means a dwelling or dwelling unit, any structure or portion thereof, which is either entirely prefabricated or assembled at a place other than the building site.

“International building code” means the International Building Code published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5795, including appendices, as adopted in chapter 5A.

“Owner” means any individual, firm, partnership, association, or corporation, its or their successors or assigns, according to the context thereof as owners or lessees of property.

“Owner-builder” means owners or lessees of property who build or improve buildings or structures on their property for their own use, or for use by their immediate family. This definition shall not preempt owner-builder by exemption as defined by section 444-2.5, Hawai‘i Revised Statutes.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation; or its or their successors or assigns, according to the context thereof.

“Plumbing work” means the design, installation, alteration, construction, reconstruction, or repair of plumbing, gas, and drainage systems.

“Portable appliances” means any cord/plug connected device that is readily movable.

“Regulatory inspection” means an inspection that is requested to satisfy the requirements of laws that are other than the construction code and that relate to health, safety, or public welfare.

“Responsible party” means, at a minimum, the owner of a building, structure, portion thereof, or installation. “Responsible parties” may also include, but shall not be limited to any lessee or tenant of the building, structure, or portion thereof, and the owner of the property where the building, structure, or portion thereof, or installation is located.

“Special inspection” means an inspection of the materials, installation, fabrication, erection or placement of components and connections requiring special expertise to ensure compliance with approved construction documents and referenced standards.

“Structure” means that which is built or constructed.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, secs 5-7.)

Section 5-1-6. Licenses.

When this construction administrative code or any of the construction codes require that a person be licensed pursuant to chapters 444, 448E, or 464, of the Hawai‘i Revised Statutes, such license must be valid in the State of Hawai‘i, unexpired, and unrevoked.

(2020, ord 20-61, sec 2.)

Section 5-1-7. Computation of time.

In computing any period of time prescribed or allowed by the construction administrative code, or by any applicable law or rule, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday. When the period of time prescribed or allowed is less than seven consecutive days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. As used in the construction administrative code, “holiday” includes any day designated as such pursuant to section 8-1, Hawai‘i Revised Statutes.

(2020, ord 20-61, sec 2.)

Section 5-1-8. Additional time after service by mail.

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party, if the notice or paper is served upon the party by mail, two days shall be added to the prescribed period. This period shall begin as of the date of mailing.

(2020, ord 20-61, sec 2.)

Article 2. Administration.

Division 1. General.

Section 5-2-1. Department having jurisdiction.

Unless otherwise provided for by law, the director of public works, in the director’s capacity as the authority having jurisdiction, shall have jurisdiction over and administer all matters covered by the construction code.

(2020, ord 20-61, sec 2.)

Section 5-2-2. Duties of the authority having jurisdiction.

The authority having jurisdiction shall administer the provisions of the construction code and amendments thereto and shall perform the following duties:

- (1) Administer and enforce the provisions of the construction code, including chapters: 5, the construction administrative code; 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; in a manner consistent with the intent thereof;
- (2) Render interpretations of the construction code and adopt policies and procedures that are consistent with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the construction code;
- (3) Require submission of, examine, and check plans and specifications, drawings, descriptions and diagrams necessary to show clearly the character, kind, and extent of work covered by applications for a permit, and upon approval, shall issue the permit applied for;
- (4) Inspect all building, electrical, and plumbing work authorized by permit to assure compliance with provisions of the construction code or amendments thereto, approving or condemning said work in whole or in part as conditions require;
- (5) Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of the construction code and amendments thereto;
- (6) Order changes in workmanship and materials essential to obtain compliance with all provisions of the construction code;
- (7) Issue upon request a certificate of occupancy or certificate of completion for any work approved by the authority having jurisdiction;
- (8) Investigate any construction or work regulated by the construction code and issue such notices and orders as provided in the construction code;
- (9) Keep a complete record of all essential transactions; and
- (10) Maintain public office hours necessary to administer the provisions of the construction code and amendments thereto.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 8.)

Section 5-2-3. Compliance required.

- (a) Permit holders and their agents shall comply with the requirements of permits issued pursuant to the construction code including chapters: 5, the construction administrative code; 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code.
- (b) Any approval or permit issued pursuant to the provisions of the construction code shall comply with all applicable requirements of the construction code. Any approval or permit that presumes to authorize violation of the provisions of the construction code, or other applicable laws, shall be invalid, except insofar as the work or use it authorizes is lawful.

- (c) The granting of a permit, variance, or approval of plans or specifications pursuant to the construction code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 9.)

Section 5-2-4. Conflict.

- (a) If any provisions of the construction code conflict with or contravene provisions of the Hawai'i State Building Codes, International Building Code, International Residential Code, International Existing Building Code, National Electrical Code, Uniform Plumbing Code, or the International Energy Conservation Code, that have been incorporated by reference, the provisions of the construction code shall prevail as to all matters and questions arising out of the subject matter of that provision.
- (b) In situations where two or more provisions of the construction code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 10.)

Section 5-2-5. Adoption of rules.

The authority having jurisdiction may adopt rules pursuant to chapter 91, Hawai'i Revised Statutes, necessary for the purposes of the construction code.

(2020, ord 20-61, sec 2.)

Section 5-2-6. Right of entry.

Upon presentation of proper credentials, the authority having jurisdiction may enter a building, structure, premises, or building site at reasonable times to inspect or to perform any duty imposed by the construction code. Such entry shall be made in such a manner as to cause the least possible inconvenience to the persons in possession. If such building, structure, premises, or building site is unoccupied, the authority having jurisdiction shall first make a reasonable effort to locate the owner, owner's agent, or person responsible for the building, structure, premises, or building site and request entry. An order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(2020, ord 20-61, sec 2.)

Section 5-2-7. Deputies.

In accordance with applicable procedures the authority having jurisdiction shall have the authority to:

- (1) Appoint technical officers, inspectors, plan examiners, and other personnel necessary to support the department;
- (2) Deputize inspectors or employees who shall have powers delegated to them by the authority having jurisdiction; and
- (3) Deputize volunteers to temporarily carry out functions of the department in the event of an emergency as defined in chapter 127A, Hawai'i Revised Statutes.

(2020, ord 20-61, sec 2.)

Section 5-2-8. Limited liability of authorized personnel.

- (a) The authorized personnel charged with the administration and enforcement of the construction code, while acting in good faith and without malice in the discharge of the duties required by the construction code or other applicable law, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the authorized personnel because of such act or omission performed by the authorized personnel in the enforcement of any provision of the construction code or other applicable law implemented through the enforcement of the construction code shall be defended by the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.
- (b) Neither the County nor any department, board, commission, officer, employee, or agent shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of any permit, or any inspection or approval or issuance of a certificate of inspection, made under the provisions of the construction code.
- (c) The construction code shall not be construed to relieve from or lessen the responsibility of any person for damages from any defect, arising out of the ownership, operation, or installation of any:
 - (1) Electrical wires, appliances, apparatus, construction, or equipment; or
 - (2) Plumbing, gas, or drainage systems.

(2020, ord 20-61, sec 2.)

Division 2. Materials, equipment, devices, design, and methods of construction.**Section 5-2-21. Approved materials, equipment, and devices.**

Materials, equipment, and devices approved by the authority having jurisdiction shall be constructed and installed in accordance with such approval.

(2020, ord 20-61, sec 2.)

Section 5-2-22. Used materials, equipment, and devices.

The use of used materials that meet the requirements of the construction code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the authority having jurisdiction.

(2020, ord 20-61, sec 2.)

Section 5-2-23. Alternative materials, equipment, design, or methods of construction.

- (a) The provisions of the construction code are not intended to prevent the installation of any material or equipment; or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the authority having jurisdiction.

- (b) Sixty days to take action on deficient application.
If an applicant picks up an application designated “recommend return with correction,” the applicant shall have sixty working days to take action on the deficiencies noted in the application. The sixty-day period will begin on the working day following the day the application is picked up.
 - (c) 180 days to obtain permit.
An application for a permit shall be deemed to have been canceled 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The authority having jurisdiction may grant one or more extensions of time for additional periods not exceeding ninety consecutive days each. Prior to the deadline, requests for extension shall be filed in writing with the authority having jurisdiction, and demonstrate that circumstances beyond the applicant’s control justify granting the extension request.
 - (d) Restarting permit application.
If a permit application is canceled, the application process must be restarted. In order to restart an application after its cancellation, the applicant shall resubmit plans with alterations to meet current codes and pay a new plan review fee.
 - (e) If an application is canceled, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the authority having jurisdiction.
- (2020, ord 20-61, sec 2.)

Section 5-4-8. Applications made prior to subsequent changes in applicable laws.

An applicant for a permit who has filed an application with the authority having jurisdiction prior to the effective date of a subsequent change in applicable law shall be required to obtain the permit no later than one hundred eighty consecutive days after the effective date of such law. If the permit has not been obtained within one hundred eighty consecutive days after the effective date of the subsequent law, the application and plans shall comply with the requirements set forth in the subsequent law. Where the subsequent law specifies a time period for obtaining a permit other than the one hundred eighty-day period stated above, the time period specified in the subsequent law shall govern.

(2020, ord 20-61, sec 2.)

Division 2. Pre-approval.

Section 5-4-21. Model plans for residential dwellings; pre-approval.

- (a) Model plan pre-approval.
Model plans for residential dwellings may be pre-approved by the authority having jurisdiction. The application process for a permit that is based on model plans for residential dwellings that have been pre-approved and filed with the authority having jurisdiction shall exclude the plan and specification review required in sections 5-4-1 and 5-4-2. This exemption shall not apply to reviews by other appropriate departments and divisions of the County and the State required pursuant to subsection 5-4-5.

- (b) Model home designs.
 - (1) Eligible model home designs shall have no limitation on size.
Exception:
A maximum of a two-car carport/garage may be included.
 - (2) Layouts of plans that are mirrored or reversed versions of previously approved plans, will be considered to be separate and an additional model home design subject to paragraph (1) of this subsection.
 - (3) Any revisions to pre-approved plans will require resubmittal of the entire set of revised plans and documents for approval. A proposed revision to an already pre-approved plan will be considered to be a separate and an additional home design subject to paragraph (1) of this subsection.
- (c) Application for model plan pre-approval.
 - (1) To apply for pre-approval of a model plan, three sets of complete working drawings and specifications that bear the wet seal and signature of a person who is licensed in the State of Hawai'i as an architect or professional structural engineer shall be submitted to the authority having jurisdiction.
 - (2) Factory-built homes shall include a manufacturer's label as required by Appendix U of chapter 5B, the residential building code.
 - (3) A plan review fee for pre-approved model plans shall be assessed per model home design in accordance with section 5-7-2.
- (d) The authority having jurisdiction shall approve the application, and assign a model number to the pre-approved model plan, if it finds that:
 - (1) The plans submitted for pre-approval conform with the requirements of the construction code and with all other applicable laws; and
 - (2) The fees specified in section 5-7-2 have been paid.
- (e) Expiration of model plan pre-approval.
Pre-approved model plans for home designs shall remain valid until a new edition of the model building code is adopted by the authority having jurisdiction.
- (f) Owner/contractor application for permit.
 - (1) When applying for a permit with a pre-approved plan for a model home design the owner/contractor shall:
 - (A) Submit two sets of complete working drawings showing the pre-approved model number along with the manufacturer's wet seal and authorizing signature. The authority having jurisdiction will verify the seal and signature.
 - (B) Pay the permit plan review fee pursuant to section 5-7-1.
 - (C) Obtain required approvals from other departments or agencies.
 - (2) Construction drawings for pre-approved model home designs, with the exception of the plot plan and/or cover sheet will not be required to be individually stamped by a person who is licensed in the State of Hawai'i as an architect or professional structural engineer in accordance with this chapter and chapter 464, Hawai'i Revised Statutes. The plot plan and/or cover sheet shall bear the same architect or professional engineer's wet seal or signature as submitted on the pre-approved model home design, pursuant to subsection (c)(1).

- (3) After the requisite approvals from other departments or agencies have been obtained, the authority having jurisdiction will either approve the application or inform the applicant of deficiencies in the application within six working days after the authority having jurisdiction receives notice that all approvals have been obtained.
- (4) Once approved, the authority having jurisdiction shall issue the permit in accordance with section 5-5-1.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 11.)

Article 5. Permits.

Section 5-5-1. Issuance.

- (a) Permits shall be issued in such form and detail as shall be prescribed by the authority having jurisdiction. They shall specify the geographical location of the premises whereon the work authorized thereby is to be done, be valid only for the location so specified, and be endorsed in writing or stamped on all sets of plans and specifications "REVIEWED."
- (b) Once a permit is issued, plans and specifications shall not be changed, modified, or altered without authorization from the authority having jurisdiction, and all work shall be done in accordance with the approved plans.
- (c) The authority having jurisdiction may issue a permit for the construction of part of the building or structure before complete plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted that are sufficient to indicate compliance with all pertinent requirements of the construction code. The holder of such permit shall proceed at the holder's own risk, without assurance that the permit for the entire building or structure will be granted.
- (d) The issuance of a permit shall not prevent the authority having jurisdiction from thereafter:
 - (1) Requiring the correction of errors in the plans and specifications;
 - (2) Revoking or suspending any permit when issued in error, on the basis of incorrect information supplied, or in violation of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law;
 - (3) Halting building operations when in violation of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law;
 - (4) Preventing occupancy or use of a structure, when violations of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law have occurred; or
 - (5) Initiating criminal enforcement and the imposition of penalties or fees, or both, when authorized by the construction code or other applicable law.

(2020, ord 20-61, sec 2.)

Section 5-5-2. Posting.

Work requiring a permit shall not be commenced until the permit holder or their agent shall have posted the permit in a conspicuous place on the job site. The permit shall be readily visible for the authority having jurisdiction to identify and make all required inspections. The permit shall remain posted in a conspicuous place on the job site until the work has passed a final inspection by the authority having jurisdiction. Failure to comply with this provision shall subject the violator to a \$100 fine. (2020, ord 20-61, sec 2.)

Section 5-5-3. Designation of person, contractor, or subcontractor who will do work.

- (a) No permit issued shall authorize any person or contractor to work upon any phase of a building, structure, or project unless they have been specifically identified in the permit application, including any attachment or amendments thereto, as the contractor or subcontractor designated to do that particular phase of work.
- (b) No permit shall be loaned to another by the person to whom it was issued.
- (c) If subsequent to the issuance of a permit, a homeowner either ceases to employ the owner-builder exemption and engages a contractor for any phase of work, or there is a change in the designation of any contractor for any phase of work, the permit holder shall file a written request to the authority having jurisdiction for approval of these changes. The request shall include: the change in designation; a revised declaration form for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure, or project; and a non-refundable fee of \$100.

(2020, ord 20-61, sec 2.)

Section 5-5-4. Expiration.

- (a) Permits shall expire and become null and void:
 - (1) Permits issued to contractors - three years after the date of issuance of the permit;
 - (2) Permits issued to owner-builders - five years after the date of issuance of the permit;
 - (3) 180 consecutive days after the date of issuance, if the work authorized by the permit is not commenced by such date; or
 - (4) If the work authorized by a permit is suspended or abandoned for a period of 180 consecutive days or more at any time after the date of issuance.
- (b) Upon expiration of a permit, all work shall cease and shall not be recommenced until a new permit is obtained.

(2020, ord 20-61, sec 2.)

(2) Non-residential installations.

In non-residential installations, no framing, electrical wiring, plumbing or mechanical ducts or equipment shall be covered or concealed until two working days have expired after the scheduled inspection or until the authority having jurisdiction has approved the installation, and given permission to cover or conceal the same. If the permitted work is covered or concealed without inspection, the contractor will provide verification that the concealed work complies with all the provisions of the construction code. Should the authority having jurisdiction condemn any of said work or equipment as not being in accordance with the provisions of the construction code, notice in writing to that effect shall be given to the person doing the work authorized by the permit or posted at the job site.

- (c) After inspection, if the authority having jurisdiction finds that the work does not conform in all respects with the provisions of the construction code, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment fully complies with the provisions of this code. These changes shall be completed within a reasonable amount of time thereafter. Further work may not be connected on or with the condemned work or equipment until these changes are made.
- (d) In default, the contractor or owner-builder shall be liable for the penalties provided in the construction code, resulting from violations of this article. Further, any and every owner, contractor, or other person engaged in construction of the building or structure, or otherwise, covering or allowing to be covered such portion of work or equipment, or removing any notice not to cover same placed thereon by the authority having jurisdiction shall likewise be liable for the penalties provided in the construction code.

(2020, ord 20-61, sec 2.)

Section 5-8-3. Requests for inspection.

- (a) Whenever any work regulated by the construction code, or any portion thereof, is ready for inspection, the person doing the work authorized by the permit shall file a request for inspection with the authority having jurisdiction. The request for inspection may be filed in writing via forms furnished by the authority having jurisdiction, in-person delivery, online, or facsimile transmittal. Alternatively, a request for inspection may be communicated by telephone, if allowed by the authority having jurisdiction.
- (b) It shall be the duty of the person doing the work authorized by the permit, to make sure that the work will stand the tests prescribed elsewhere in the construction code, before filing a request for inspection.
- (c) The request for inspection shall be filed with the authority having jurisdiction not less than two working days and not more than three working days before any such inspection is desired.

- (d) Within two working days after receipt of such request, not including weekends or holidays, the authority having jurisdiction shall either proceed with the inspection or arrange with the contractor to reschedule the inspection for a later date. This rescheduled inspection may take place beyond two working days after receipt of the request for inspection.

(2020, ord 20-61, sec 2.)

Section 5-8-4. Inspections.

- (a) The authority having jurisdiction, upon receipt of a request for an inspection from the permit holder or their agent, shall inspect the work as provided in this section and shall either approve that portion of the construction as completed or notify the permit holder or the permit holder's agent if the same fails to comply with the construction code.
- (b) Building work for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of this chapter and specifically: chapter 5A, the building code; chapter 5B, the residential building code; and chapter 5C, the existing building code. Inspections shall be conducted in accordance with the following:
- (1) During inspections the contractor shall be present on the job site upon request of the authority having jurisdiction.
 - (2) Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
 - (3) Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, termite spray, vapor barriers, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 - (4) Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
 - (5) Insulation inspections as required shall be made after the framing inspection and before the lathing inspection.
 - (6) Lathing inspections shall be made after all lathing and gypsum board, interior and exterior, and which are required to be fire-resistive are 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 R, Division 3 and Group U Occupancies.

- (c) Electrical wiring for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of chapter 5D, the electrical code, before being concealed, energized, or used. All fees required by the construction code shall be paid by the permit applicant prior to the energizing or use of such wiring.

Inspections shall be conducted in accordance with the following:

- (1) The supervising electrician or electrical contractor shall be present on the job site upon request of the authority having jurisdiction.
 - (2) No person shall use, operate, or maintain, or cause or authorize to be used, operated, or maintained, any electric wiring until it is approved.
 - (3) No serving agency shall supply or cause or authorize to be supplied, permanent electric energy to any electric service until the service has been inspected and approved by the authority having jurisdiction.
 - (4) Fixtures, appliances, devices, or equipment shall not be connected to any electric wiring until the rough electric wiring, including conductors, have been inspected and approved by the authority having jurisdiction.
 - (5) All obstructions, covers, plates, tapes, light fixtures, etc., that make a thorough inspection of electric wiring impracticable shall be removed upon notice (either verbal or in writing) to do so, and shall remain removed until the electric wiring has been inspected and approved.
 - (6) Permanent electrical service must be energized prior to requesting an electrical final inspection pursuant to section 5-8-5.
- (d) Plumbing, gas, and drainage systems for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of the construction code and specifically chapter 5F, the plumbing code. All fees required by this code shall be paid by the permit applicant prior to the use of the plumbing system. Inspections shall be conducted in accordance with the following:
- (1) During inspections the supervising plumber or plumbing contractor shall be present on the job site upon request of the authority having jurisdiction.
 - (2) No person shall use, operate, or maintain, or cause or authorize to be used, operated, or maintained, any plumbing system until it is approved.
 - (3) Fixtures, appliances, devices, or equipment shall not be connected to any plumbing system until the rough piping has been inspected and approved by the authority having jurisdiction.
 - (4) All obstructions, covers, plates, tapes, light fixtures, etc., that make a thorough inspection of the plumbing system impracticable shall be removed upon notice (either verbal or in writing) to do so, and shall remain removed until the plumbing system has been inspected and approved.

- (e) Authority to proceed.

After inspection, if the authority having jurisdiction finds that the work conforms in all respects with the provisions of the construction code, a notice granting authority to proceed with the work shall be given.

- (f) After inspection, if the authority having jurisdiction finds that the work does not conform in all respects to the provisions of the construction code, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment fully complies with the provisions of this code. These changes shall be completed within a reasonable amount of time thereafter. Further work may not be connected on or with the condemned work or equipment until these changes are made.
 - (g) The authority having jurisdiction may request that at least one side of the enclosed walls of unpermitted structures be open, prior to inspection.
- (2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 12.)

Section 5-8-5. Final inspection.

- (a) The final inspection shall be made after all work required by the permit is completed.
 - (b) A certificate of inspection may be issued upon request by the contractor on record, provided all fees required by the construction code have been satisfied.
- (2020, ord 20-61, sec 2.)

Section 5-8-6. Special inspection.

- (a) When application is made for a permit as described in article 4 of this chapter, the owner or person who is licensed in the State of Hawai'i as an architect or professional engineer who is acting as the owner's agent, shall employ one or more special inspectors to provide inspections during construction on the types of work listed under chapter 17 of the International Building Code. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the authority having jurisdiction, to inspect the particular type of construction or operation requiring special inspection.
 - (b) These inspections are required in addition to the inspections specified in sections 5-8-4 and 5-8-5 and shall be designated on the form provided by the authority having jurisdiction.
- (2020, ord 20-61, sec 2.)

Section 5-8-7. Regulatory inspection.

The authority having jurisdiction may conduct regulatory inspections, upon request and after receipt of payment of the appropriate fee pursuant to article 7.

(2020, ord 20-61, sec 2.)

- (g) Service of such notice of violation and order shall be by personal service, certified mail by posting a copy of the notice of violation and order at the site of the violation, or by publication. Service by publication shall be effected through publication once a week for two consecutive weeks, in a daily publication in the County pursuant to section 1-28.5, Hawai'i Revised Statutes.

(2020, ord 20-61, sec 2.)

Section 5-9-7. Posting of signs.

The authority having jurisdiction shall post at each entrance to buildings ordered vacated or at other visible locations on the property if access to the building is a hardship, a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the authority having jurisdiction, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

In the event of a major natural disaster, the authority having jurisdiction may post "Restricted Use" or "Unsafe" placards at each entrance to a building or on the property if an inspection warrants such posting. Entry or occupancy in a building or portion of a building posted with a "Restricted Use" placard shall be limited to the restrictions stated on the placard. No entry is permitted in a building or portion of a building posted "Unsafe." Placards shall not be removed or altered unless authorized by the authority having jurisdiction.

(2020, ord 20-61, sec 2.)

Section 5-9-8. Action upon noncompliance.

Nothing contained herein shall be construed to limit or restrict the authority having jurisdiction from instituting, on behalf of the County, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice to repair, rehabilitate or to demolish and remove the building, structure, or portion thereof, or installation, and to recover the cost of such work from the owner or attach a lien to the property. The remedies provided in the construction code shall be cumulative and not exclusive.

(2020, ord 20-61, sec 2.)

Article 10. Violations, Penalties, and Enforcement.

Section 5-10-1. Violations.

It shall constitute a violation of the construction code for any person to cause or authorize the following to be done:

- (1) Violate any provision of the construction code or permit or variance issued pursuant to the construction code;

- (2) Erect, construct, enlarge, alter, repair, relocate, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, or cause or authorize the same to be done in violation of the construction code, including but not limited to: chapter 5A, the building code; chapter 5B, the residential building code; and chapter 5C, the existing building code;
 - (3) Perform any electrical work or authorize the same to be done in violation of the construction code, including but not limited to chapter 5D, the electrical code;
 - (4) Perform any plumbing work or authorize the same to be done in violation of the construction code, including but not limited to chapter 5F, the plumbing code; or
 - (5) Perform any work covered by the construction code or authorize the same to be done in violation of the provisions of chapter 448E, Hawaii Revised Statutes, relating to the licensing of electricians and plumbers.
- (2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 13.)

Section 5-10-2. Administrative enforcement.

- (a) In lieu of, or in addition to other enforcement actions initiated pursuant to the construction code, whenever the authority having jurisdiction determines that any person has violated or is violating this code or any permit or variance issued pursuant to this code, the authority having jurisdiction shall serve a written notice of violation and order upon the parties responsible for the violation. At a minimum, the owner of the property where the violation is located shall be deemed to be a responsible party. Additional responsible parties may include, but shall not be limited to, any lessee or tenant, or both, of the property where the violation is located.
- (b) The notice of violation shall include at a minimum, the following information:
 - (1) Date of the notice;
 - (2) Name and address of the party noticed;
 - (3) Section number or citation of the law, standard, permit, or variance that was violated;
 - (4) Nature of the violation;
 - (5) Location, date, and time of the violation; and
 - (6) The deadline to correct the violation or provide the authority having jurisdiction with periodic progress reports detailing corrective measures taken to correct the violation by specified deadlines.
- (c) The order may require the party responsible for the violation to do any or all of the following:
 - (1) Cease and desist from the violation, including but not limited to, immediately stopping all work whether for failure to obtain a required permit or for violation of the requirements of any permit or variance issued pursuant to the construction code;
 - (2) Correct the violation, at the party's own expense, before a date specified in the order;

CHAPTER 5A

BUILDING CODE*

*** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Chapter 5, "building code" was repealed by ordinance 20-61, section 12, and replaced with Chapter 5A.

Article 1. General Provisions.

- Section 5A-1-1. Title.
- Section 5A-1-2. Purpose.
- Section 5A-1-3. Scope; exceptions.
- Section 5A-1-4. Administrative provisions.
- Section 5A-1-5. Existing buildings.
- Section 5A-1-6. Definitions.
- Section 5A-1-7. Compliance required.
- Section 5A-1-8. Conflict.
- Section 5A-1-9. References to model codes.

Article 2. Installation Requirements.

- Section 5A-2-1. International building code adopted.

Article 3. Adoption, Amendment, and Addition of Appendices.

Division 1. Appendices of International Building Code Adopted.

- Section 5A-3-1. Appendices not applicable.
- Section 5A-3-2. Appendices adopted.
- Section 5A-3-3. Amendments to Appendix C; Group U – agricultural buildings.

Division 2. Appendices Added to the International Building Code.

- Section 5A-3-21. Appendices added to International Building Code.
- Section 5A-3-22. Repealed.
- Section 5A-3-23. Appendix M; Thatch Material on Exterior of Buildings - Protection Against Exposure Fires.
- Section 5A-3-24. Appendix U; Hawai'i Hurricane Sheltering Provisions for New Construction.
- Section 5A-3-25. Appendix W; Hawai'i Wind Design Provisions for New Construction.
- Section 5A-3-26. Appendix X; Indigenous Hawaiian Architecture Structures.
- Section 5A-3-27. Repealed.

Article 4. Building Work Within Special Flood Hazard Areas.

Section 5A-4-1. General applicability.

Section 5A-4-2. Definitions.

Section 5A-4-3. General requirements.

CHAPTER 5
BUILDING
(Rep 2020, ord 20-61, sec 12.)

CHAPTER 5A
BUILDING CODE*

*** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Chapter 5, "building code" was repealed by ordinance 20-61, section 12, and replaced with Chapter 5A.

Article 1. General Provisions.

Section 5A-1-1. Title.

This chapter shall be known as the "building code."
(2020, ord 20-61, sec 3.)

Section 5A-1-2. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the County and certain equipment specifically regulated herein.
(2020, ord 20-61, sec 3.)

Section 5A-1-3. Scope; exceptions.

This chapter shall apply to the design, construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of buildings or structures or any appurtenances connected or attached to such buildings or structures.

Exception:

Detached one- and two-family dwellings and multiple single-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height shall be permitted to comply with the residential building code, chapter 5B, Hawai'i County Code if provided with debris impact protection in accordance with Section 1609.2 Protection of Openings. Exception 3 in Section 1609.2 shall not apply.
(2020, ord 20-61, sec 3; am 2021, ord 21-61, sec 14.)

Section 5A-1-4. Administrative provisions.

Provisions relating to permitting, enforcement, inspection, and other administrative procedures pertaining to this chapter are contained in chapter 5, the construction administrative code.
(2020, ord 20-61, sec 3.)

Section 5A-1-5. Existing buildings.

- (a) Permitted buildings in existence at the time of the adoption of this chapter may have their existing permitted use or occupancy continued if such use or occupancy was legal at the time of the adoption of this chapter, provided such continued use does not constitute a hazard to the general safety and welfare of the occupants and the public.
- (b) Alteration, repair, addition, and change of occupancy. Alteration, repair, addition, and change of occupancy to a building or structure in existence at the time of the adoption of this chapter shall comply with the requirements of chapter 34 of the International Building Code, relating to existing structures, until the adoption by the County of the International Existing Building Code.

(2020, ord 20-61, sec 3.)

Section 5A-1-6. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Accessory structure” means a structure not greater than 3,000 square feet (279 m²) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

“Agricultural building” means a development, including a nonresidential building or structure, built for agricultural or aquacultural purposes, located on a commercial farm or ranch constructed or installed to house farm or ranch implements, agricultural or aquacultural feeds or supplies, livestock, poultry, or other agricultural or aquacultural products, used in or necessary for the operation of the farm or ranch, or for the processing and selling of farm or ranch products. An agricultural building for personal use shall be excluded from this definition.

“Authority having jurisdiction” means the director of the department of public works, or the director’s authorized representative.

“Building work” means the design, construction, alteration, relocation, enlargement, replacement, repair, removal, demolition of any building or structure, or any other activities regulated by this chapter.

“Chapter” means this chapter.

“This code” means the building code, contained in chapter 5A, or the construction administrative code, contained in chapter 5, or both, as the context requires.

“Construction code” means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“IBC” means the ICC, International Building Code, 2006 Edition, as copyrighted by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5795.

“ICC” means the International Code Council.

“Owner-builder” means owners or lessees of property who build or improve buildings or structures on their property for their own use, or for use by their immediate family. This definition shall not preempt owner-builder by exemption as defined by section 444-2.5, Hawai‘i Revised Statutes.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation; or its or their successors or assigns, according to the context thereof.

“Section” means a section of a chapter of the International Building Code.

“Table” means a table in this chapter.

(2020, ord 20-61, sec 3; am 2021, ord 21-61, secs 15 and 16.)

Section 5A-1-7. Compliance required.

- (a) No person shall perform or cause to be performed any building work which does not comply with the provisions of this code or any permit issued pursuant to this code.
- (b) No person shall perform any work covered by this code in violation of the provisions of chapters 444 or 448E, Hawai‘i Revised Statutes.
- (c) Any approval or permit issued pursuant to the provisions of this code shall comply with all applicable requirements of this code.
- (d) The granting of a permit, variance, or approval of plans or specifications pursuant to this code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2020, ord 20-61, sec 3.)

Section 5A-1-8. Conflict.

- (a) If any provisions of this code conflict with or contravene provisions of the Hawai'i State Building Code or the International Building Code that have been incorporated by reference, the provisions of this code shall prevail as to all matters and questions arising out of the subject matter of such provisions.
- (b) In situations where two or more provisions of this code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2020, ord 20-61, sec 3.)

Section 5A-1-9. References to model codes.

- (1) Wherever referenced in this code, the ICC Electrical Code shall mean the electrical code, chapter 5D, Hawai'i County Code.
- (2) Wherever in this Code reference is made to the International Fuel Gas Code, the provisions of the International Fuel Gas Code shall be deemed to be only guidelines and not mandatory.
- (3) Wherever in this Code reference is made to the International Mechanical Code, the provisions of the International Mechanical Code shall be deemed to be only guidelines and not mandatory.
- (4) Wherever referenced in this code, the International Plumbing Code shall mean the plumbing code, chapter 5F, Hawai'i County Code.
- (5) Wherever in this Code reference is made to the International Property Maintenance Code, the provisions of the International Property Maintenance Code shall be deemed to be only guidelines and not mandatory.
- (6) Wherever referenced in this code, the International Fire Code shall mean the fire code, chapter 26, Hawai'i County Code.
- (7) Wherever referenced in this code, the International Energy Conservation Code, shall mean the energy conservation code, chapter 5E, Hawai'i County Code.

(2020, ord 20-61, sec 3.)

Article 2. Installation Requirements.**Section 5A-2-1. International building code adopted.**

- (a) The International Building Code, 2006 Edition as published by the International Code Council, Incorporated, 4051 West Flossmoor Road, Country Club Hills, IL 60478, including appendices, is incorporated by reference and made a part of this code, subject to any amendments hereinafter set forth in this chapter.

Section 5A-3-3. Amendments to Appendix C; Group U – agricultural buildings.

Section C101, General, is amended by adding the following:

“C101.2 Horticulture buildings. Buildings and structures of Group U Occupancy for horticultural use with covering of wire screen, cheesecloth, or non-rigid plastic sheets are not required to conform to the requirements of Chapters 4-9, 11-26, 28, 30, 31, 34 and 35 of this code when located in areas zoned for agricultural use and not part of any other structure.

C101.3 Fences.

C101.3.1 General. Fences shall be constructed in accordance with this code and all applicable County and State regulations.

C101.3.2 Barbed or razor wire fences. Barbed or razor wire shall not be used for construction of any fence.

Exceptions:

- (a) Barbed or razor wire may be used in fences enclosing the following premises, provided that barbed or razor wire shall be placed along or above the height of 6 feet from the ground, subject to the approval of the fire department:
 - (1) Any “public utility” as defined in section 269-1, Hawai‘i Revised Statutes;
 - (2) Premises in industrial zoned districts and used for storage or handling of hazardous materials, and premises zoned I-2 or I-3, intensive or waterfront industrial districts which are used for industrial purposes and are not adjacent to premises used for other purposes;
 - (3) Zoos for keeping animals and birds for public view or exhibition;
 - (4) Jails, prisons, reformatories, and other institutions which are involved in law enforcement or military activities where security against entry is an important factor.
- (b) Barbed wire may be used in premises used for pasturing livestock, including but not limited to: horses; cattle; sheep; goats; camelids; and pigs, or to keep wild animals out.

Section C101.3.3 Construction barrier. See Section 3306 for fences allowed during construction or demolition.”

(2020, ord 20-61, sec 3.)

Division 2. Appendices Added to the International Building Code.

Section 5A-3-21. Appendices added to International Building Code.

The following appendices are hereby added to the International Building Code and made a part of this code, as set forth in full in this article:

- (1) Appendix M, Thatch Material on Exterior of Buildings – Protection Against Exposure Fires;
 - (2) Appendix U, Hawai'i Hurricane Sheltering Provisions for New Construction;
 - (3) Appendix W, Hawai'i Wind Design Provisions for New Construction;
 - (4) Appendix X, Indigenous Hawaiian Architecture Structures.
- (2020, ord 20-61, sec 3; am 2021, ord 21-61, sec 17.)

Section 5A-3-22. Repealed.

(2020, ord 20-61, sec 3; rep 2021, ord 21-61, sec 18.)

BUILDING CODE

This page intentionally left blank.

HAWAII COUNTY CODE

This page intentionally left blank.

Section 5A-3-23. Appendix M; Thatch Material on Exterior of Buildings - Protection Against Exposure Fires.

Appendix M is added to read as follows:

**“APPENDIX M
THATCH MATERIAL ON EXTERIOR OF BUILDINGS; PROTECTION
AGAINST EXPOSURE FIRES**

**SECTION M101
GENERAL**

M101.1 General. Thatched materials used on the roof on a building shall be protected by manually operated sprinkler heads, with adequate water supply, pipe size, and sprinkler head spacing in accordance with sprinkler system requirements set forth in this section.

Thatched materials used on the wall of a building shall be protected by manually operated outside sprinklers. Size and spacing of sprinklers and pipe size shall be in accordance with Chapter 7, “Outside Sprinklers and Protection Against Exposure Fires,” of the National Fire Codes of the National Fire Protection Association. Controls shall be set forth in this section.

**SECTION M102
APPLICABILITY**

M102.1 Applicability. Thatched material on the exterior of buildings shall be permitted only upon buildings located in areas zone for resort (V Resort-Hotel by the Planning Department) uses which primarily service the tourist trade when approved by the building official.

The thatched material permitted in this section shall be used for decorative purposes on the roof or wall of buildings. The building, independent of the thatched material, shall comply with all applicable provisions of this appendix.

When thatched material is used as permitted in this section, and an appropriate permit is obtained therefore, outside sprinklers for protection against exposure fires shall be required as hereinafter provided.

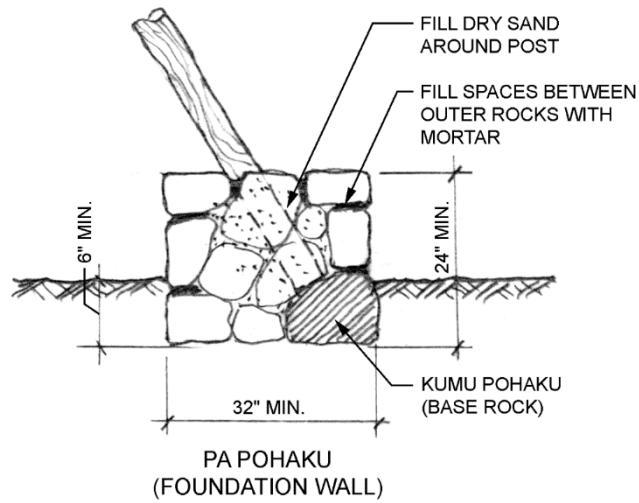
**SECTION M103
SPRINKLER**

M103.1 General. Sprinklers shall be located at the high point of the roof. Upright or pendant sprinklers shall be used for gable roofs. Sidewall sprinklers shall be used for shed roofs.

M103.2 Spacing of sprinklers. The maximum width of roof with one row of sprinklers shall be as follows:

Roof Slope	Orifice Size (In inches)	Width of Roof
1:3 or greater	3/8	15'
1:3 or greater	1/2	20'
1:3 or greater	17/32	25'
Less than 1:3	3/8	10'
Less than 1:3	1/2	15'
Less than 1:3	17/32	20'

Maximum spacing of sprinklers on branch lines (along ridge) shall be as follows: 3/8- inch orifice – 6 feet; 1/2-inch orifice – 8 feet; 17/32-inch orifice – 10 feet.



(2020, ord 20-61, sec 3.)

Section 5A-3-27. Repealed.

(2020, ord 20-61, sec 3; rep 2021, ord 21-61, sec 19.)

Article 4. Building Work Within Special Flood Hazard Areas.

Section 5A-4-1. General applicability.

- (a) The provisions of this article shall apply to new construction or the renovation and major alteration, addition, or reinstallation of any existing buildings or structures, within a special flood hazard area as identified by chapter 27, Hawai'i County Code. All construction work shall comply with chapter 16 of the International Building Code, and chapter 27, Floodplain Management.
- (b) The provisions of this article shall not apply to the following:
- (1) Any building or structure exempted from chapter 27;
 - (2) Any building or structure which has been granted a flood control variance pursuant to article 5, chapter 27; or
 - (3) Any building or structure lawfully existing prior to November 8, 1993, subject to the provisions of chapter 27.

(2020, ord 20-61, sec 3.)

Section 5A-4-2. Definitions.

As used in this article, unless it is apparent from the context that a different meaning is intended:

“Base flood elevation” means the water surface elevation of the base flood.

“Flood or flooding” means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) The overflow of inland or tidal waters;
 - (B) The unusual and rapid accumulation or runoff of surface waters from any source; or
 - (C) Mudslides (i.e., mudflows) which are approximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

“Special flood hazard area” means an area having special flood or flood-related erosion hazards, and shown on the Flood Insurance Rate Maps as Zones A, AO, AE, A99, AH, VE, or V.

“Water-tight” when referring to construction below the inundation level, means constructed to exclude moisture and withstand the hydraulic pressure resulting from the anticipated depth of inundation.

(2020, ord 20-61, sec 3.)

Section 5A-4-3. General requirements.

Contractor will provide a certified flood zone elevation mark on jobsite for flood zone elevation reference point.

(2020, ord 20-61, sec 3.)

This page intentionally left blank.

CHAPTER 5B

RESIDENTIAL BUILDING CODE*

* **Editor's Note:** Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.

Article 1. General Provisions.

- Section 5B-1-1. Title.
- Section 5B-1-2. Purpose.
- Section 5B-1-3. Scope; exceptions.
- Section 5B-1-4. Administrative provisions.
- Section 5B-1-5. Existing buildings.
- Section 5B-1-6. Definitions.
- Section 5B-1-7. Compliance required.
- Section 5B-1-8. Conflict.
- Section 5B-1-9. References to model codes.

Article 2. Installation Requirements.

- Section 5B-2-1. International residential code adopted.

Article 3. Adoption, Amendment, and Addition of Appendices.

Division 1. Appendices of International Residential Code Adopted.

- Section 5B-3-1. Appendices not applicable.
- Section 5B-3-2. Appendices of the International Residential Code adopted.
- Section 5B-3-3. Appendix Q; Tiny Houses.

Division 2. Appendix Added to the International Residential Code.

- Section 5B-3-21. Reserved.
- Section 5B-3-22. Appendix U; Factory-built Housing.

Article 4. Building Work Within Special Flood Hazard Areas.

- Section 5B-4-1. General applicability.
- Section 5B-4-2. Definitions.
- Section 5B-4-3. General Requirements.

This page intentionally left blank.

CHAPTER 5B**RESIDENTIAL BUILDING CODE***

* **Editor's Note:** Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.

Article 1. General Provisions.**Section 5B-1-1. Title.**

This chapter shall be known as the "residential building code."
(2021, ord 21-61, sec 1.)

Section 5B-1-2. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all residential buildings and structures within the County and certain equipment specifically regulated herein.
(2021, ord 21-61, sec 1.)

Section 5B-1-3. Scope; exceptions.

This chapter shall apply to the design, construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height.
Exception:

The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with, chapter 26, the Hawai'i County fire code:

1. Live/work units located in *townhouses* and complying with the requirements of Section 419, "Live/Work Units" of the International Building Code as adopted by chapter 5A, the building code.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

(2021, ord 21-61, sec 1.)

Section 5B-1-4. Administrative provisions.

Provisions relating to permitting, enforcement, inspection, and other administrative procedures pertaining to this chapter are contained in chapter 5, the construction administrative code.

(2021, ord 21-61, sec 1.)

Section 5B-1-5. Existing buildings.

- (a) Permitted buildings in existence at the time of the adoption of this chapter may have their existing permitted use or occupancy continued if such use or occupancy was legal at the time of the adoption of this chapter, provided such continued use does not constitute a hazard to the general safety and welfare of the occupants and the public.
- (b) Alteration, repair, addition, and change of occupancy. Alteration, repair, addition, and change of occupancy to a building or structure in existence at the time of the adoption of this chapter shall comply with the requirements of the existing building code, chapter 5C, Hawaii County Code.

(2021, ord 21-61, sec 1.)

Section 5B-1-6. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Accessory structure” means a structure not greater than 3,000 square feet (279 m²) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

“Authority having jurisdiction” means the director of the department of public works, or the director’s authorized representative.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

To the extent context otherwise permits and/or requires, the definitions of “building” as used in chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.

“Building work” means the design, construction, alteration, relocation, enlargement, replacement, repair, removal, demolition of any building or structure, or any other activities regulated by this chapter.

“Chapter” means this chapter.

“This code” means the residential building code, contained in chapter 5B, or the construction administrative code, contained in chapter 5, or both, as the context requires.

“Construction code” means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“Existing building” means a building erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“Existing structure” means a structure erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“ICC” means the International Code Council.

“Owner-builder” means owners or lessees of property who build or improve buildings or structures on their property for their own use, or for use by their immediate family. This definition shall not preempt owner-builder by exemption as defined by section 444-2.5, Hawai‘i Revised Statutes.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation; or its or their successors or assigns, according to the context thereof.

(2021, ord 21-61, sec 1.)

Section 5B-1-7. Compliance required.

- (a) No person shall perform or cause to be performed any building work which does not comply with the provisions of this code or any permit issued pursuant to this code.
- (b) No person shall perform any work covered by this code in violation of the provisions of chapters 444 or 448E, Hawai‘i Revised Statutes.
- (c) Any approval or permit issued pursuant to the provisions of this code shall comply with all applicable requirements of this code.
- (d) The granting of a permit, variance, or approval of plans or specifications pursuant to this code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2021, ord 21-61, sec 1.)

Section 5B-1-8. Conflict.

- (a) If any provisions of this code conflict with or contravene provisions of the Hawai'i State Residential Code or the International Residential Code, 2018 Edition, that have been incorporated by reference, the provisions of this code shall prevail as to all matters and questions arising out of the subject matter of such provisions.
- (b) In situations where two or more provisions of this code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2021, ord 21-61, sec 1.)

Section 5B-1-9. References to model codes.

- (a) The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in section 5B-1-8.
- (b) Wherever a model code is referenced in this code, the following shall apply:
 - (1) The International Building Code shall mean the building code, chapter 5A, Hawai'i County Code;
 - (2) The International Residential Code, shall mean the residential building code, chapter 5B, Hawai'i County Code;
 - (3) The International Existing Building Code, shall mean the existing building code, chapter 5C, Hawai'i County Code;
 - (4) The International Electrical Code shall mean the electrical code, chapter 5D, Hawai'i County Code;
 - (5) The International Energy Conservation Code, shall mean the energy conservation code, chapter 5E, Hawai'i County Code;
 - (6) The International Plumbing Code shall mean the plumbing code, chapter 5F, Hawai'i County Code;
 - (7) The International Fuel Gas Code, the provisions of the International Fuel Gas Code shall be deemed to be only guidelines and not mandatory;
 - (8) The International Mechanical Code, the provisions of the International Mechanical Code shall be deemed to be only guidelines and not mandatory;
 - (9) The International Property Maintenance Code, the provisions of the International Property Maintenance Code shall be deemed to be only guidelines and not mandatory; and
 - (10) The International Fire Code shall mean the fire code, chapter 26, Hawai'i County Code.

Exception:

Where enforcement of a code provision would violate the conditions of the listing of the equipment of appliance, the condition of the listing shall govern.

(2021, ord 21-61, sec 1.)

Article 2. Installation Requirements.**Section 5B-2-1. International residential code adopted.**

(a) The “International Residential Code for One- and Two-family Dwellings, 2018 Edition,” as published in 2017 by the International Code Council, Incorporated, 500 New Jersey Avenue, 6th Floor, Washington, DC 20001, is adopted by reference and made a part of this code, subject to any amendments set forth in this chapter. Hereinafter, the “International Residential Code for One- and Two-family Dwellings, 2018 Edition,” shall be referred to as the “International Residential Code.” The appendices of the International Residential Code are not adopted unless otherwise provided in this chapter.

- (1) The following appendices of the International Residential Code are adopted by reference and made a part of this code, subject to any amendments set forth in this chapter:
 - (A) Appendix H, Patio Covers;
 - (B) Appendix M, Home Day Care – R-3 Occupancy; and
 - (C) Appendix Q, Tiny Houses.
 - (2) The following appendix is added to the International Residential Code and made a part of this code, subject to any amendments set forth in this chapter: Appendix U, Factory-built Housing.
- (b) The scope, technical specifications, and exemptions set forth in the International Residential Code are hereby adopted as the standard for building work covered by this code, provided there are no specific provisions in any other section of this code covering the particular matter.
- (c) A copy of the International Residential Code shall be available for public inspection at the Hilo and Kailua-Kona offices of the department of public works and at the office of the County clerk.
- (d) The International Residential Code adopted and incorporated by reference into this code, shall be subject to the amendments hereinafter set forth.
- (1) Chapter 1, “Scope and Administration,” of the International Residential Code is deleted in its entirety.
 - (2) Chapter 1, Part 2 – “Administration and Enforcement” of the International Residential Code is deleted in its entirety.
 - (3) Section R202, “Definitions,” of the International Residential Code is amended by adding the following definitions:

“AUTHORITY HAVING JURISDICTION means the director of the department of public works, or the director’s authorized representative.”

“BUILDING, ENCLOSED is a building that does not comply with the requirements for open or partially enclosed building.”

“BUILDING, OPEN is a building having each wall at least 80 percent open. $A_o \geq A_g$ where:

1. A_o = total area of openings in a wall that receives positive external pressure, in ft^2 (m^2); and
2. A_g = the gross area of that wall in which A_o is identified, in ft^2 (m^2).”

“BUILDING, PARTIALLY ENCLOSED is a building that complies with both of the following conditions:

1. The total area of openings in a wall that receives positive external pressure exceeds that sum of the areas of openings in the balance of the building envelope (walls and roof) by more than 10 percent; and
2. The total area of openings in a wall that receives positive external pressure exceeds 4 ft^2 (0.37 m^2) or 1 percent of the area of that wall, whichever is smaller, and the percentage of openings in the balance of the building envelope does not exceed 20 percent.

These conditions are expressed by the following equations:

1. $A_o > 1.1 A_{oi}$
2. $A_o > 4 \text{ ft}^2$ (0.37 m^2) or $> 0.01 A_g$, whichever is smaller, and $A_{oi}/A_{gi} \leq 0.20$

Where:

A_o , A_q are defined for open building.

A_{oi} = the sum of the areas of openings in the building envelope (walls and roof) not including A_o , in ft^2 (m^2).

A_{gi} = the sum of the gross surface areas of the building envelope (walls and roof) not including A_g , in ft^2 (m^2).”

“CARPORT is a private garage which is at least 100 percent open on one side and with 50 percent net openings on another side or which is provided with an equivalent of such openings on two or more sides.

A private garage which is 100 percent open on one side and 25 percent open on another side with the latter opening so located to provide adequate cross ventilation may be considered a carport when approved by the building official. Carports not open on two or more sides shall be considered to be a garage.”

“FAMILY shall be as defined in the Zoning Code except that a nursing, care home, or other similar facility with not more than five patients may be considered a family under this code.”

“FIRE CODE. The State Fire Code as adopted by the State Fire Council.”

“PRIVATE GARAGE or GARAGE. A building or portion of a building in which motor vehicles used by the tenants of the building or buildings on the premises are stored or kept, without provisions for repairing or servicing such vehicles for profit.”

“SLEEPING UNIT. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.”

- (4) Section R202, “Definitions,” of the International Residential Code is amended by amending the following definitions to read as follows:

“BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to any structure mounted on wheels such as a trailer, wagon or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

To the extent context otherwise permits and/or requires, the definitions of “building” as used in the following chapters of the Hawai‘i County Code: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.”

“BUILDING OFFICIAL. The director of the County department of public works or the director’s authorized representative.”

- (5) Subsection R301.1.1, “Alternative provisions,” of the International Residential Code is amended to read as follows:

“**R301.1.1 Alternative provisions.** As an alternative to the requirements in Section R301.1, the following standards are permitted subject to the limitations of this code and the limitations therein. Where engineered design is used in lieu of or in conjunction with these standards, the design shall comply with the Building Code, Chapter 5A, Hawai‘i County Code.

1. AWC *Wood Frame Construction Manual* (WFCM) 2018.

2. *AISI Standard for Cold-Formed Steel Framing—Prescriptive Method for One- and Two-Family Dwellings* (AISI S230 - 2015).
 3. *ICC Standard for Residential Construction in High-Wind Regions* (ICC 600-14).”
- (6) Subsection R301.1.3, “Engineered design,” of the International Residential Code is amended to read as follows:

“**R301.1.3 Engineered design.** When a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice using the Alternative Provisions listed in R301.1.1. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the Building Code, Chapter 5A, Hawai‘i County Code, is permitted for all buildings and structures, and parts thereof, included in the scope of this code.”

- (7) Section R301, “Design Criteria,” of the International Residential Code is amended by adding subsection 301.1.4, “Complete load path and uplift ties,” to read as follows:

“**R301.1.4 Complete load path and uplift ties.** Blocking, bridging, straps, approved framing anchors, or mechanical fasteners shall be designed and installed to provide continuous ties from the roof to the foundation system.

Sheet metal clamps, ties, or clips, must be formed of galvanized steel or other approved corrosion-resistant material not less than 0.040 inch (1.01 mm) nominal thickness. Uplift resistance shall be in accordance with Table R802.11.”

- (8) Table R301.2(1), “Climatic and Geographic Design Criteria,” of the International Residential Code is deleted in its entirety and replaced with the following:

**“TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			FLOOD HAZARDS
		Weathering	Termite	Decay	
Per Figure R301.2(8)	D2 or E	Negligible	Very Heavy	Moderate to severe	FEMA or Chapter 27 HCC”

- (9) Subsection 301.2.1, “Wind design criteria,” of the International Residential Code is amended to read as follows:

“R301.2.1 Wind design criteria. Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code provided that the ultimate design wind speed, V_{ULT} , as determined from Figure R301.2(5)A, is less than 130 mph. The structural provisions of this code for wind loads are not permitted where wind design is required when V_{ULT} , determined from Figure R301.2(5)A, is equal to or greater than 130 mph. 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) adjusted for height and exposure using Table R301.2(3) 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. A continuous load path shall be provided to transmit the applicable uplift forces in Section R802.11.1 from the roof assembly to the foundation. The ultimate design wind speed, V_{ULT} , in the State Residential Code is equal to the basic design wind speed, V , in the Building Code, Chapter 5A, Hawai'i County Code.

- (10) Subsection R301.2.1.1, “Wind limitations and wind design required,” of the International Residential Code is amended to read as follows:

“R301.2.1.1 Wind limitations and wind design required. The wind provisions of this code shall not apply to the design of buildings where wind design is required in accordance with Subsection R301.2.1.

Exceptions:

1. For concrete construction, the wind provisions of this code shall apply in accordance with the limitations of Sections R404 and R608.
2. For structural insulated panels, the wind provisions of this code shall apply in accordance with the limitations of Section R610.
3. For cold-formed steel light-frame construction, the wind provisions of this code shall apply in accordance with the limitations of Sections R505, R603 and R804.

In regions where wind design is required in accordance with Subsection R301.2.1, the design of buildings for wind loads shall be in accordance with one or more of the following methods:

1. *AWC Wood Frame Construction Manual (WFCM) 2018.*
2. *ICC Standard for Residential Construction in High-Wind Regions (ICC 600-14).*
3. *AISI Standard for Cold-Formed Steel Framing—Prescriptive Method for One- and Two-Family Dwellings (AISI S230-2015).*
4. The Building Code, Chapter 5A, Hawaii County Code.

The elements of design not addressed by the methods in Items 1 through 4 shall be in accordance with the provisions of this code.

Where wind design is required and design is in accordance with the methods in Items 1 through 3, the building must be provided with opening protection for windborne debris. Options for opening protection or alternatives to opening protection shall be in accordance with the Building Code, Chapter 5A, Hawaii County Code.”

- (11) Subsection R301.2.1.2, “Protection of openings” of the International Residential Code is amended to read as follows:

“R301.2.1.2 Protection of openings. Exterior glazing in buildings located in windborne debris regions shall be protected from windborne debris. Glazed opening protection for windborne debris shall meet the requirements of the Large Missile Test of ASTM E1996 and ASTM E1886 as modified in Section 301.2.1.2.1.

Exceptions:

1. Wood structural panels with a minimum thickness of 7/16 inch (11 mm) and a maximum panel span of 8 feet (2438 mm) are permitted for opening protection in one- and two-story buildings classified as Group R-3 or R-4 occupancy. Panels shall be precut so that they are attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table R301.2.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a *mean roof height* of 45 feet (13 728 mm) or less, where the ultimate design wind speed, V_{ult} is 180 mph (290 kph) or less.
2. Glazing in accessory structures to the single family dwellings including but not limited to greenhouses and minor storage sheds.
3. Partially enclosed and open occupancy R-3 buildings shall be permitted to be designed without unprotected openings subject to the following requirements.
 - 3.1. For each direction of wind, determination of enclosure classification shall be based on the assumption that all unprotected glazing on windward walls are openings while glazing on the remaining walls and roof are intact and are not assumed to be openings.
 - 3.2. Partially enclosed and open occupancy R-3 buildings without wind-borne debris protection shall also include a residential safe room in accordance with Section 429, Hawai'i residential safe room, of the Building Code, Chapter 5A, Hawai'i County Code, or alternatively provide an equivalently sized room structurally protected by construction complying with Section 429.5, of the Building Code, Chapter 5A, Hawai'i County Code.”

- (12) Table R301.2.1.2, “Windborne debris protection fastening schedule for wood structural panels,” of the International Residential Code is deleted in its entirety and replaced with the following:

**“TABLE R301.2.1.2
WINDBOURNE DEBRIS PROTECTION FASTENING
SCHEDULE FOR WOOD STRUCTURAL PANELS^{a,b,c,d}**

Fastener Type	Fastener Spacing		
	Panel span ≤ 4 feet	4 feet < Panel span ≤ 6 feet	6 feet < Panel Span ≤ 8 feet
No. 8 Wood screw based anchor with 2-inch embedment length	16”	10”	8”
No. 10 Wood screw based anchor with 2-inch embedment length	16”	12”	9”
1/4-inch lag screw based anchor with 2-inch embedment length	16”	16”	16”

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound = 4.448N = 0.454 kg, 1 mile per hour = 0.447 m/s = 1.609 km/h.

- a. This table is based on a 175 mph ultimate design wind speed and a mean roof height of 45 feet.
- b. Fasteners shall be installed at opposing ends of the wood structural panel. Fasteners shall be located a minimum of 1 inch from the edge of the panel.
- c. Anchors shall penetrate through the exterior wall covering with an embedment length of 2 inches minimum into the building frame. Fasteners shall be located a minimum of 2-1/2 inches from the edge of concrete block or concrete.
- d. Where panels are attached to masonry or masonry/stucco, they shall be attached utilizing vibration-resistant anchors having a minimum withdrawal capacity of 1,500 pounds.”

- (13) Figure R301.2(5)(a) “Ultimate Design Wind Speeds” of the International Residential Code is deleted in its entirety and replaced with Figure R301.2(5)(a) County of Hawai‘i Ultimate Wind Speed, V_{ULT} , for Components and Cladding, to read as follows:

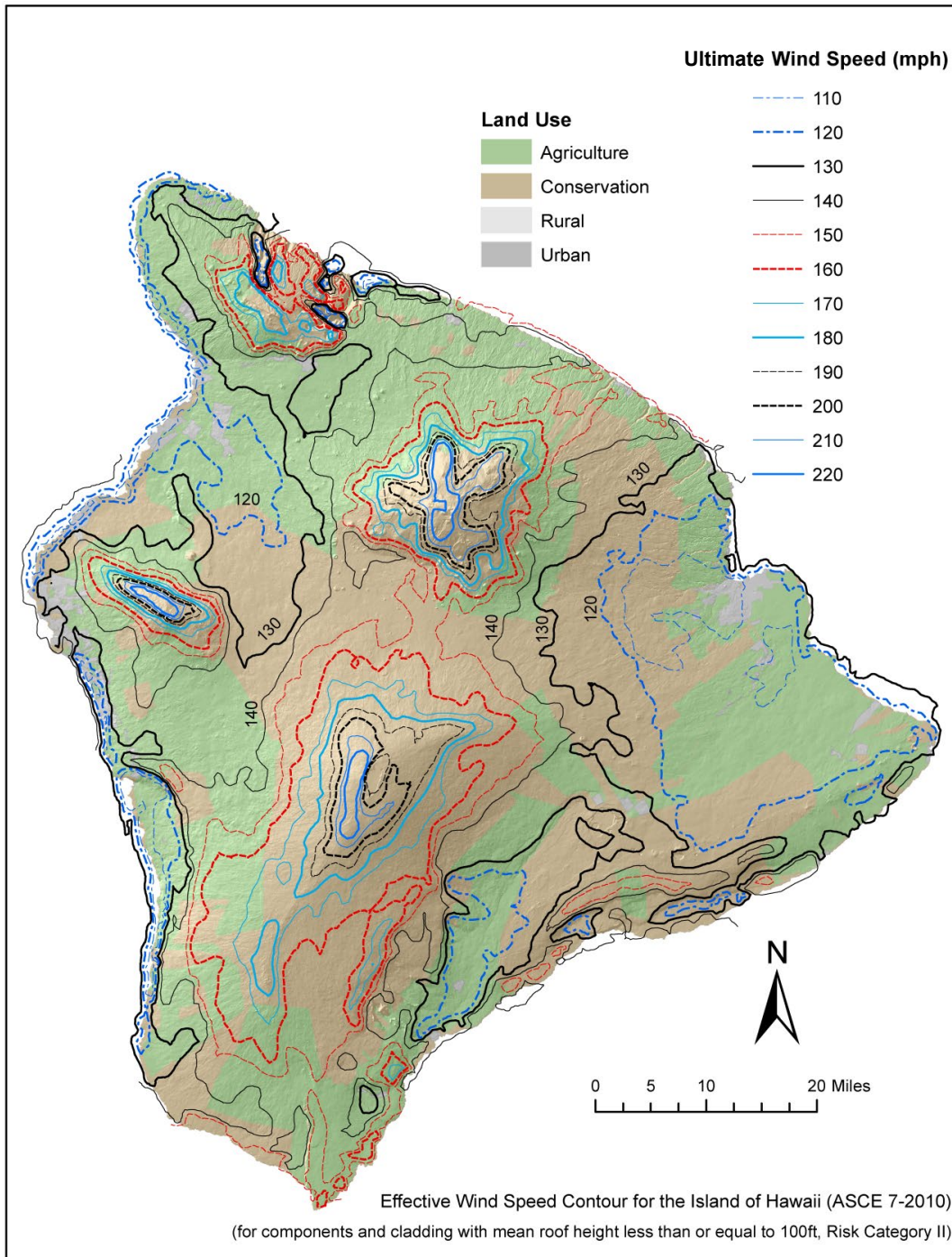


Figure R301.2(5)(a)
County of Hawai'i
Ultimate Wind Speed, V_{ULT} , for Components and Cladding

- (14) Figure R301.2(5)(b) “Regions Where Wind Design is Required” of the International Residential Code is deleted in its entirety and replaced with Figure R301.2(5)(b) “County of Hawai‘i Ultimate Wind Debris Zone,” to read as follows:

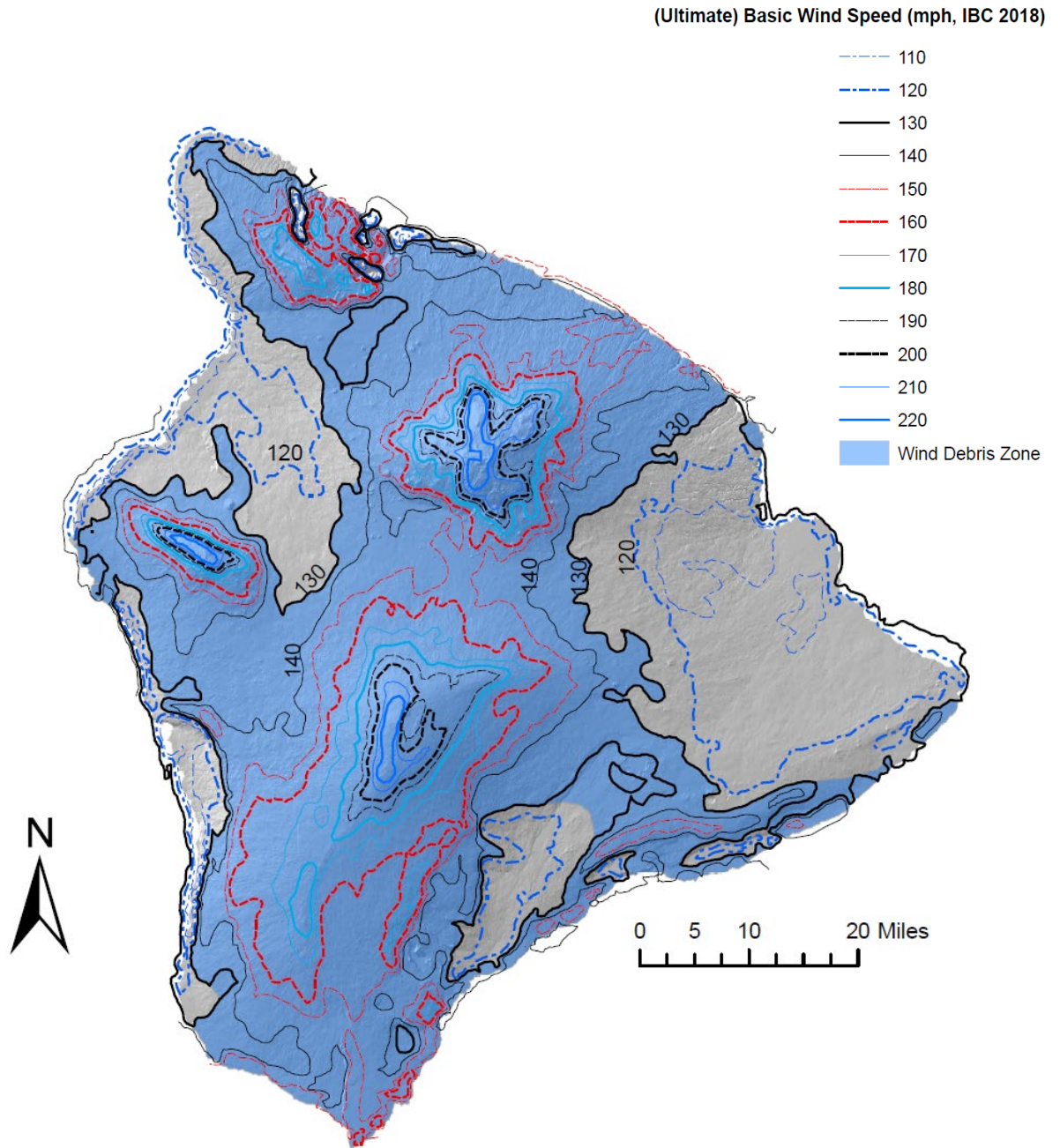
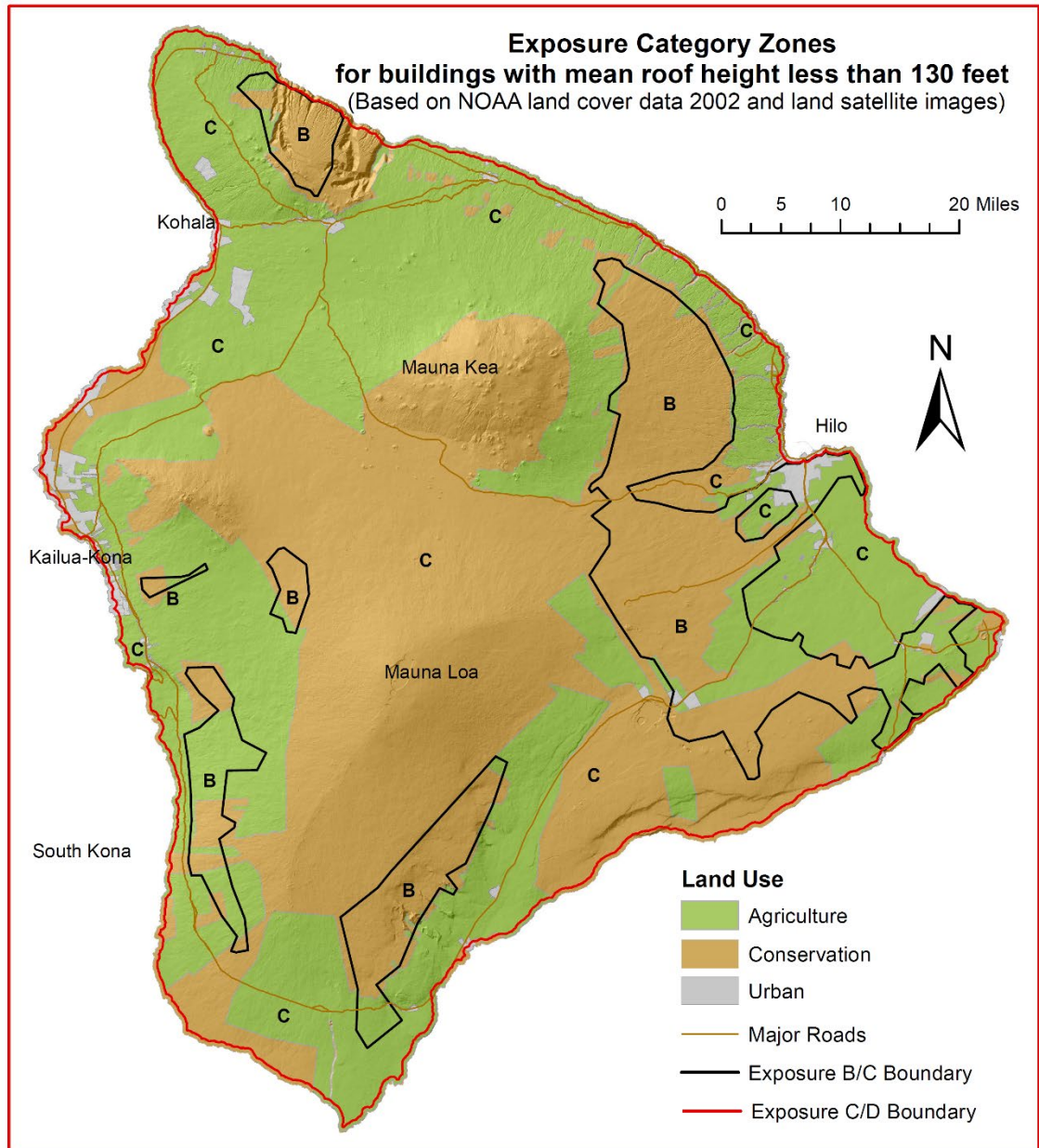


Figure R301.2(5)(b)
County of Hawai‘i Ultimate Wind Debris Zone

- (15) Subsection R301.2.1.4, “Exposure category,” of the International Residential Code is deleted in its entirety and replaced with the following:

“R301.2.1.4 Exposure Category. The exposure category shall be determined from Figure R301.2.1.4(a) or using the provisions of ASCE 7-10.”

- (16) Section R301, “Design Criteria,” of the International Residential Code is amended by adding Figure R301.2.1.4(a), “Exposure Category Zones for Hawai'i County,” to read as follows:



Notes:

1. Intermediate exposures, between categories B and C and between C and D, are permitted when substantiated per ASCE 7 recognized methodology.
2. Sites located within the C (coastal) zone shall be permitted to be evaluated for exposure category B for the wind directions where an adjacent B zone exists in the applicable upwind sector.
3. Sites located within 600 feet from the coastline shall be exposure category D for onshore wind directions.
4. For buildings whose height is equal to or greater than 130 ft, exposure category shall be determined per Section 1609.4.1.
5. For buildings whose mean roof height is less than or equal to 30 ft, exposure category shall be permitted to be evaluated per Section 1609.4.

Figure R301.2.1.4(a)
Exposure Category Zones for Hawai'i County

- (17) Subsection R301.2.1.5, “Topographic wind effects,” of the International Residential Code is deleted in its entirety and replaced with the following:

“**R301.2.1.5 Topographic wind effects.** Topographic wind speed effects shall be considered in the design of the building. Buildings designed using the ultimate wind speed as determined from Figures R301.2(5)(a) and wind exposure categories determined in accordance with section R301.2.1.4 shall be deemed to comply with this section.”

- (18) Subsection R301.2.1.5.1, “Simplified topographic wind speed-up method,” of the International Residential Code is deleted in its entirety.

- (19) Section R301, “Design Criteria,” of the International Residential Code is amended by adding Table R301.2(4), “Determination of Seismic Design Category by Location-Site Class D,” to read as follows:

**Table R301.2(4)
Determination of Seismic Design Category by Location-Site Class D**

Location	Seismic Design Category
Hawai'i : North and South Kohala, Hamakua, & North Hilo Districts	D ₂
All other Hawai'i County Districts	E

- (20) Subsection R301.2.2.1, “Determination of seismic design category,” of the International Residential Code is amended to read as follows:

“**R301.2.2.1 Determination of seismic design category.** Buildings shall be assigned a seismic design category in accordance with Table R301.2(4) or Figure R301.2(2).

- (21) Subsection R301.2.2.1.1, “Alternate determination of seismic design category,” of the International Residential Code is deleted in its entirety.

- (22) Subsection R301.2.2.6, “Irregular buildings,” of the International Residential Code is amended to read as follows:

“**R301.2.2.6 Irregular buildings.** “The seismic provisions of this code shall not be used for structures, or portions thereof, located in Seismic Design Categories D₀, D₁ and D₂ and considered to be irregular in accordance with this section. A building or portion of a building shall be considered to be irregular where one or more of the

conditions defined in Items 1 through 7 occur. Irregular structures, or irregular portions of structures, shall be designed in accordance with the Building Code, Chapter 5A, Hawaii County Code, to the extent the irregular features affect the performance of the remaining structural system. Where the forces associated with the irregularity are resisted by a structural system designed in accordance with the Building Code, Chapter 5A, Hawaii County Code, the remainder of the building shall be permitted to be designed using the provisions of this code.

1. **Shear wall or braced wall offsets out of plane.** Conditions where exterior shear wall lines or *braced wall panels* are not in one plane vertically from the foundation to the uppermost story in which they are required see Figure R301.2.2.6(1).

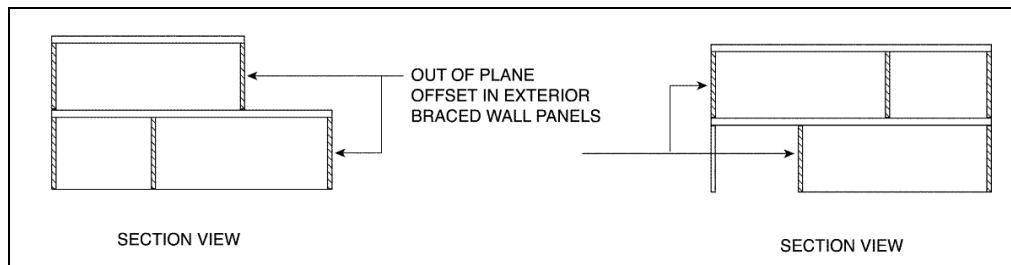


Figure R301.2.2.6(1)
Braced Wall Panels Out of Plane

Exception: For wood light-frame construction, floors with cantilevers or setbacks not exceeding four times the nominal depth of the wood floor joists, see Figure R301.2.2.6(2), are permitted to support *braced wall panels* that are out of plane with *braced wall panels* below provided that all of the following are satisfied:

1. Floor joists are nominal 2 inches by 10 inches (51 mm by 254 mm) or larger and spaced not more than 16 inches (406 mm) on center.
2. The ratio of the back span to the cantilever is not less than 2 to 1.
3. Floor joists at ends of *braced wall panels* are doubled.

4. For wood-frame construction, a continuous rim joist is connected to ends of cantilever joists. Where spliced, the rim joists shall be spliced using a galvanized metal tie not less than 0.058 inch (1.5 mm) (16 gage) and 1-1/2 inches (38 mm) wide fastened with six 16d nails on each side of the splice; or a block of the same size as the rim joist and of sufficient length to fit securely between the joist space at which the splice occurs, fastened with eight 16d nails on each side of the splice.
5. Gravity loads carried at the end of cantilevered joists are limited to uniform wall and roof loads and the reactions from headers having a span of 8 feet (2438 mm) or less.

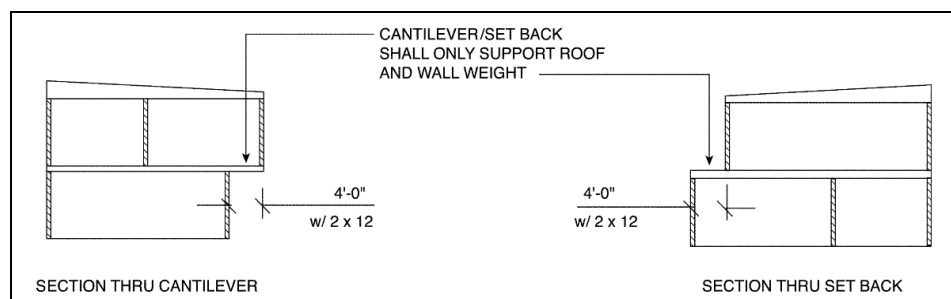


Figure R301.2.2.6(2)
Braced Wall Panels Supported by Cantilever or Setback

2. **Lateral support of roofs and floors.** Conditions where a section of floor or roof is not laterally supported by shear walls or *braced wall lines* on all edges. See Figure R301.2.2.6(3).

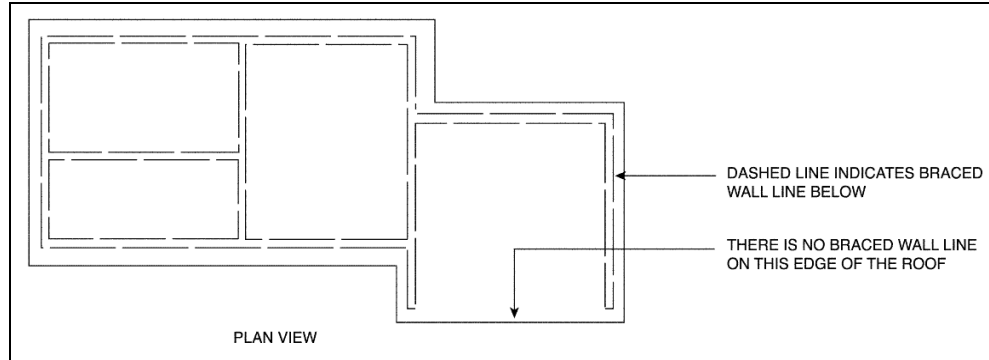


Figure R301.2.2.6(3)
Floor or Roof Not Supported on all Edges

Exception: Portions of floors that do not support shear walls, braced wall panels above, or roofs shall be permitted to extend not more than 6 feet (1829 mm) beyond a shear wall or *braced wall line*. See Figure R301.2.2.6(4).

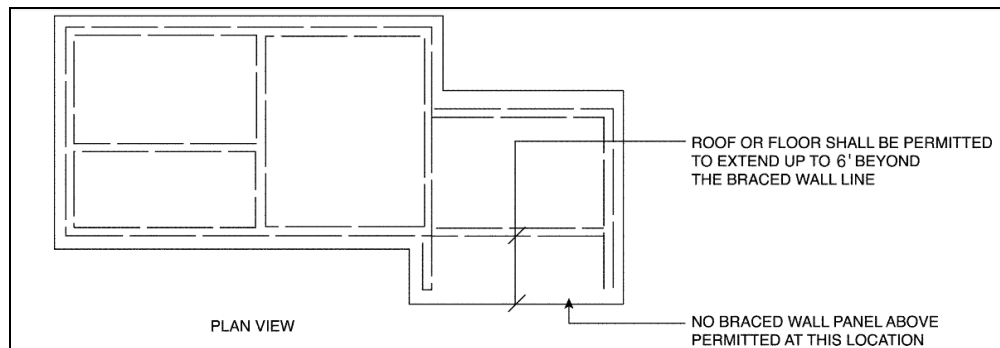


Figure R301.2.2.6(4)
Roof or Floor Extension Beyond Braced Wall Line

3. **Shear wall or braced wall offsets in plane.** Conditions where the end of a *braced wall panel* occurs over an opening in the wall below and extends more than 1 foot (305 mm) horizontally past the edge of the opening. This provision is applicable to shear walls and braced wall panels offset in plane and to braced wall panels offset out of plane in accordance with the exception to Item 1. See Figure R301.2.2.6(5).

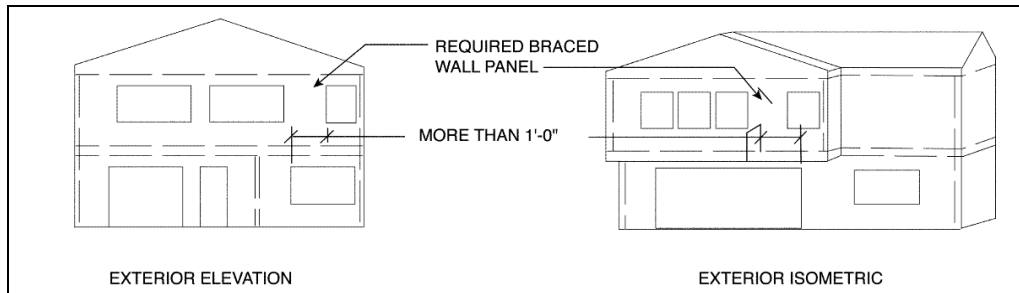


Figure R301.2.2.6(5)
Braced Wall Panel Extension Over Opening

Exception: For wood light-frame wall construction, one end of a *braced wall panel* shall be permitted to extend more than 1 foot (305 mm) over an opening not more than 8 feet (2438 mm) in width in the wall below provided that the opening includes a header in accordance with all of the following:

1. The building width, loading condition and framing member species limitations of Table R602.7(1) shall apply.
2. The header is composed of:
 - 2.1. Not less than one 2 x 12 or two 2 x 10 for an opening not more than 4 feet (1219 mm) wide.
 - 2.2. Not less than two 2 x 12 or three 2 x 10 for an opening not more than 6 feet (1829 mm) in width.
 - 2.3. Not less than three 2 x 12 or four 2 x 10 for an opening not more than 8 feet (2438 mm) in width.
3. The entire length of the *braced wall panel* does not occur over an opening in the wall below.

4. **Floor and roof opening.** Conditions where an opening in a floor or roof exceeds the lesser of 12 feet (3658 mm) or 50 percent of the least floor or roof dimension. See Figure R301.2.2.6(6).

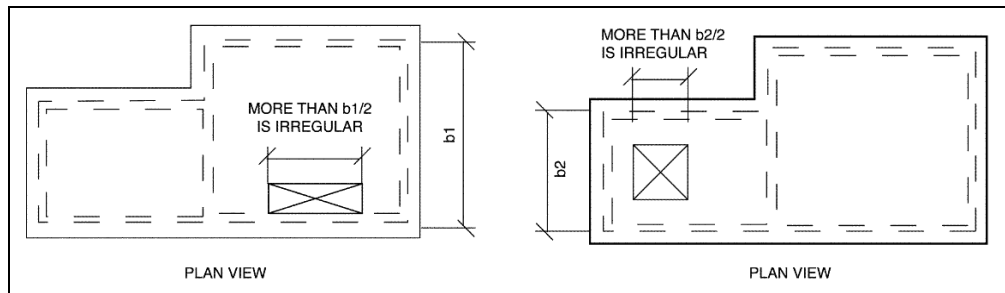


Figure R301.2.2.6(6)
Opening Limitations for Floor and Roof Diaphragms

5. **Floor level offset.** Conditions where portions of a floor level are vertically offset. See Figure R301.2.2.6(7).

Exceptions:

1. Framing supported directly by continuous foundations at the perimeter of the building.
2. For wood light-frame construction, floors shall be permitted to be vertically offset where the floor framing is lapped or tied together as required by Section R502.6.1.

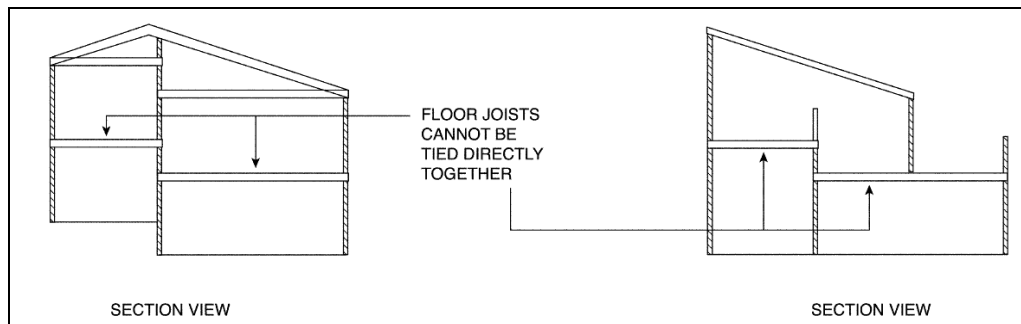


Figure R301.2.2.6(7)
Portions of Floor Level Offset Vertically

6. **Perpendicular shear wall and wall bracing.** Conditions where shear walls and braced wall lines do not occur in two perpendicular directions. See Figure R301.2.2.6(8).

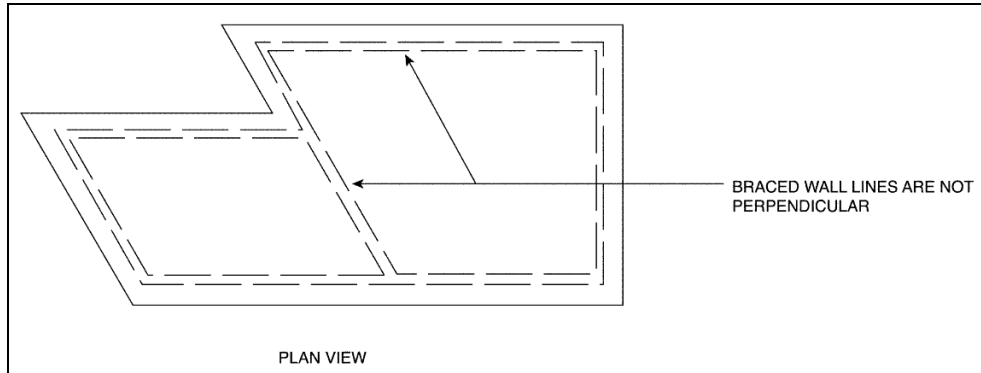


Figure R301.2.2.6(8)
Braced Wall Lines Not Perpendicular

7. **Wall bracing in stories containing masonry or concrete construction.** Conditions where stories above *grade plane* are partially or completely braced by wood wall framing in accordance with Section R602 or cold-formed steel wall framing in accordance with Section R603 include masonry or concrete construction. Where this irregularity applies, the entire story shall be designed in accordance with the Building Code, Chapter 5A, Hawai'i County Code.

Exceptions: Fireplaces, chimneys and masonry veneer in accordance with this code.

- (23) Subsection R303.1, “Habitable rooms,” of the International Residential Code is amended to read as follows:

“R303.1 Habitable rooms. All habitable rooms shall have an aggregate glazing area of not less than 10 percent of the floor area of such rooms. Natural *ventilation* shall be through windows, doors, louvers, or other *approved* openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. Unless required otherwise by the Energy Conservation Code, Chapter 5E, Hawaii County Code, the minimum openable area to the outdoors shall be 5 percent of the floor area being ventilated.

Exceptions:

1. The glazed areas need not be openable where the opening is not required by section R310 and a whole-house mechanical *ventilation* system is installed in accordance with Section M1505.
2. The glazed areas need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided that is capable of producing an average illumination of 6 footcandles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.
3. Use of sunroom and patio covers, as defined in Section R202, shall be permitted for natural *ventilation* if in excess of 65 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.”

- (24) Subsection R303.3, “Bathrooms,” of the International Residential Code is amended to read as follows:

“R303.3 Bathrooms. Bathrooms, water closet compartments, laundry rooms, and other similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one twentieth of the floor area of such rooms with a minimum of 1 ½ square feet.”

Exception: The glazed areas shall not be required where artificial light and a local exhaust system are provided. The minimum local exhaust rates shall be determined in accordance with Section M1505. Exhaust air from the space shall be exhausted directly to the outdoors.”

- (25) Subsection R309.3, “Flood hazard areas,” of the International Residential Code is amended to read as follows:

“R309.3 Flood hazard areas. Buildings located within areas of special flood hazards pursuant to Chapter 27, Hawai‘i County Code, shall be designed and constructed in accordance with Chapter 27, Hawai‘i County Code.”

- (26) Subsection R310.2.1, “Minimum opening area,” of the International Residential Code is amended to read as follows:

“R310.2.1 Minimum opening area. Emergency and escape rescue openings shall have a net clear opening of not less 5.7 square feet (0.530 m²). The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height of the opening shall be not less than 24 inches (610 mm) and the net clear width shall be not less than 20 inches (508 mm).

Exceptions:

1. *Grade floor openings or below-grade openings* shall have a net clear opening area of not less than 5 square feet (0.465 m²).
2. Glass jalousie bladed windows may be used for emergency escape or rescue.”

- (27) Subsection R313.2, “One-and two-family dwellings automatic fire sprinkler systems,” is amended to read as follows:

“An automatic residential fire sprinkler system shall be installed in one- and two-family *dwellings*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.

2. In accordance with section 46-19.8, Hawaii Revised Statutes, “Fire sprinklers; residences,” until June 30, 2027 the installation or retrofitting of automatic fire sprinklers or an automatic fire sprinkler system shall not be required in:
 - 2.1 Any new or existing detached one- or two-family dwelling unit in a structure used only for residential purposes; and
 - 2.2 Nonresidential agricultural and aquacultural buildings and structures located outside an urban area.

Provided that Exception 2 shall not apply to new homes that require a variance from access road or firefighting water supply requirements.”

- (28) Subsection R317.1, “Location required,” of the International Residential Code is amended by amending the first paragraph of this subsection to read as follows: (Paragraphs numbered 1 through 7 that follow this paragraph, shall remain unchanged.)

“**R317.1 Location required.** Protection of wood and wood-based products from decay shall be provided in the following locations by the use of naturally durable wood as approved by the building official, or wood that is preservative-treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.”

- (29) Subsection R318.1, “Subterranean termite control methods,” of the International Residential Code is amended to read as follows:

“**R318.1 Subterranean termite control methods.** Methods of protection shall be one of items 1, 2 or 3 and one of items 4, 5, or 6.

1. Chemical termiticide, as provided in Section R318.2.
2. Termite-baiting system installed and maintained according to the *label*.
3. Physical barriers, as provided in Section R318.3 and used in locations as specified in Section R317.1.
4. Pressure-preservative-treated wood in accordance with Section R317.1.
5. Cold-formed steel framing in accordance with Sections R505.2.1 and R603.2.1.
6. Naturally durable termite-resistant wood as approved by the building official.”

- (30) Subsection R318.4, “Foam plastic protection,” of the International Residential Code is amended to read as follows:

“R318.4 Foam plastic protection. Extruded and expanded polystyrene, polyisocyanurate and other foam plastics shall not be installed on the exterior face or under interior or exterior foundation walls or slab foundations located below *grade*. The clearance between foam plastics installed above *grade* and exposed earth shall not be less than 6 inches (152 mm).

Exception: On the interior side of *basement walls*.”

- (31) Section R318, “Protection Against Subterranean Termites,” of the International Residential Code is amended by adding Subsection R318.5, “Water splash,” to read as follows:

“R318.5 Water splash. Where wood-frame walls and partitions are covered on the interior with plaster, tile or similar materials and are subject to water splash, the framing shall be protected with approved waterproof paper.”

- (32) Section R318, “Protection Against Subterranean Termites,” of the International Residential Code is amended by adding Subsection R318.6, “Pipe and other penetrations,” to read as follows:

“R318.6 Pipe and other penetrations. Insulations around plumbing pipes shall not pass through ground floor slabs. Openings around pipes or similar penetrations in a concrete or masonry slab, which is in direct contact with earth, shall be filled with non-shrink grout, or other approved physical barrier.”

- (33) Subsection R320.1, “Scope,” of the International Residential Code is amended to read as follows:

“R320.1 Scope. Where there are four or more *dwelling* units or sleeping units in a single structure, the following provisions for Group R-3 apply:

1. For construction of buildings or facilities of the State and County governments, compliance with Section 103-50, Hawai‘i Revised Statutes, administered by the Disability and Communication Access Board, State of Hawai‘i.
2. Department of Justice’s Americans with Disabilities Act Standards for Accessible Design.

3. Housing and urban development recognized “safe harbors” for compliance with the Fair Housing Acts design and construction requirements.
4. Other pertinent laws relating with disabilities shall be administered and enforced by agencies responsible for their enforcement.

Prior to the issuance of a *building* permit, the owner (or the owner's representative, professional architect, or engineer), shall submit a statement that all requirements relating to accessibility for persons with disabilities will be complied with.”

- (34) Subsection R322.2, “Flood hazard areas (including A Zones),” of the International Residential Code is amended to read as follows:

“R322.2 Flood hazard areas (including A Zones). Buildings located within areas of special flood hazards pursuant to Chapter 27, Hawaii County Code, shall be designed and constructed in accordance with Chapter 27, Hawaii County Code.”

- (35) Section R323, “Storm Shelters” of the International Residential Code, is amended to read as follows:

**“SECTION R323
HAWAII RESIDENTIAL SAFE ROOMS**

R323.1 General. This section applies to storm shelters where constructed as separate detached buildings or where constructed as safe rooms within buildings for the purpose of providing refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC/NSSA-500 or Subsection R323.2.

R323.2 Performance-based design criteria. The residential safe room shall meet the minimum performance specifications of Sections 323.2.1 through 323.11.

R323.2.1 Intent and scope. The intent of the residential safe room is to temporarily provide an enhanced protection area, fully enclosed within a *dwelling* or within an accessory structure to a residence, which is designed and constructed to withstand the wind pressures, windborne debris impacts, and other requirements of this section.

R323.2.2 Alternative standards.

1. Manufactured safe room designs subject to approval. A manufactured safe room or safe room kit may be substituted if documentation is submitted and approved by the building official. The safe room shall be engineered, tested, and manufactured to meet or exceed the criteria of this section.
2. FEMA in-residence shelter designs permitted. It shall be permissible to build FEMA In-Residence Shelters of up to 64 square feet of floor area with walls up to 8 feet long that are built in accordance with construction details of FEMA 320.

R323.3 Site criteria. Residential safe rooms shall not be constructed within areas subject to stream flooding, coastal flooding or dam failure inundation within any of the following areas:

1. FEMA Special Flood Hazard Areas (SFHA) subject to rainfall runoff flooding or stream or flash flooding;
2. Coastal zones “V” or “A” identified in the Flood Insurance Rate Map (FIRM) issued by FEMA for floodplain management purposes, in which the flood hazard are tides, storm surge, waves, tsunamis, or a combination of these hazards; or
3. Areas subject to dam failure inundation as determined by the Department of Land and Natural Resources.

R323.4 Size of safe room. The safe room shall be designed to provide a minimum of 15 square feet per person in a room which does not need to exceed 120 square feet (11 m²) of floor area.

R323.5 Provisions for exiting. The safe room shall be equipped with an inward-swinging interior door and an impact-protected operable window or exterior door suitable for a means of alternative exiting in an emergency.

R323.6 Design for dead, live, wind, rain, and impact loads.**R323.6.1 Structural integrity criteria.**

1. The residential safe room shall be built with a complete structural system and a complete load path for vertical and lateral loads caused by gravity and wind.
2. The building that the residential safe room is in shall be assumed to be destroyed by the storm and shall not be taken as offering any protective shielding to the safe room enclosure.
3. The ceiling structure and wall shall be capable of supporting a superimposed debris load of the full weight of any building floors and roof above, but not less than 125 psf.

4. The residential safe room enclosure shall be capable of simultaneously resisting lateral and uplift wind pressures corresponding to a 145 mph 3-second peak gust ultimate design wind speed, determined in accordance with ASCE – 7, Minimum Design Loads for Buildings and Other Structures. The site exposure factor shall be based on exposure C or the exposure shown in Figure R301.2.1.4(a), whichever is the greater. The values for the gust factor and the directionality factor shall be taken as 0.85. Topographic wind amplification caused by mountainous terrain shall be considered in accordance with the building code. Internal pressure shall be determined in accordance with ASCE – 7.
5. The residential safe room shall be anchored to a foundation system capable of resisting the above loading conditions.

R323.6.2 Windborne debris impact protection of building enclosure elements. The entire enclosure of the safe room, including all walls, ceilings, and openings, fixed or operable windows, and all entry doors into the safe room, shall meet or exceed Level D requirements of ASTM E 1996 (Table 323.6.1), or be an approved assembly listed in Section 323.6.4. Any wall or ceiling penetration greater than 4 square inches shall be considered an opening.

Exception: Electrical outlet boxes and interior lighting switches not penetrating more than 2.5-inches into the interior wall surface and a plumbing piping or conduit not greater than 1.5-inch in diameter shall be exempted from this requirement.

R323.6.3 Cyclic pressure loading of glazing and protective systems. Impact protective systems shall meet the ASTM E 1996 cyclic pressure requirement for the loading given in Table 323.6.1.

Table 323.6.1
WINDBORNE DEBRIS PROTECTION AND CYCLIC PRESSURE
CRITERIA FOR RESIDENTIAL SAFE ROOMS

ASTM E 1996 Missile Level Rating	Debris Missile Size	Debris Impact Speed	Enclosure Wall Ceiling, and Floor Cyclic Air Pressure Testing - maximum inward and maximum outward pressures
D	2 x 4 weighing 9.0 lb. +/- 0.25 lb., and with min. length 8 ft. +/- 4-inch	50 ft./sec. or at least 34 mph	35 psf inward 45 psf outward

R323.6.2 Approved debris impact resistant wall assemblies.

The following methods of wall assembly construction shall be deemed to comply with Section R323.6.2:

1. 3/4-inch plywood on wood studs spaced at 16 inches on-center with #8 X 3 inch wood screws at 6 inches on-center.
2. 3/4-inch plywood attached to double studs spaced at 16 inches on-center with #8 X 3 inch wood screws at 6 inches on-center.
3. 8-1/4 inch cementitious lap siding over 22 gage sheet metal attached to 350S-162-33 studs spaced at 24 inches on-center.
4. 8-1/4 inch cementitious lap siding attached to 350S-162-33 studs spaced at 24 inches on-center studs with interior 3/4-inch interior plywood sheathing.
5. 8-1/4 inch cementitious lap siding attached to 350S-162-33 studs spaced at 24 inches on-center with 1/2-inch interior 22 gage sheet metal composite gypsum wallboard.
6. 8-1/4 inch cementitious lap siding attached to 2 inch X 4 inch wood studs spaced at 16 inches on-center with 1/2-inch interior 22 gage sheet metal composite gypsum wallboard.
7. 8-1/4 inch cementitious lap siding attached to 2 inch X 4 inch wood studs spaced at 16 inches on-center with 22 gage sheet metal and 1/2-inch interior gypsum wallboard.
8. Cementitious lap siding attached to 5/8-inch structural plywood on 2 inch X 4 inch wood studs spaced at 16 inches on-center.
9. Cementitious-panel siding attached to 5/8-inch structural plywood on 2 inch X 4 inch or 362S-137-43 steel studs spaced at 16 inches on-center.

10. EFS with 1/2-inch dens-glass gold exterior sheathing on 362S-137-43 steel studs spaced at 16 inches on-center and 1/2-inch interior gypsum wallboard.
11. 24 gage steel sheet (50 ksi) on girts.
12. Concrete with a thickness of 4 inches with reinforcing.
13. Concrete masonry units with a thickness of 6 inches with partial grouting and reinforcing spaced at 24 inches on-center.
14. Concrete masonry units with a thickness of 8 inches with partial grouting and reinforcing spaced at 24 inches on-center.
15. Interior or exterior wall with laterally braced 2 inch x 4 inch wood studs with sheathing on either side of 22 gage sheet metal.

Sheathing shall be attached to studs with fasteners at 6 inches (152 mm) on center for edge and field fastening.

R323.7 Ventilation. The residential safe room shall be naturally ventilated to allow the enclosure to have approximately one air change every two hours. This requirement may be satisfied by 12 square inches of venting per occupant. There shall be at least two operable vents. The vents shall be protected by a cowling or other device that shall be impact tested to comply with ASTM E 1996-14 Level D. Alternatively, the room shall be evaluated to determine if the openings are of sufficient area to constitute an open or partially enclosed condition as defined in ASCE 7.

R323.8 Communications. The residential safe room shall be equipped with a phone line and telephone that does not rely on a separate electrical power outlet. Alternatively, a wireless telephone shall be permitted to rely on an Uninterruptible Power Supply (UPS) battery device.

R323.9 Construction documents. Construction documents for the residential safe room shall be directly prepared by a Hawaii licensed professional structural engineer.

R323.10 Special inspection. The construction or installation of the residential safe room shall be verified for conformance to the drawings in accordance with the appropriate requirements of Chapter 17 of the International Building Code.

R323.11 Notification. The owner of the safe room shall notify the State Department of Defense and County Civil Defense Agency of the property's Tax Map Key or Global Positioning System coordinates."

- (36) Section R326, “Swimming Pools, Spas and Hot Tubs” of the International Residential Code, is amended to read as follows:

“R326.1 General. Swimming pools shall comply with the requirements of sections R326.2 through R326.4 and other applicable sections of this code.

R326.2. Definition. “**SWIMMING POOL**” shall, for the purposes of this section, have the following meaning: “Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.”

R326.3 Residential swimming pools. Residential swimming pools shall comply with Sections R326.3.1 through R326.3.4.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with Section R326.3.

R326.3.1 Barrier height and clearances. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

R326.3.1.1 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

R326.3.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

R326.3.1.3 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not

greater than 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1.75 inches (44 mm) in width.

R326.3.1.4 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1.75 inches (44 mm) in width.

R326.3.1.5 Chain link dimensions. Mesh size for chain link fences shall be not greater than a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).

R326.3.1.6 Diagonal members. Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than 1.75 inches (44 mm).

R326.3.1.7 Gates. Access doors or gates shall comply with the requirements of Sections R326.3.1.1 through R326.3.1.6 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate at least 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

R326.3.1.8 Dwelling wall as a barrier. Where a wall of a *dwelling* serves as part of the barrier, one of the following shall apply:

1. 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 in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall

automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. In dwellings not required to be Accessible, Type A or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible, Type A or Type B units, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.

2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other 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 R326.3.1.8, Item 1 or 2.

R326.3.1.9 Pool structure as barrier. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and 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 which meets the requirements of Sections R326.3.1.1 through R326.3.1.8. When 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.

R326.3.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section R326.3.1.8.

R326.3.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

R326.4 Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.”

- (37) Section R401, “General,” of the International Residential Code, is amended by adding subsection R401.5, “Post or pier foundations,” to read as follows:

“**R401.5 Post or pier foundations.** Raised floor systems supported by post or pier foundations shall be designed in accordance with the Building Code, Chapter 5A, Hawai‘i County Code.”

- (38) Subsection R402.2.1, “Materials for concrete,” of the International Residential Code is amended to read as follows:

“**R402.2.1 Materials for concrete.** Materials for concrete shall comply with the requirements of Section R608.5.1. The maximum water to cement ratio for concrete slabs-on-grade shall not exceed 0.50.”

- (39) Section R403, “Footings,” of the International Residential Code is amended by adding subsection R403.1.6.2, “Concrete strap type anchors,” to read as follows:

“**R403.1.6.2 Concrete strap-type anchors.** Concrete strap-type anchors made out of cold-formed steel shall not be used along the perimeter edges of a slab-on-grade where the steel does not have at least 1-1/2 inches side cover or other adequate protection.”

- (40) Section R403, “Footings,” of the International Residential Code is amended by adding subsection R403.1.6.3, “Anchor bolts at the perimeter edge of a slab on grade,” to read as follows:

“**R403.1.6.3 Anchor bolts at the perimeter edge of a slab-on-grade.** Anchor bolts must be hot dipped galvanized in accordance with ASTM F2329 and have a minimum concrete side cover of 1-1/2 inches unless provisions have been made to protect the anchor bolts from corrosion.”

- (41) Subsection R406.1, “Concrete and masonry foundation dampproofing,” of the International Residential Code is deleted in its entirety.

- (42) Subsection R406.2, “Concrete and masonry foundation waterproofing,” of the International Residential Code is amended to read as follows:

“**R406.2 Concrete and masonry foundation waterproofing.** Exterior foundation walls that retain earth and enclose interior spaces and floors below *grade* shall be waterproofed from the top of the footing to the finished *grade*. Walls shall be waterproofed in accordance with one of the following:

1. Two-ply hot-mopped felts.
2. Fifty-five-pound (25 kg) roll roofing.
3. Forty-mil (1 mm) polymer-modified asphalt.
4. Sixty-mil (1.5 mm) flexible polymer cement.

5. One-eighth-inch (3 mm) cement-based, fiber-reinforced, waterproof coating.
6. Sixty-mil (1.5 mm) solvent-free liquid-applied synthetic rubber.

All joints in membrane waterproofing shall be lapped and sealed with an adhesive compatible with the membrane.

Exception: Organic-solvent-based products such as hydrocarbons, chlorinated hydrocarbons, ketones and esters shall not be used for ICF walls with expanded polystyrene form material. Use of plastic roofing cements, acrylic coatings, latex coatings, mortars and parings to seal ICF walls is permitted. Cold-setting asphalt or hot asphalt shall conform to type C of ASTM D 449. Hot asphalt shall be applied at a temperature of less than 200°F (93°C).”

- (43) Subsection R406.3, “Dampproofing for wood foundations,” of the International Residential Code is amended to read as follows:

“**R406.3 Waterproofing for wood foundations.** Wood foundations enclosing habitable or usable spaces located below *grade* shall be waterproofed in accordance with Section R406.2.”

- (44) Subsection R406.3.2, “Below-grade moisture barrier,” of the International Residential Code is amended to read as follows:

“**R406.3.2 Below-grade waterproofing.** One of the waterproofing systems listed in R406.2 shall be applied over the below-*grade* portion of exterior foundation walls prior to backfilling. The top edge of the waterproofing shall be bonded to the sheathing to form a seal. Film areas at *grade* level shall be protected from mechanical damage and exposure by a pressure-preservative treated lumber or plywood strip attached to the wall several inches above finished *grade* level and extending approximately 9 inches (229 mm) below *grade*. The joint between the strip and the wall shall be caulked full length prior to fastening the strip to the wall. Other coverings appropriate to the architectural treatment may also be used. The waterproofing shall extend down to the bottom of the wood footing plate but shall not overlap or extend into the gravel or crushed stone footing.”

- (45) Subsection R406.4, “Precast concrete foundation system dampproofing,” of the International Residential Code is deleted in its entirety.

- (46) Section R406, “Foundation Waterproofing and Damp-proofing,” of the International Residential Code is amended by adding subsection R406.5, “Cold formed steel protection of sill track,” to read as follows:

“R406.5 Cold formed steel protection of sill track. Cold formed steel framing sills that directly bear on concrete or masonry that is in direct contact with earth shall be shielded along the exterior flange and bottom of the sill track with a self-adhered rubberized asphalt flashing material with a minimum thickness of 25 mil (0.64 mm) or other moisture barrier conforming to ASTM D412, D570, and E96/E96M.”

- (47) Section R408, “Under-Floor Space,” of the International Residential Code is amended by adding subsection R408.8, “Under-floor clearance,” to read as follows:

“R408.8 Under-Floor Clearance. Minimum clearance between the bottom of floor joists or bottom of floors without joists and the ground beneath is 24 inches (610 mm); the minimum clearance between the bottom of girders and the ground is 18 inches (457 mm).

Exception: Open slat wood decks must have ground clearance of at least 6 inches (152 mm) for any wood member.”

- (48) Subsection R602.10.9, “Braced wall panel support,” of the International Residential Code shall be amended to read as follows:

“R602.10.9 Braced wall panel support. *Braced wall panel* support shall be provided as follows:

1. Cantilevered floor joists complying with Section R502.3.3 shall be permitted to support *braced wall panels*.
2. Raised floor system post or pier foundations supporting *braced wall panels* shall be designed in accordance with the Building Code, Chapter 5A, Hawai'i County Code.
3. Masonry stem walls with a length of 48 inches (1219 mm) or less supporting *braced wall panels* shall be reinforced in accordance with Figure R602.10.9. Masonry stem walls with a length greater than 48 inches (1219 mm) supporting *braced wall panels* shall be constructed in accordance with Section R403.1 Methods ABW and PFH shall not be permitted to attach to masonry stem walls.
4. Concrete stem walls with a length of 48 inches (1219 mm) or less, greater than 12 inches (305 mm) tall and less than 6 inches (152 mm) thick shall have reinforcement sized and located in accordance with Figure R602.10.9.”

- (49) Subsection R806.1, “Ventilation required,” of the International Residential Code is amended to read as follows:

“R806.1 Ventilation required. Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Ventilation openings shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Ventilation openings having a least dimension larger than 1/4 inch (6.4 mm) shall be provided with corrosion-resistant wire cloth screening, hardware cloth, perforated vinyl or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7. Required ventilation openings shall open directly to the outside air and shall be protected to prevent the entry of birds, rodents, snakes and other similar creatures.

Exception: The attic space shall be permitted to be unvented when the design professional determines it would be beneficial to eliminate ventilation openings to reduce salt-laden air and maintain relative humidity 60 percent or lower to:

1. Avoid corrosion to steel components;
2. Avoid moisture condensation in the attic space; or
3. Minimize energy consumption for air conditioning or ventilation by maintaining satisfactory space conditions in both the attic and occupied space below.”

- (50) Chapter 11, “Energy Efficiency,” of the International Residential Code is deleted in its entirety. Refer to the Energy Conservation Code, Chapter 5E, Hawai‘i County Code.

- (51) Subsection M1301.1, “Scope,” of the International Residential Code shall be amended to read as follows:

“M1301.1 Scope. The provisions of this chapter shall govern the installation of mechanical systems not specifically covered in other chapters applicable to mechanical systems. Installations of mechanical *appliances, equipment* and systems not addressed by this code shall comply with the applicable provisions of nationally published codes or standards and with the Plumbing Code, Chapter 5F, Hawai‘i County Code.

- (52) Subsection M1307.4.2, “Mechanical ventilation,” of the International Residential Code shall be amended to read as follows:

“**M1307.4.2 Mechanical ventilation.** Indoor locations intended for hydrogen-generating or refueling operations shall be ventilated in accordance with the applicable provisions of nationally published mechanical codes or standards.”

- (53) Subsection M1901.1, “Clearances,” of the International Residential Code shall be amended to read as follows:

“**M1901.1 Clearances.** Freestanding or built-in ranges shall have a vertical clearance above the cooking top of not less than 30 inches (762 mm) to unprotected combustible material. Reduced clearances are permitted in accordance with the *listing* and *labeling* of the range hoods or ovens with integral exhaust. The clearances for a domestic open-top broiler unit shall be in accordance with Section M1503.2.1.

Minimum Horizontal Clearance. The minimum horizontal clearance from edge of the burner head(s) of top (or surface) cooking unit to combustible walls extending above the cooking surface shall be not less than 12 inches.

Exception: Walls of combustible materials to be installed within 12 inches of a cooking unit shall be provided with protection equivalent to 1/2-inch gypsum wallboard covered with laminated plastic. The height of the laminated plastic shall be 12 inch minimum.”

- (54) Chapter 20, “Boilers and Water Heaters,” of the International Residential Code is deleted in its entirety and replaced with provisions relating to water heaters in the Plumbing code, Chapter 5F, Hawaii County Code.
- (55) Chapter 21, “Hydronic Piping,” of the International Residential Code is amended by amending its title to read as follows:

**“CHAPTER 21
HYDRONIC PIPING**

(FOR REFERENCE ONLY)”

- (56) Chapter 21, “Hydronic Piping,” of the International Residential Code is amended by adding a section M2100, “Reference,” to read as follows:

“**Section M2100 Reference.** The provisions of this chapter shall be deemed to be guidelines only and not mandatory.”

- (57) Chapter 22, “Special Piping and Storage Systems,” of the International Residential Code is amended by amending its title to read as follows:

**“CHAPTER 22
SPECIAL PIPING AND STORAGE SYSTEMS**

(FOR REFERENCE ONLY)”

- (58) Chapter 22, “Special Piping and Storage Systems,” of the International Residential Code is amended by adding a section M2200, “Reference,” to read as follows:

“Section M2200 Reference. The provisions of this chapter shall be deemed to be guidelines only and not mandatory.”

- (59) Chapter 23, “Solar Thermal Energy Systems,” of the International Residential Code is deleted in its entirety. Refer to the Electrical Code, Chapter 5D, Hawai‘i County Code and the Plumbing Code, Chapter 5F, Hawai‘i County Code.
- (60) Chapter 24, “Fuel Gas,” of the International Residential Code is deleted in its entirety. Refer to the Plumbing Code, Chapter 5F, Hawai‘i County Code.
- (61) Chapters 25 through 32 that are contained in Part VII, “Plumbing,” of the International Residential Code are deleted in their entirety. Refer to the Plumbing Code, Chapter 5F, Hawai‘i County Code.
- (62) Chapter 33, “Storm Drainage,” of the International Residential Code is deleted in its entirety.
- (63) Chapters 34 thru 43 that are contained in Part VIII, “Electrical,” of the International Residential Code are deleted in their entirety. Refer to the Electrical Code, Chapter 5D, Hawai‘i County Code.
- (2021, ord 21-61, sec 1.)

Article 3. Adoption, Amendment, and Addition of Appendices.

Division 1. Appendices of International Residential Code Adopted.

Section 5B-3-1. Appendices not applicable.

Provisions in the appendices of the International Residential Code shall not apply unless specifically adopted.

(2021, ord 21-61, sec 1.)

Section 5B-3-2. Appendices of the International Residential Code adopted.

The following appendices of the International Residential Code are adopted by reference and made a part of this code, subject to any amendments set forth in this article:

- (1) Appendix H, Patio Covers;
- (2) Appendix M, Home Day Care – R-3 Occupancy; and
- (3) Appendix Q, Tiny Houses.

(2021, ord 21-61, sec 1.)

Section 5B-3-3. Appendix Q; Tiny Houses.

Appendix Q is deleted in its entirety and replaced with the following:

**“APPENDIX Q
TINY HOUSES**

**SECTION AQ101
GENERAL**

AQ101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units* and *tiny houses* that contain a *loft*. *Tiny houses* shall comply with the International Residential Code except as otherwise stated in this appendix.

AQ101.1.1 Limitations. *Tiny houses* shall not contain more than one *loft*, or *loft* space. *Tiny houses* that contain a *loft* may not be used for any purpose other than as a detached single-family *dwelling*.

**SECTION AQ102
DEFINITIONS**

AQ102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the International Residential Code for general definitions.

EGRESS ROOF ACCESS WINDOW. A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

LANDING PLATFORM. A landing measuring two treads deep and two risers tall, provided as the top step of a stairway accessing a *loft*.

LOFT. Any floor level located above the main floor and open to it on at least one side, with a ceiling height less than 6 feet 8 inches (2032 mm), complying with the area, access, and guard requirements of Section AQ105, and used as a living or sleeping space.

TINY HOUSE. A *dwelling* which is 500 square feet (37 m²) or less in floor area excluding *lofts*. The maximum total floor area of 500 square feet shall mean the sum of the horizontal areas of each floor of a building measured from the exterior faces of the exterior walls. The total floor area shall include enclosed attached accessory structures such as garages or storage areas. Unenclosed attached structures such as carports, breezeways, lanais, or porches shall be excluded.

SECTION AQ103 FOUNDATIONS

AQ103.1 General. All exterior walls shall be permanently supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems pursuant to Chapter 4 of the International Residential Code, which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill.

SECTION AQ104 CEILING HEIGHT

AQ104.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a ceiling height not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height not less than 6 feet 4 inches (1930 mm). No obstructions shall extend below these minimum ceiling heights including beams, girders, ducts, lighting, or other obstructions.

Exception: Ceiling heights in *lofts* are permitted to be less than 6 foot 8 inches (2032 mm).

SECTION AQ105 LOFTS

AQ105.1 Minimum loft areas. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ105.1.1 through AQ105.1.3.

AQ105.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²).

AQ105.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AQ105.1.3 Height effect on loft area. Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

AQ105.1.4 Minimum ceiling height. *Lofts* shall have a ceiling height of not less than 3 feet (914.4 mm).

AQ105.1.4.4.1 Undersized lofts. *Lofts* having a ceiling height of less than 6 feet (1828.8 mm) for more than 50 percent of the required minimum area shall comply with both of the following:

1. All wall and ceiling of the *dwelling unit* shall be a minimum 1/2 inch gypsum board or other approved Class A finish, throughout the entire *dwelling unit*.
2. In addition to the *loft* smoke alarm required by AQ105.4, all other required smoke alarms within the *dwelling unit* shall be a photoelectric-type complying with R314.

AQ105.1.5 Maximum loft size. The aggregate floor area of a *loft* shall not be greater than one-third of the floor area of the room or space in which they are located.

AQ105.2 Loft access. The access to and primary egress from *lofts* shall be of any type described in Sections AQ105.2.1 through AQ105.2.4. All methods of *loft* access and egress shall be positively anchored to prevent displacement.

AQ105.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AQ105.2.1.1 through AQ105.2.1.5.

AQ105.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at all points at or above the permitted handrail height. The minimum width below the handrail shall not be less than 20 inches (508 mm).

AQ105.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm) measured vertically from the sloped line connecting the tread nosing in the middle of the tread width.

Exception: The headroom for landing platforms shall not be less than 4 feet 6 inches (1372 mm).

AQ105.2.1.3 Treads and Risers. Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and a maximum of 12 inches (305 mm). Tread depth and riser height shall be calculated with the following formulas:

$$\begin{aligned} \text{Tread depth} &= 20 \text{ inches (508 mm) minus } \frac{4}{3} \text{ riser height} \\ &\text{or} \\ \text{Riser height} &= 15 \text{ inches (381 mm) minus } \frac{3}{4} \text{ tread depth} \end{aligned}$$

Exception: Landing platforms shall measure two treads deep and two risers tall.

AQ105.2.1.4 Handrails. Handrails shall comply with Section R311.7.8.

AQ105.2.1.5 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

AQ105.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AQ105.2.2.1 and AQ105.2.2.2.

AQ105.2.2.1 Size and capacity. Ladders accessing *lofts* shall have 12 inches (305 mm) minimum rung width and 10 inches (254 mm) to 14 inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300 pound (136 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm). The maximum height of a ladder shall be 8 feet (2438 mm).

AQ105.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ105.2.3 Alternating tread devices. Alternating tread devices accessing *lofts* 200 square feet or less shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ105.2.4 Ships ladders. Ships ladders accessing *lofts* 200 square feet or less shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ105.3 Loft guards. Loft guards shall be located along the open side(s) of *lofts* located more than 30 inches (762 mm) above the main floor. Loft guards shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less. Loft guards are not required at the loft accessing means connection to the loft.

AQ105.4 Loft smoke alarms. *Lofts* shall be equipped with a minimum of one photoelectric-type smoke alarm complying with Section R314.

AQ105.5 Loft location. *Lofts* shall not be located directly above a permanently installed cooking appliance. Permanently installed cooking appliances shall not be located within 12 inches (304.8 mm) horizontally of a *loft* open edge, measured to the vertical plane of the loft edge.

SECTION AQ106 EMERGENCY ESCAPE AND RESCUE OPENINGS

AQ106.1 General. *Tiny houses* shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their clear opening no more than 44 inches (1118 mm) above the *loft* floor provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.”

(2021, ord 21-61, sec 1.)

Division 2. Appendix Added to the International Residential Code.

Section 5B-3-21. Reserved.
(2021, ord 21-61, sec 1.)

Section 5B-3-22. Appendix U; Factory-built Housing.
Appendix U is added to this code, to read as follows:

**“APPENDIX U
FACTORY-BUILT HOUSING**

**SECTION U101
APPLICABILITY**

U101.1 Purpose. These provisions are applicable to the design, construction, installation, and transportation of factory-built housing within the County. Unless otherwise specified this article shall be applicable only to factory-built housing which is sold or offered for sale to first users as defined below.

Exception: Manufactured homes manufactured and certified in accordance with the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development. Foundation, exterior stairs, additions and accessory structures shall comply with Article 1, Adoption of the International Building Code and International Residential Code for One- and Two-Family Dwellings.

All provisions of the building, housing, electrical, and plumbing codes shall be applicable unless indicated otherwise in this article.

U101.2 Definitions. The following terms are defined for specialized use within this article:

“Building official” means the director of the department of public works or the director’s authorized representative.

“Factory-built housing” means any structure or portion thereof designed primarily for residential occupancy by human beings, which is either entirely prefabricated or assembled at a place other than the building site.

“First user” means a person, firm or corporation who initially installs factory-built housing within this State. A person who subsequently purchases an installed factory-built housing is not a first user within the meaning of this definition.

“Insignia of approval” means a tag, tab, stamp, label or other device issued by the building official to indicate compliance with the statutes and these rules.

“Installation” means the assembly of factory-built housing on site and the process of affixing factory-built housing to land, a foundation or an existing building.

“Manufacture” means the process of making, fabricating, constructing, forming, or assembling factory-built housing at a place other than the building site.

“Site” means the parcel of land on which factory-built housing is installed.

U101.3 Building permit required.

- (a) No person shall perform any of the following work or cause or permit the same to be done on any factory-built housing in the County, without first obtaining a permit for this work from the building official:
- (1) Manufacture, install, erect, construct, enlarge, alter, repair, relocate, improve, remove, convert, or demolish any factory-built housing;
 - (2) Manufacture, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical work; or
 - (3) Manufacture, erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing, fire sprinkler, gas, or drainage piping work, or any fixture, gas appliance, water heating, or water treating equipment.
- (b) To obtain a permit, an applicant shall comply with sections: 5-4-1; 5-4-2, 5-4-3, 5-4-4, 5-4-5, 5-4-6, 5-4-7, and 5-4-8.

U101.4 Building permit fee. A fee for each building permit as set forth in section 5-7-3 of chapter 5, shall be paid to the building official.

U101.5 Insignia of approval.

- (a) Factory-built housing manufactured in this County which is sold or offered for sale to first users within this County shall bear the insignia of approval issued by the building official indicating that the factory-built housing is in compliance with this article.
- (b) Factory-built housing manufactured outside the County shall bear the insignia of approval issued by any governmental or inspectional agency approved by the building official.

U101.6 Performance of building, electrical, and plumbing work.

- (a) All building, electrical, and plumbing work performed within the State of Hawai'i shall comply with State of Hawai'i contracting and licensing laws and regulations.
- (b) All building, electrical, and plumbing work to be performed at the factory outside of this state must be accomplished:
 - 1. Under the supervision of a licensed building contractor, licensed supervising electrician, or master plumber, respectively, of the state in which the factory is located, if the manufacturer submits a quality control manual which is approved by the building official; or
 - 2. By licensed building contractors, electricians, or plumbers, respectively, of the state in which the factory is located.

U101.7 Inspections.

- (a) Each and every factory-built housing manufactured outside of this County shall be inspected by a governmental or inspectional agency approved by the building official in conformance with the quality assurance standards approved by the building official and in compliance with County of Hawai'i codes and regulations.
- (b) All manufacturing work, including building, electrical, and plumbing, shall be inspected in the factory by the building official to ensure compliance with the requirements of the construction code. It shall be the duty of the permit holder or their agent, to cause the work to remain accessible and exposed for inspection purposes. All inspections of factory-built housing shall comply with sections 5-8-1, 5-8-2, 5-8-3, 5-8-4, 5-8-5, 5-8-6, and 5-8-7.

U101.8 Manufacturer's label.

- (a) Each and every factory-built housing manufactured outside of this County shall have a manufacturer's label on a metal plate showing the manufacturer's name, serial number of the building, manufacture date, design load criteria, and an inspection stamp by a governmental or inspectional agency approved by the building official securely fastened on the factory-built housing;
- (b) Each and every factory-built housing manufactured in the County of Hawai'i shall have a manufacturer's label on a metal plate showing the manufacturer's name, serial number of the building, manufacture date, design load criteria, and building official inspection stamp securely fastened on the factory-built housing.

U101.9 Transporting factory-built housing. The transportation of factory-built housing shall be governed by the provisions of the County and State traffic codes.”

(2021, ord 21-61, sec 1.)

Article 4. Building Work Within Special Flood Hazard Areas.

Section 5B-4-1. General applicability.

- (a) The provisions of this article shall apply to new construction or the renovation and major alteration, addition, or reinstallation of any existing buildings or structures, within a special flood hazard area as identified by chapter 27, Hawai'i County Code. Such construction work shall comply with chapter 16 of the International Building Code, and chapter 27, Floodplain Management.
- (b) The provisions of this article shall not apply to the following:
 - (1) Any building or structure exempted from chapter 27;
 - (2) Any building or structure which has been granted a flood control variance pursuant to article 5, chapter 27; or
 - (3) Any building or structure lawfully existing prior to November 8, 1993, subject to the provisions of chapter 27.

(2021, ord 21-61, sec 1.)

Section 5B-4-2. Definitions.

As used in this article, unless it is apparent from the context that a different meaning is intended:

“Base flood elevation” means the water surface elevation of the base flood.

“Flood or flooding” means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) The overflow of inland or tidal waters;
 - (B) The unusual and rapid accumulation or runoff of surface waters from any source; or
 - (C) Mudslides (i.e., mudflows) which are approximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

“Special flood hazard area” means an area having special flood or flood-related erosion hazards, and shown on the Flood Insurance Rate Maps as Zones A, AO, AE, A99, AH, VE, or V.

“Water-tight” when referring to construction below the inundation level, means constructed to exclude moisture and withstand the hydraulic pressure resulting from the anticipated depth of inundation.

(2021, ord 21-61, sec 1.)

Section 5B-4-3. General Requirements.

Contractor will provide a certified flood zone elevation mark on jobsite for flood zone elevation reference point.

(2021, ord 21-61, sec 1.)

This page intentionally left blank.

CHAPTER 5C

EXISTING BUILDING CODE*

* **Editor's Note:** Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.

Article 1. General Provisions.

- Section 5C-1-1. Title.
- Section 5C-1-2. Purpose.
- Section 5C-1-3. Scope; exceptions.
- Section 5C-1-4. Administrative provisions.
- Section 5C-1-5. Existing buildings.
- Section 5C-1-6. Definitions.
- Section 5C-1-7. Compliance required.
- Section 5C-1-8. Conflict.
- Section 5C-1-9. References to model codes.

Article 2. Installation Requirements.

- Section 5C-2-1. International existing building code adopted.

Article 3. Reserved

Article 4. Building Work Within Special Flood Hazard Areas.

- Section 5C-4-1. General applicability.
- Section 5C-4-2. Definitions.
- Section 5C-4-3. General requirements.

This page intentionally left blank.

CHAPTER 5C**EXISTING BUILDING CODE***

* **Editor's Note:** Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.

Article 1. General Provisions.**Section 5C-1-1. Title.**

This chapter shall be known as the "existing building code."
(2021, ord 21-61, sec 2.)

Section 5C-1-2. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of existing buildings and structures within the County and certain equipment specifically regulated herein.
(2021, ord 21-61, sec 2.)

Section 5C-1-3. Scope; exceptions.

This chapter shall apply to the design, construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of existing buildings or structures or any appurtenances connected or attached to buildings or structures.

Exception:

Detached one- and two-family dwellings and multiple single-family dwellings (townhomes) not more than three stories above *grade plane* in height with a separate means of egress, and their accessory structures not more than three stories above *grade plane* in height, shall comply with this chapter or chapter 5B, the residential building code.

(2021, ord 21-61, sec 2.)

Section 5C-1-4. Administrative provisions.

Provisions relating to permitting, enforcement, inspection, and other administrative procedures pertaining to this chapter are contained in chapter 5, the construction administrative code.

(2021, ord 21-61, sec 2.)

Section 5C-1-5. Existing buildings.

(a) Permitted buildings in existence at the time of the adoption of this chapter may have their existing permitted use or occupancy continued if such use or occupancy was legal at the time of the adoption of this chapter, provided such continued use does not constitute a hazard to the general safety and welfare of the occupants and the public.

- (b) Alteration, repair, addition, and change of occupancy. Alteration, repair, addition, and change of occupancy to a building or structure in existence at the time of the adoption of this chapter shall comply with the requirements of this chapter.

(2021, ord 21-61, sec 2.)

Section 5C-1-6. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Accessory structure” means a structure not greater than 3,000 square feet (279 m²) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

“Authority having jurisdiction” means the director of the department of public works, or the director’s authorized representative.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

To the extent context otherwise permits and/or requires, the definitions of “building” as used in chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.

“Building work” means the design, construction, alteration, relocation, enlargement, replacement, repair, removal, demolition of any building or structure, or any other activities regulated by this structure.

“Chapter” means this chapter.

“This code” means the existing building code, contained in chapter 5C, or the construction administrative code, contained in chapter 5, or both, as the context requires.

“Construction code” means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“Existing building” means a building erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“Existing structure” means a structure erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“ICC” means the International Code Council.

“Owner-builder” means owners or lessees of property who build or improve buildings or structures on their property for their own use, or for use by their immediate family. This definition shall not preempt owner-builder by exemption as defined by section 444-2.5, Hawai‘i Revised Statutes.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation; or its or their successors or assigns, according to the context thereof.

(2021, ord 21-61, sec 2.)

Section 5C-1-7. Compliance required.

- (a) No person shall perform or cause to be performed any building work which does not comply with the provisions of this code or any permit issued pursuant to this code.
- (b) No person shall perform any work covered by this code in violation of the provisions of chapters 444 or 448E, Hawai‘i Revised Statutes.
- (c) Any approval or permit issued pursuant to the provisions of this code shall comply with all applicable requirements of this code.
- (d) The granting of a permit, variance, or approval of plans or specifications pursuant to this code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2021, ord 21-61, sec 2.)

Section 5C-1-8. Conflict.

- (a) If any provisions of this code conflict with or contravene provisions of the Hawai‘i State Building Code or the International Building Code, 2018 Edition, that have been incorporated by reference, the provisions of this code shall prevail as to all matters and questions arising out of the subject matter of such provisions.
- (b) In situations where two or more provisions of this code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2021, ord 21-61, sec 2.)

Section 5C-1-9. References to model codes.

- (a) The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in section 5C-1-8.

- (b) Wherever a model code is referenced in this code, the following shall apply:
- (1) The International Building Code shall mean the building code, chapter 5A, Hawaii County Code;
 - (2) The International Residential Code, shall mean the residential building code, chapter 5B, Hawaii County Code;
 - (3) The International Existing Building Code, shall mean the existing building code, chapter 5C, Hawaii County Code;
 - (4) The International Electrical Code shall mean the electrical code, chapter 5D, Hawaii County Code;
 - (5) The International Energy Conservation Code, shall mean the energy conservation code, chapter 5E, Hawaii County Code;
 - (6) The International Plumbing Code shall mean the plumbing code, chapter 5F, Hawaii County Code;
 - (7) The International Fuel Gas Code, the provisions of the International Fuel Gas Code shall be deemed to be only guidelines and not mandatory;
 - (8) The International Mechanical Code, the provisions of the International Mechanical Code shall be deemed to be only guidelines and not mandatory;
 - (9) The International Property Maintenance Code, the provisions of the International Property Maintenance Code shall be deemed to be only guidelines and not mandatory; and
 - (10) The International Fire Code shall mean the fire code, chapter 26, Hawaii County Code.

Exception:

Where enforcement of a code provision would violate the conditions of the listing of the equipment of appliance, the condition of the listing shall govern.
(2021, ord 21-61, sec 2.)

Article 2. Installation Requirements.

Section 5C-2-1. International existing building code adopted.

- (a) The “International Existing Building Code, 2018 Edition,” as published by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, IL 60478, is adopted by reference and made a part of this code, subject to any amendments set forth in this chapter. Hereinafter, the “International Existing Building Code, 2018 Edition,” shall be referred to as the “International Existing Building Code.” The appendices of the International Existing Building Code are not adopted unless otherwise provided in this chapter.
- (b) The scope, technical specifications, and exemptions set forth in the International Existing Building Code are hereby adopted as the standard for building work covered by this code, provided there are no specific provisions in any other section of this code covering the particular matter.

- (c) A copy of the International Existing Building Code shall be available for public inspection at the Hilo and Kailua-Kona offices of the department of public works and at the office of the County clerk.
- (d) The International Existing Building Code adopted and incorporated by reference into this code, shall be subject to the amendments hereinafter set forth.
- (1) Chapter 1, Part 1 - "Scope and Administration," of the International Existing Building Code is deleted in its entirety.
- (2) Chapter 1, Part 2 - "Administration and Enforcement" of the International Existing Building Code is deleted in its entirety.
- (3) Section 202, "Definitions," of the International Existing Building Code is amended by adding the following definition:
- "FAMILY shall be as defined in the Zoning Code except that a nursing, care home, or other similar facility with not more than five patients may be considered a family under this code."
- (4) Section 202, "GENERAL DEFINITIONS," of the International Existing Building Code is amended by amending the following definitions to read as follows:
- "BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to any structure mounted on wheels such as a trailer, wagon or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets."
- "CODE OFFICIAL. The director of the County department of public works, or the director's authorized representative."
- (5) Subsection 301.5, "Compliance with accessibility," of the International Existing Building Code is amended to read as follows:
- "301.5 Compliance with accessibility.** Accessibility requirements for *existing buildings* shall comply with the following:
1. Construction of State or County buildings or facilities shall comply with Section 103-50 Hawai'i Revised Statutes.

2. Americans with Disabilities Act Standards for Accessible Design.
3. Housing and urban development recognized “safe harbors” for compliance with the Fair Housing Acts design and construction requirements.
4. Pertinent laws relating with disabilities shall be administered and enforced by agencies responsible for their enforcement.

Prior to the issuance of a building permit, the owner (or the owner’s representative, professional architect, or engineer) shall submit a statement that all requirements, relating to accessibility for persons with disabilities, shall be complied with.”

- (6) Section 303.3, “Seismic evaluation and design procedures,” is amended by adding a new subsection 303.3.3, “Pre-engineered bracing of post and pier foundations” to read as follows:

“303.3.3 Pre-engineered bracing of post and pier foundations. For conventional light-framed single family residences two stories or less above grade, seismic bracing retrofits of elevated wood post and pier foundation systems shall be permitted to be pre-engineered designs for braces or shear walls constructed in accordance with FEMA Hazard Mitigation Grant Program DR-1664-HI drawings, *“Structural Seismic Retrofits for Hawaii Single Family Residences with Post and Pier Foundations, May 2009.”*

- (7) Section 405.2, “Repairs to damaged buildings” of the International Existing Building Code, is amended by adding subsections 405.2.1.2, “Walls Without Studs” and 405.2.1.3, “Boards for Single-Wall Construction” to read as follows:

“Section 405.2.1.2 Walls without studs.

405.2.1.2.1 General. For Type V-B buildings, single-wall construction without studs may be used in accordance with this section for repairs to existing buildings of single-wall construction only.

One-story and the uppermost story of wood frame Type V-B buildings may be of single-wall construction with board thickness specified in this section, without studs, when requirements of this section are met. Floor to ceiling height must not exceed 8 feet (2,438 mm).

Any provision of this code to the contrary notwithstanding, studding of not less than 2-inches by 3-inches (51 mm by 76.2 mm) may be used on one-story buildings of double-wall construction.

When wood-frame dwellings are supported by posts, 2-inch by 4-inch (51 mm by 102 mm) foundation bracing must be provided.

For one-story conventional residential structures, the local practice of using foundation blocks with termite shields is acceptable in all areas except in flood hazard areas and for developments adjacent to drainage facilities as specified in chapter 27, Hawai'i County Code.

405.2.1.3 Boards for single-wall construction.

405.2.1.3.1 One and one-eighth inch boards. Single-wall construction with boards of 1-1/8 inch (28.6 mm) net thickness are not required to have girts.

405.2.1.3.2 One-inch boards. Where single-wall construction is with boards of one-inch thickness (25.4 mm), no girt is required, provided approved stiffeners for any section of such wall are spaced not more than 10 feet (3048 mm) along the wall.

405.2.1.3.3 Three-fourths-inch boards. Single-wall construction with boards of 3/4-inch (19.1 mm) net thickness must have girts and cross partitions at least every 30 feet (9144 mm).

405.2.1.3.4 Approved stiffeners. Approved stiffeners must be studs at least 2-inches by 4-inches (51 mm by 102 mm), full height window or door jambs, posts, walls or partitions at right angles to the section of wall under construction.

405.2.1.3.5 Girts. Girts for single-wall construction must be not less than 2-inches by 6-inches (51 mm by 152 mm) belt course or other approved strengthening about mid height between the floor and ceiling on all exterior walls.

405.2.1.3.6 Complete load path. Blocking, bridging, straps, approved framing anchors or mechanical fasteners must be designed and installed to provide continuous ties from the roof to the foundation system. Sheet metal clamps, ties or clips, must be formed of ASTM A153 G90 galvanized steel or other approved corrosion-resistant material of not less than 0.040-inch (1.01 mm) nominal thickness. Uplift resistance must be in accordance with Table R802.11.”

- (8) Subsection 506.4.2, “Snow and wind loads,” of the International Existing Building Code is amended to read as follows:

“506.4.2 Snow and wind loads. Where a change of occupancy results in a structure being assigned to a higher *risk category*, or where the change is from a Group S or Group U occupancy to any occupancy other than Group S or Group U, the structure shall satisfy the requirements of Sections 1608 and 1609 of the Building Code, Chapter 5A, for the new risk category.

Exceptions:

1. Where the area of the new occupancy is less than 10 percent of the building area, compliance with this section is not required. The cumulative effect of occupancy changes over time shall be considered.
2. Where the change is from a Group S or Group U occupancy, use of 75% of snow and wind forces shall be permitted.”

- (9) Subsection 506.4.3, “Seismic loads,” of the International Existing Building Code is amended to read as follows:

“506.4.3 Seismic loads (seismic force-resisting system). Where a *change of occupancy* results in a building being assigned to a higher *risk category*, or where the change is from a Group S or Group U occupancy to any occupancy other than Group S or Group U, the building shall satisfy the requirements of Section 1613 of the Building Code, Chapter 5A, for the new *risk category* using full seismic forces.

Exceptions:

1. Where the area of the new occupancy is less than 10 percent of the building area, and the new occupancy is not assigned to *Risk Category IV*, compliance with this section is not required. The cumulative effect of occupancy changes over time shall be considered.
2. Where a change of use results in a building being reclassified from *Risk Category I* or *II* to *Risk Category III* and the seismic coefficient, S_{DS} , is less than 0.33, compliance with this section is not required.
3. Unreinforced masonry bearing wall buildings assigned to *Risk Category III* and to Seismic Design Category A or B, shall be permitted to use Appendix Chapter A1 of this code.
4. Where the change is from a Group S or Group U occupancy, use of reduced seismic forces shall be permitted.”

- (10) Subsection 706.2, “Addition or replacement of roofing or replacement of equipment,” of the International Existing Building Code is amended to read as follows:

“706.2 Addition or replacement of roofing or replacement of equipment. Any existing gravity load-carrying structural element for which an *alteration* causes an increase in design dead, live or snow load, including snow drift effects, of more than 5 percent shall be replaced or altered as needed to carry the gravity loads required by the Building Code, Chapter 5A, for new structures.

Exceptions:

1. Buildings of Group R occupancy with not more than five dwelling or sleeping units used solely for residential purposes where the altered building complies with the conventional light-frame construction methods of the Building Code, Chapter 5A, or the provisions of the Residential Building Code, Chapter 5B.
2. Buildings in which the increased dead load is due entirely to the addition of a second layer of roof covering or addition of insulation, weighing 3 pounds per square foot (0.1437 kN/m²) or less over an existing single layer of roof covering.”

- (11) Subsection 706.3.2, “Roof diaphragms resisting wind loads in high-wind regions,” of the International Existing Building Code is amended to read as follows:

“706.3.2 Roof diaphragms resisting wind loads in high-wind regions. Where roofing materials are removed from more than 50 percent of the roof diaphragm or section of a building located where the basic wind speed, *V*, determined in accordance with Figure 1609.3(1) of the Building Code, Chapter 5A, is greater than 115 mph (51 m/s) or in a special wind region, as defined in Section 1609 of the Building Code, Chapter 5A, roof diaphragms, connections of the roof diaphragm to the roof framing members, and roof-to-wall connections shall be evaluated for the wind loads specified in the Building Code, Chapter 5A, including wind uplift. If the diaphragms and connections in their current condition are not capable of resisting 75 percent of those wind loads, they shall be replaced or strengthened in accordance with at least 75 percent of the loads specified in the Building Code, Chapter 5A.”

- (12) Subsection 1006.2, “Snow and wind loads” of the International Existing Building Code is amended to read as follows:

“**1006.2 Snow and wind loads.** Where a *change of occupancy* results in a structure being assigned to a higher risk category or where the change is from a Group S or Group U occupancy to any occupancy other than Group S or Group U, the structure shall satisfy the requirements of Sections 1608 and 1609 of the Building Code, Chapter 5A, for the new risk category.

Exceptions:

1. Where the area of the new occupancy is less than 10 percent of the building area, the cumulative effect of occupancy changes over time shall be considered.
2. Where the change is from a Group S or Group U occupancy, use of 75% of snow and wind forces shall be permitted.”

- (13) Subsection 1006.3, “Seismic loads” of the International Existing Building Code is amended to read as follows:

“**1006.3 Seismic loads.** Where a *change of occupancy* results in a building being assigned to a higher risk category or where the change is from a Group S or Group U occupancy to any occupancy other than Group S or Group U, the building shall satisfy the requirements of Section 1613 of the Building Code, Chapter 5A, for the new risk category using full seismic forces.

Exceptions:

1. Where a change of use results in a building being reclassified from Risk Category I or II to Risk Category III and the seismic coefficient, SDS, is less than 0.33.
2. Where the area of the new occupancy is less than 10 percent of the building area and the new occupancy is not assigned to Risk Category IV. The cumulative effect of occupancy changes over time shall be considered.
3. Unreinforced masonry bearing wall buildings assigned to Risk Category III and to Seismic Design Category A or B shall be permitted to use Appendix Chapter A1 of this code.
4. Where the change is from a Group S or Group U occupancy, use of reduced seismic forces shall be permitted.”

(2021, ord 21-61, sec 2.)

Article 3. Reserved**Article 4. Building Work Within Special Flood Hazard Areas.****Section 5C-4-1. General applicability.**

- (a) The provisions of this article shall apply to new construction or the renovation and major alteration, addition, or reinstallation of any existing buildings or structures, within a special flood hazard area as identified by chapter 27, Hawai‘i County Code. Such construction work shall comply with chapter 16 of the International Building Code, and chapter 27, Floodplain Management.
- (b) The provisions of this article shall not apply to the following:
- (1) Any building or structure exempted from chapter 27;
 - (2) Any building or structure which has been granted a flood control variance pursuant to article 5, chapter 27; or
 - (3) Any building or structure lawfully existing prior to November 8, 1993, subject to the provisions of chapter 27.

(2021, ord 21-61, sec 2.)

Section 5C-4-2. Definitions.

As used in this article, unless it is apparent from the context that a different meaning is intended:

“Base flood elevation” means the water surface elevation of the base flood.

“Flood or flooding” means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) The overflow of inland or tidal waters;
 - (B) The unusual and rapid accumulation or runoff of surface waters from any source; or
 - (C) Mudslides (i.e., mudflows) which are approximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

“Special flood hazard area” means an area having special flood or flood-related erosion hazards, and shown on the Flood Insurance Rate Maps as Zones A, AO, AE, A99, AH, VE, or V.

“Water-tight” when referring to construction below the inundation level, means constructed to exclude moisture and withstand the hydraulic pressure resulting from the anticipated depth of inundation.

(2021, ord 21-61, sec 2.)

Section 5C-4-3. General requirements.

Contractor will provide a certified flood zone elevation mark on jobsite for flood zone elevation reference point.

(2021, ord 21-61, sec 2.)

CHAPTER 5D
ELECTRICAL CODE*

*** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Chapter 9, "electrical code," was repealed by ordinance 20-61, section 12, and replaced with chapter 5D.

Article 1. General Provisions.

- Section 5D-1-1. Title.
Section 5D-1-2. Purpose.
Section 5D-1-3. Scope; exceptions.
Section 5D-1-4. Administrative provisions.
Section 5D-1-5. Existing electrical installations.
Section 5D-1-6. Definitions.
Section 5D-1-7. Compliance required.
Section 5D-1-8. Conflict.

Article 2. Installation Requirements.

- Section 5D-2-1. National electrical code adopted.

Article 3. Electrical Work Within Special Flood Hazard Areas.

- Section 5D-3-1. General applicability.
Section 5D-3-2. Definitions.
Section 5D-3-3. General Requirements.
Section 5D-3-4. Services.
Section 5D-3-5. Ground fault protection.
Section 5D-3-6. Wiring method and material.

This page intentionally left blank.

CHAPTER 5D**ELECTRICAL CODE****** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Chapter 9, "electrical code," was repealed by ordinance 20-61, section 12, and replaced with chapter 5D.

Article 1. General Provisions.**Section 5D-1-1. Title.**

This chapter shall be known as the "electrical code."
(2020, ord 20-61, sec 4.)

Section 5D-1-2. Purpose.

The purpose of this chapter is to reduce the hazards to persons and property from electrical causes by establishing minimum standards for electrical installations in the County.
(2020, ord 20-61, sec 4.)

Section 5D-1-3. Scope; exceptions.

This chapter shall apply to electrical installations within the County inland of the shoreline high-water line.

This chapter shall not apply to work or installations not covered by the National Electrical Code, 2017 Edition, as adopted by chapter 5D, this electrical code.
(2020, ord 20-61, sec 4; am 2021, ord 21-61, sec 20.)

Section 5D-1-4. Administrative provisions.

Provisions relating to permitting, enforcement, inspection, and other administrative procedures pertaining to this chapter are contained in chapter 5, the construction administrative code.
(2020, ord 20-61, sec 4.)

Section 5D-1-5. Existing electrical installations.

Electrical installations in existence and permitted pursuant to applicable laws and standards in effect when the electrical work thereon was performed, shall not be deemed to be in violation of subsequent changes to applicable laws or standards, provided that such installations shall be subject to the provisions of section 5-2-3 of the construction administrative code.
(2020, ord 20-61, sec 4.)

Section 5D-1-6. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Article” means an article of a chapter of the National Electrical Code.

“Authority having jurisdiction” means the director of the department of public works, or the director's authorized representative.

“Building Official” means the director of the department of public works, or the director's authorized representative.

“Chapter” means chapter 5D, the electrical code, or chapter 5, the construction administrative code, or both, as the context requires.

“This code” means the electrical code, contained in chapter 5D, or the construction administrative code, contained in chapter 5, or both, as the context requires.

“Dwelling” Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“Dwelling unit” A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Electrical wiring” means any conduit, raceway, manhole, handhole, conductor, material, device, fitting, apparatus, appliance, fixture, or equipment constituting a part of or connected to any electrical installation, attached or fastened to any building, structure, or premises and which installation or portion thereof is designed, intended, or used to generate, transmit, transform, or utilize electrical energy within the scope and purpose of the National Electrical Code.

“Electrical work” means the installation, alteration, reconstruction, or repair of electrical wiring.

“Inundation level” means the maximum expected water level due to flooding by rainfall runoff, wind, waves, and tsunamis as established by the authority having jurisdiction.

“NEC” means the National Electrical Code, NFPA 70, 2017 Edition, published by the National Fire Protection Association.

“NFPA” means the National Fire Protection Association.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation; or its or their successors or assigns, according to the context thereof.

“Portable appliances” means any cord/plug connected device that is readily moveable.

“Qualified person” a person holding a valid, unexpired, and unrevoked journey worker electrician, journey worker specialty electrician, supervising electrician, or supervising specialty electrician license under chapter 448E, Hawai‘i Revised Statutes, and who has skills and knowledge related to the construction and operation of the electrical equipment and installations and has received safety training to recognize and avoid the hazards involved.

(2020, ord 20-61, sec 4; am 2021, ord, 21-61, sec 21.)

Section 5D-1-7. Compliance required.

- (a) No person shall perform or cause to be performed any electrical work which does not comply with the provisions of this code or any permit issued pursuant to this code.
- (b) No person shall perform any work covered by this code in violation of the provisions of chapter 448E, Hawai‘i Revised Statutes.
- (c) Any approval or permit issued pursuant to the provisions of this code shall comply with all applicable requirements of this code.
- (d) The granting of a permit, variance, or approval of plans or specifications pursuant to this code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2020, ord 20-61, sec 4.)

Section 5D-1-8. Conflict.

- (a) If any provisions of this code conflict with or contravene provisions of the Hawai‘i State Electrical Code or the National Electrical Code that have been incorporated by reference, the provisions of this code shall prevail as to all matters and questions arising out of the subject matter of such provisions.
- (b) In situations where two or more provisions of this code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2020, ord 20-61, sec 4.)

Article 2. Installation Requirements.

Section 5D-2-1. National electrical code adopted.

- (a) The National Electrical Code, 2017 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy MA, 02169-7471, including appendices, is incorporated by reference and made a part of this code, subject to any amendments hereinafter set forth in this chapter.
- (b) The scope, technical specifications, and exemptions set forth in the National Electrical Code, 2017 Edition, are hereby adopted as the standard for electrical work covered by this code, provided there are no specific provisions in any other section of this code covering the particular matter.
- (c) A copy of the National Electrical Code, 2017 Edition, shall be available for public inspection at the Hilo and Kailua-Kona offices of the department of public works and at the office of the County clerk.

(2020, ord 20-61, sec 4.)

CHAPTER 5E

ENERGY CONSERVATION CODE*

*** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Article 5 of chapter 5, "energy conservation," was repealed by ordinance 20-61, section 12, and replaced with chapter 5E.

Article 1. General Provisions.

- Section 5E-1-1. Title.
- Section 5E-1-2. Purpose.
- Section 5E-1-3. Scope; exceptions.
- Section 5E-1-4. Administrative provisions.
- Section 5E-1-5. Existing construction and installations.
- Section 5E-1-6. Definitions.
- Section 5E-1-7. Compliance required.
- Section 5E-1-8. Conflict.

Article 2. Installation Requirements.

- Section 5E-2-1. International Energy Conservation Code adopted.

This page intentionally left blank.

CHAPTER 5E**ENERGY CONSERVATION CODE****** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Article 5 of chapter 5, "energy conservation," was repealed by ordinance 20-61, section 12, and replaced with chapter 5E.

Article 1. General Provisions.**Section 5E-1-1. Title.**

This chapter shall be known as the "energy conservation code."
(2020, ord 20-61, sec 5.)

Section 5E-1-2. Purpose.

The purpose of this chapter is to promote the design of energy-efficient building envelopes and installation of energy-efficient mechanical, lighting, and power systems by establishing minimum standards that promote modern and up-to-date energy-efficient performance in the construction, alteration, or equipment of buildings or structures in the County of Hawai'i.
(2020, ord 20-61, sec 5.)

Section 5E-1-3. Scope; exceptions.

This chapter sets forth minimum requirements for the design and construction of buildings for the effective use of energy and is intended to provide flexibility to allow the use of innovative approaches and techniques to achieve the effective use of energy. It shall apply to all commercial and residential buildings, building sites, and associated systems and equipment within the County inland of the shoreline high-water line. Exceptions to these minimum requirements are listed below:

This chapter shall not apply to:

- (1) Work or installations not covered by the International Energy Conservation Code, 2015 Edition, as adopted and amended by the State Energy Conservation Code, chapter 3-181.1, Hawai'i Administrative Rules;
- (2) Work on buildings or premises owned by or under the direct control of the Federal government; or
- (3) Agricultural buildings, structures, and appurtenances without electrical power and plumbing systems are exempt from permit and construction code requirements, pursuant to section 46-88, Hawai'i Revised Statutes, except as otherwise provided for in this construction code.

(2020, ord 20-61, sec 5.)

Section 5E-1-4. Administrative provisions.

Provisions relating to permitting, enforcement, inspection, and other administrative procedures pertaining to this chapter are contained in chapter 5, the construction administrative code.

(2020, ord 20-61, sec 5.)

Section 5E-1-5. Existing construction and installations.

Construction and installations in existence and permitted pursuant to applicable laws and standards in effect when the work thereon was performed, shall not be deemed to be in violation of subsequent changes to applicable laws or standards, provided that such installations shall be subject to the provisions of section 5-2-3 of the construction administrative code.

(2020, ord 20-61, sec 5.)

Section 5E-1-6. Definitions.

“Authority having jurisdiction” means the director of the department of public works, or the director’s authorized representative.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

“This code” means the energy conservation code, contained in chapter 5E, or the construction administrative code, contained in chapter 5, or both, as the context requires.

“Construction code” means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Engineer” means a person who is licensed and in good standing as a professional engineer in the State of Hawai‘i.

“Existing building” means a building erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“ICC” means the International Code Council.

“ICC section” means a section of a chapter of the International Energy Conservation Code.

“IECC” means the ICC, International Energy Conservation Code, 2015 edition, as copyrighted by the International Code Council.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation, or its or their successors or assigns, according to the context thereof.

“Section” means a section of a chapter of the Uniform Plumbing Code.

(2020, ord 20-61, sec 5; am 2021, ord 21-61, secs 22 and 23.)

Section 5E-1-7. Compliance required.

- (a) No person shall perform or cause to be performed any work which does not comply with the provisions of this code or any permit issued pursuant to this code.
- (b) No person shall perform any work covered by this code in violation of the provisions of chapter 444, Hawai‘i Revised Statutes.
- (c) Any approval or permit issued pursuant to the provisions of this code shall comply with all applicable requirements of this code.
- (d) The granting of a permit, variance, or approval of plans or specifications pursuant to this code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2020, ord 20-61, sec 5.)

Section 5E-1-8. Conflict.

- (a) If any provisions of this code conflict with or contravene provisions of the State Energy Code, found in chapter 3-181, Hawai‘i Administrative Rules, or the International Energy Conservation Code, 2015 Edition, that have been incorporated by reference, the provisions of this code shall prevail as to all matters and questions arising out of the subject matter of such provisions.
- (b) In situations where two or more provisions of this code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2020, ord 20-61, sec 5.)

Article 2. Installation Requirements.

Section 5E-2-1. International Energy Conservation Code adopted.

- (a) The “International Energy Conservation Code, 2015 Edition” herein referred to as the “International Energy Conservation Code,” as copyrighted and published in 2015 by the International Code Council, Incorporated, 500 New Jersey Avenue, 6th Floor, Washington, DC 20001, is incorporated by reference and made a part of this chapter, subject to the amendments hereinafter set forth in this article.

The appendices of the International Energy Conservation Code are not adopted except as provided in this article. A copy of the International Energy Conservation Code shall be available for public inspection at the Hilo and Kailua-Kona offices of the department of public works and at the office of the County clerk.

(b) This incorporation by reference includes all parts of the International Energy Conservation Code, 2015 Edition, subject to the amendments hereinafter set forth.

(1) Subsection C101.1 of the International Energy Conservation Code is amended to read as follows:

“**C101.1 Title.** This code shall be known as the Energy Conservation Code and shall be cited as such. “This code” when used within the International Energy Conservation Code as incorporated by reference herein, means the Energy Conservation Code of the County of Hawai‘i.”

(2) Subsections C101.2 and C101.3 of the International Energy Conservation Code are deleted in their entirety.

(3) Subsection C101.4 of the International Energy Conservation Code is amended to read as follows:

“**C101.4 Applicability.** Where, in any specific case, different sections of this code or other adopted codes specify different materials, methods of construction or other requirements, the *code official* shall determine which code requirements shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.”

(4) Subsection C102.1 of the International Energy Conservation Code is amended to read as follows:

“**C102.1 General.** This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been *approved* by the *code official* as meeting the intent of this code.

The *code official* may allow alternative energy conservation standards for nonstandard building materials, unique or limitations of design, special methods of construction, and geographical location. The *code official* may require construction plans, research reports, and tests prepared by a registered design professional in order to determine whether to allow such lower standards.”

CHAPTER 5F
PLUMBING CODE*

*** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Chapter 17, "plumbing code," was repealed by ordinance 20-61, section 12, and replaced with chapter 5F.

Article 1. General Provisions.

- Section 5F-1-1. Title.
Section 5F-1-2. Purpose.
Section 5F-1-3. Scope; exceptions.
Section 5F-1-4. Administrative provisions.
Section 5F-1-5. Existing plumbing installations.
Section 5F-1-6. Definitions.
Section 5F-1-7. Compliance required.
Section 5F-1-8. Conflict.

Article 2. Installation Requirements.

- Section 5F-2-1. Uniform plumbing code adopted.

Article 3. Plumbing Work Within Special Flood Hazard Areas.

- Section 5F-3-1. General applicability.
Section 5F-3-2. Definitions.
Section 5F-3-3. Drainage (plumbing) systems.
Section 5F-3-4. Private sewage disposal/treatment.
Section 5F-3-5. Water supply systems.
Section 5F-3-6. Plumbing piping under buildings.

This page intentionally left blank.

CHAPTER 5F
PLUMBING CODE*

*** Editor's Notes:**

1. Pursuant to section 107-28, Hawai'i Revised Statutes ("HRS"), each County shall amend and adopt the Hawai'i State building codes and standards listed in HRS, section 107-25 within two years after adoption by the State Building Code council. If a County does not amend, adopt, and update a State code within this time frame, the respective State code shall become applicable as an interim County code.
2. Chapter 17, "plumbing code," was repealed by ordinance 20-61, section 12, and replaced with chapter 5F.

Article 1. General Provisions.

Section 5F-1-1. Title.

This chapter shall be known as the "plumbing code."
(2020, ord 20-61, sec 6.)

Section 5F-1-2. Purpose.

The purpose of this chapter is to provide for the protection of the public health and safety by establishing minimum standards for the installation, alteration, or repair of plumbing, gas, and drainage systems and the inspection thereof in the County.
(2020, ord 20-61, sec 6.)

Section 5F-1-3. Scope; exceptions.

This chapter shall apply to all new construction, relocated buildings, and to any alterations, repairs, or reconstruction within the property lines of the premises, within the County inland of the shoreline high-water line. Exceptions to these minimum requirements are listed below:

This chapter shall not apply to:

- (1) Work or installations not covered by the Uniform Plumbing Code, 2012 Edition, as adopted by the Hawai'i State Plumbing Code;
- (2) Work on buildings or premises owned by or under the direct control of the Federal government;
- (3) Work in public State or County road right-of-ways for utility installations and mechanical equipment not specifically regulated in this code where installed:
 - (A) Outside the proposed premises or boundary lines in a subdivision under development; or
 - (B) In an approved subdivision, where the work is in planned or actual roadways or other common infrastructure areas;
- (4) Pursuant to section 448E-13, Hawai'i Revised Statutes, work by employees of a public utility within the State under a franchise or charter granted by the State which is regulated by the public utilities commission and community antennae television company, while so employed;
- (5) Plumbing work related to work regulated by chapter 397, Hawai'i Revised Statutes, relating to boilers and pressure vessels; or

- (6) Agricultural buildings, structures, and appurtenances without electrical power and plumbing systems are exempt from permit and construction code requirements, pursuant to section 46-88, Hawai'i Revised Statutes, except as otherwise provided for in this construction code. No plumbing systems shall be connected to a building or structure without first obtaining a permit for plumbing work.

(2020, ord 20-61, sec 6.)

Section 5F-1-4. Administrative provisions.

Provisions relating to permitting, enforcement, inspection, and other administrative procedures pertaining to this chapter are contained in chapter 5, the construction administrative code.

(2020, ord 20-61, sec 6.)

Section 5F-1-5. Existing plumbing installations.

Plumbing installations in existence and permitted pursuant to applicable laws and standards in effect when the plumbing work thereon was performed, shall not be deemed to be in violation of subsequent changes to applicable laws or standards, provided that such installations shall be subject to the provisions of section 5-2-3 of the construction administrative code.

(2020, ord 20-61, sec 6.)

Section 5F-1-6. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

“Accessory structure” means a structure not greater than 3,000 square feet (279 m²) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

“Authority having jurisdiction” means the director of the department of public works, or the director’s authorized representative.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

“Certified medical gas installer” means a qualified installer who has successfully passed a National Inspection Testing Certification Service competency examination in accordance with the ASSE Series 6000 Standard, section 6010.

“Certified medical gas verifier” means a qualified installer who has successfully passed a National Inspection Testing Certification Service competency examination in accordance with the ASSE Series 6000 Standard, Section 6030.

“This code” means the plumbing code, contained in chapter 5F, or the construction administrative code, contained in chapter 5, or both, as the context requires.

“Construction code” means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

“Director” means the director of public works of the County of Hawai‘i or the director’s duly authorized representative.

“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Engineer” means a person who is licensed and in good standing as a professional engineer in the State of Hawai‘i.

“Existing building” means a building erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“Existing structure” means a structure erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

“IAPMO” means the International Association of Plumbing and Mechanical Officials.

“Permit” means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

- (1) 5, the construction administrative code;
- (2) 5A, the building code;
- (3) 5B, the residential building code;
- (4) 5C, the existing building code;
- (5) 5D, the electrical code;
- (6) 5E, the energy conservation code; and
- (7) 5F, the plumbing code.

“Person” means any individual, firm, partnership, association, or corporation, or its or their successors or assigns, according to the context thereof.

“Plumbing work” means the design, installation, alteration, construction, reconstruction, or repair of plumbing, gas, and drainage systems.

“Section” means a section of a chapter of the Uniform Plumbing Code.

“UPC” means the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials.

(2020, ord 20-61, sec 6; am 2021, ord 21-61, secs 24 and 25.)

Section 5F-1-7. Compliance required.

- (a) No person shall perform or cause to be performed any plumbing work which does not comply with the provisions of this code or any permit issued pursuant to this code.
- (b) No person shall perform any work covered by this code in violation of the provisions of chapter 448E, Hawaii Revised Statutes.
- (c) Any approval or permit issued pursuant to the provisions of this code shall comply with all applicable requirements of this code.
- (d) The granting of a permit, variance, or approval of plans or specifications pursuant to this code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2020, ord 20-61, sec 6.)

Section 5F-1-8. Conflict.

- (a) If any provisions of this code conflict with or contravene provisions of the Hawaii State Plumbing Code or the Uniform Plumbing Code that have been incorporated by reference, the provisions of this code shall prevail as to all matters and questions arising out of the subject matter of such provisions.
- (b) In situations where two or more provisions of this code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2020, ord 20-61, sec 6.)

Article 2. Installation Requirements.**Section 5F-2-1. Uniform plumbing code adopted.**

The Uniform Plumbing Code, 2012 Edition, published by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, CA 91761-2816, including appendices, is incorporated by reference and made a part of this code, subject to any amendments hereinafter set forth in this chapter.

- (a) The scope, technical specifications, and exemptions set forth in the Uniform Plumbing Code, 2012 Edition, are hereby adopted as the standard for plumbing work covered by this code, provided there are no specific provisions in any other section of this code covering the particular matter.
- (b) A copy of the Uniform Plumbing Code, 2012 Edition, shall be available for public inspection at the Hilo and Kailua-Kona offices of the department of public works and at the office of the County clerk.
- (c) This incorporation by reference includes all parts of the Uniform Plumbing Code, 2012 Edition, subject to the amendments hereinafter set forth.

- (1) Section 204.0 of the Uniform Plumbing Code is amended by amending the definition of “Building Drain” to read as follows:

“BUILDING DRAIN. That part of the lowest piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of buildings and conveys it to the building sewer beginning five (5) feet (1524 mm) outside the building wall.”

- (2) Section 210.0 of the Uniform Plumbing Code is amended by adding a new definition of “Health Officer” to read as follows:

“HEALTH OFFICER. Health Officer shall mean the director of health of the department of health, State of Hawai‘i, or the director’s authorized agent.”

- (3) Section 221.0 of the Uniform Plumbing Code is amended by adding a new definition of “Single Stack Vent System” to read as follows:

“SINGLE STACK VENT SYSTEM. A specially designed plumbing system wherein a common stack serves as a drainage pipe as well as a vent pipe.”

- (4) A new subsection 313.8 is added to the Uniform Plumbing Code to read as follows:

“**313.8 Seismic Supports.** Where earthquake load are applicable in accordance with the building code, plumbing piping supports shall be designed and installed for the seismic forces in accordance with the building code.”

- (5) Subsection 402.5 of the Uniform Plumbing Code is amended to read as follows:

“**402.5 Setting.** Fixtures shall be set level and in proper alignment with reference to adjacent walls. No water closet or bidet shall be set closer than 15 inches (381 mm) from its center to a side wall or obstruction nor closer than 30 inches (762 mm) center to center to a similar fixture. The clear space in front of any water closet, bidet, and lavatory, shall not be less than 24 inches (610mm) which may include adjoining floor area.”

- (6) Section 422.0 and Table 422.1 of the Uniform Plumbing Code are repealed in their entirety.

- (7) The Uniform Plumbing Code is amended by adding a new section 422.0 to read as follows:

“422.0 Minimum Number of Required Fixtures. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number required in Chapter 29 of the International Building Code.”

- (8) Subsection 507.13 of the Uniform Plumbing Code is amended by adding the following Exception to the end thereof, to read as follows:

“Exception:

- (1) Water heaters may be installed at floor level in carports having one hundred (100) percent opening on one side and fifty (50) percent net opening on another side or the equivalent of such openings on two or more sides, provided the adjacent ground level is at or below the flow level of the carport.
- (2) Fuel burning water heaters having sealed combustion chambers may be installed at floor level.
- (3) Electric water heaters in garages may be installed at floor level.”

- (9) A new subsection 508.4.5 is added to the Uniform Plumbing Code to read as follows:

“508.4.5 Access. Every attic, mezzanine, or platform more than 16 feet (4.9 meters) above the ground floor level shall be accessible by a stairway or ladder permanently fastened to the building.

Exception: No permanent access required for R-3 Occupancies.”

- (10) Subsection 604.11 of the Uniform Plumbing Code is amended to read as follows:

“604.11 Lead Content. The maximum allowable lead content in pipes, pipe fittings, plumbing fittings, and fixtures intended to convey or dispense water for human consumption shall be not more than a weighted average of 0.25 percent with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures. For solder and flux, the lead content shall be not more than 0.2 percent where used in piping systems that convey or dispense water for human consumption.

Exceptions:

- (1) Pipes, pipe fittings, plumbing fittings, fixtures or backflow preventers used for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not used for human consumption.
 - (2) Water closets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches (50 mm) in diameter or larger.”
- (11) Subsection 608.3 of the Uniform Plumbing Code is amended by adding a third sentence to the first paragraph to read as follows:

“Cylinder Expansion Tanks more than twenty-four (24) inches in vertical height, shall be secured against seismic movements within the upper top one third (1/3) of its vertical dimensions.”

- (12) Subsection 608.5 of the Uniform Plumbing Code is amended to read as follows:

“**608.5 Drains.** Relief valves shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard-drawn copper piping and fittings, CPVC, PP, or listed relief valve drain tube with fittings that will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building, with the end of the pipe not more than 2 feet (610 mm) nor less than 6 inches (152 mm) aboveground or the flood level of the area receiving the discharge and pointing downward. Such drains shall be permitted to terminate at other approved locations. Relief valve drains shall not terminate in a building’s crawl space. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.”

- (13) Subsection 715.1 of the Uniform Plumbing Code is amended to read as follows:

“**715.1 Materials.** The building sewer, beginning 5 feet (1524 mm) from a building or structure shall be of such materials as prescribed in this code.”

- (14) A new subsection 911.3 is added to the Uniform Plumbing Code to read as follows:

“911.3 Single Stack System. When approved by the administrative authority, a single-stack system based on engineered studies and tests may be used in lieu of other related provisions in this code. Plans and specifications of such systems shall be prepared and stamped by a Hawaii licensed mechanical engineer.”

- (15) Subsection 1101.11.1 of the Uniform Plumbing Code is amended to read as follows:

“1101.11.1 Primary Roof Drainage. Roof areas of a building shall be drained by roof drains or gutters. The location and sizing of drains and gutters shall be coordinated with the structural design and pitch of the roof. Unless otherwise required by the authority having jurisdiction, roof drains, gutters, vertical conductors or leaders, and horizontal storm drains for primary drainage shall be sized based on a storm of 60 minutes duration and 100 year return period. Refer to the National Weather Service rainfall map for 100 year, 60 minute storms at various locations.”

- (16) Subsection 1211.5 of the Uniform Plumbing Code is amended by adding a third sentence to read as follows:

“Ground-joint unions may only be used at exposed fixture, appliance, or equipment connections and in exposed exterior locations immediately on the discharge side of a building shutoff valve. Heavy duty flanged type unions may be used in special cases, when first approved by the administrative authority. Bushings shall not be used in concealed locations.”

- (17) A new subsection 1212.2 is added to the Uniform Plumbing Code to read as follows:

“1212.2 Anchored or strapped. Liquefied Petroleum Gas Cylinder Tank Facilities more than 24 inches in vertical height, shall be secured against seismic movements within upper top-third (1/3) of its vertical dimensions.”

- (18) A new subsection 1301.4 is added to the Uniform Plumbing Code to read as follows:

“**1301.4** The provisions of ‘Part 1 - Special Requirements for Health Care Facilities’ shall be for REFERENCE ONLY, FOR DESIGN AND CONSTRUCTION. This section will not be regulated or enforced by the County of Hawai‘i.”

- (19) Subsection 1309.1 of the Uniform Plumbing Code is amended to read as follows:

“**1309.1 General.** The provisions of ‘Part II - Medical Gas and Vacuum Systems’ shall be for REFERENCE ONLY, FOR DESIGN AND CONSTRUCTION. This section will not be regulated or enforced by the County of Hawai‘i. Installation of medical gas and vacuum piping shall be conducted by qualified Medical Gas Installers meeting the requirements of ASSE 6010. Testing and verification shall be conducted by ‘Certified Medical Gas System Verifier’ in accordance with ASSE 6030.”

- (20) Section 1326.0 of the Uniform Plumbing Code is amended by replacing “Authority Having Jurisdiction” with “Certified Medical Gas Verifier” throughout subsections 1326.1 through 1326.15.

- (21) Subsection 1327.3 of the Uniform Plumbing Code is amended to read as follows:

“**1327.3 Reports.** The inspection and testing reports shall be submitted directly to the party that contracted for the testing, who shall submit the report through channels to the responsible facility authority and others that are required.

Reports shall contain detailed listings of findings and results.

The licensed mechanical engineer responsible for the design and observation of the system shall provide a statement that the certification tests of section 1326.0 as applicable, have been verified and to the best of such engineer's knowledge complies with the installation requirements.”

- (22) Table 1401.1 of the Uniform Plumbing Code is amended by adding the following standards to be inserted between Standard Number SAE-J1670-2008 and TCNA A118-10-2011:

Standard Number	Standard Title	Application	Referenced Sections
State of Hawai'i - Rev. Sept. 2000	Standard Details for Public Works Construction	Various	Various
State of Hawai'i – 2002	Water System Standards	Various	Various

- (23) Subsection 1601.3 of the Uniform Plumbing Code is amended to read as follows:

“1601.3 Permit or Approval.

It shall be unlawful for any person to construct, install, alter, or cause to be constructed, installed, or altered any alternate water source system in a building or on a premises without first obtaining a permit or approval to do such work from the Authority Having Jurisdiction.

Exceptions:

- (1) A permit is not required for exterior rainwater catchment systems used for outdoor drip and subsurface irrigation with a maximum storage capacity of 360 gallons (1363 L).
- (2) A plumbing permit is not required for rainwater catchment systems for single family dwellings where outlets, piping, and system components are located on the exterior of the building. This does not exempt the need for permits where required for electrical connections, tank supports, or enclosures.”

- (24) Subsection 1602.7 of the Uniform Plumbing Code amended by amending the first paragraph to read as follows:

“1602.7 Drawings and Specifications. The Authority Having Jurisdiction shall require the following information to be included with or in the plot plan before a permit or approval is issued for a gray water system, or at a time during the construction thereof:”

- (25) Appendix D of the Uniform Plumbing Code, “Sizing Storm Water Drainage Systems,” is deleted in its entirety.
- (26) Appendix E of the Uniform Plumbing Code, “Manufactured/Mobile Home Parks and Recreational Vehicle Parks,” is deleted in its entirety.

- (27) Appendix F of the Uniform Plumbing Code, “Firefighter Breathing Air Replenishment Systems,” is deleted in its entirety.
- (28) Appendix G of the Uniform Plumbing Code is amended by amending its title to read as follows:

“APPENDIX G

**SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED
WITH DRAFT HOODS, CATEGORY I APPLIANCES, AND APPLIANCES
LISTED FOR USE WITH TYPE B VENTS**

FOR REFERENCE ONLY

(The content of this Appendix is based on Annex G of NFPA 54)”

- (29) Appendix H of the Uniform Plumbing Code, “Private Sewage Disposal Systems,” is amended by amending its title to read as follows:

“APPENDIX H

COMMERCIAL OR INDUSTRIAL SPECIAL LIQUID WASTE DISPOSAL

FOR REFERENCE ONLY”

(2020, ord 20-61, sec 6.)

Article 3. Plumbing Work Within Special Flood Hazard Areas.**Section 5F-3-1. General applicability.**

- (a) The provisions of this article shall apply to the: installation of any new plumbing system; or the renovation and major alteration, addition, or reinstallation of any existing plumbing system within a special flood hazard area as identified by chapter 27, Hawaii County Code. All installations shall comply with chapter 27, Floodplain Management.
- (b) The provisions of this article shall not apply to the following:
- (1) Any plumbing system serving a building or structure exempted from chapter 27;
 - (2) Any plumbing system serving a building or structure which has been granted a flood control variance pursuant to article 2, chapter 27; or
 - (3) Any plumbing system lawfully existing prior to November 8, 1993, subject to the provisions of chapter 27.

(2020, ord 20-61, sec 6.)

Section 5F-3-2. Definitions.

As used in this article, unless it is apparent from the context that a different meaning is intended:

“Base flood elevation” means the water surface elevation of the base flood.

“Flood or flooding” means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) The overflow of inland or tidal waters;
 - (B) The unusual and rapid accumulation or runoff of surface waters from any source; or
 - (C) Mudslides (i.e., mudflows) which are approximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

“Special flood hazard area” means an area having special flood or flood-related erosion hazards, and shown on the Flood Insurance Rate Maps as Zones A, AO, AE, A99, AH, VE, or V.

(2020, ord 20-61, sec 6.)

Section 5F-3-3. Drainage (plumbing) systems.

- (a) Drainage systems that have openings below the base flood elevation shall be provided with an automatic backwater valve installed in each discharge line passing through a building exterior wall, except backwater valves may be deleted if the fixture drainage openings are located at or above a floor level which is above the surrounding ground level.
 - (b) Drainage systems for emergency servicing facilities that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping and appurtenances to withhold or postpone sewage discharge to the sewer system during the flood. The holding tank shall be sized for storage of at least one hundred fifty percent of the anticipated demand for a twenty-four hour period. Vents provided for such holding tank shall terminate at an elevation of at least one foot above the base flood elevation.
 - (c) All pipes in a plumbing vent system shall terminate at an elevation of at least one foot above the base flood elevation.
 - (d) All pipe openings through exterior walls below the base flood elevation shall be floodproofed to prevent infiltration of flood water through spaces between pipes and wall construction materials by use of embedded collars, sleeves, waterstops, or other means as may be approved by the authority having jurisdiction.
- (2020, ord 20-61, sec 6.)

Section 5F-3-4. Private sewage disposal/treatment.

An individual private sewage disposal system or a treatment facility may be permitted in a special flood hazard area when the design and location of such system or facility is approved by the State department of health. In addition to complying with public health regulations and administrative rules of the State department of health, any such new or replacement sewage disposal system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

(2020, ord 20-61, sec 6.)

Section 5F-3-5. Water supply systems.

- (a) Potable water supply systems that are located in a special flood hazard area shall be designed and installed in such a manner as to prevent contamination from flood waters up to the base flood elevation. Location and construction of private water supply wells shall comply with rules and regulations of the department of water supply of the County of Hawai'i.
- (b) Potable water supply tanks, filters, softeners, heaters, and all water-supplied appliances and fixtures located below the base flood elevation shall be protected against contamination by covers, walls, copings, or castings. All vent pipes serving the water supply system shall terminate at an elevation of at least one foot above the base flood elevation.

- (c) Backflow preventers or devices approved by the department of water supply shall be installed on water service lines as close to the property control valve as possible to protect the public water system from backflow or back siphonage of flood waters or other contaminants in the event of a line break. Devices shall be installed at accessible locations and shall be maintained in good working condition by the owner. The backflow preventers or devices shall be subject to periodic testing as prescribed in the rules and regulations of the department of water supply.
- (d) An approved double-check valve assembly shall be used in lieu of any vacuum breaker, permitted, or otherwise required under this chapter when located below the regulatory flood elevation.
- (e) Air relief valves are permitted on private pipelines only when installed at least one foot above the base flood elevation.

(2020, ord 20-61, sec 6.)

Section 5F-3-6. Plumbing piping under buildings.

Plumbing piping under buildings constructed on stilts shall be securely anchored against lateral movement and flotation and protected against damage by flood water and debris. Protection shall be provided by the structural enclosure of such piping or by attaching such piping to the downstream side of structural members which are large enough to provide this protection.

(2020, ord 20-61, sec 6.)

CHAPTER 14**GENERAL WELFARE****Article 1. Alcoholic Beverages.****Section 14-1. Intoxicating liquors prohibited in certain public places.**

- (a) No person shall drink, offer to drink, or display in public view in the following public areas or buildings located thereon, any intoxicating liquors, whether in a bottle, jug, container or otherwise:
- (1) Public highways and public rights-of-way, public sidewalks, public breakwaters and public seawalls, except seawalls in parks where drinking is not prohibited;
 - (2) Public parking lots, which for the purposes of this section shall mean the entire area within any County-owned or operated off-street parking lot or facility, including but not limited to parking and loading stalls, designated parking areas within County parks, landscaping strips, stairwells and pedestrian passageways, internal roadways, and roadways for ingress to and egress from such parking lot or facility;
 - (3) Public school grounds and buildings;
 - (4) Public areas or buildings contiguous to all public school grounds and buildings, except as provided herein;
 - (5) Public parks, except parks enumerated in section 14-2, on which children's playground equipment, such as slides, jungle gyms, seesaws and swings are located;
 - (6) That certain portion of parcel 24 consisting of some twenty-seven thousand ninety-nine square feet, more or less, being a portion of the property designated upon the tax maps of the Third Taxation Division as Tax Map Key No. (3)1-5-2-24, and located in Pāhoa, District of Puna, County and State of Hawai'i;
 - (7) South Hilo:
 - (A) Ainaola Park;
 - (B) Clem Akina Park;
 - (C) Ahualani Park;
 - (D) All public areas, except Coconut Island, located on the Waiākea Peninsula, makai of Kamehameha Avenue-Kalaniana'ole Avenue from the Wailoa River estuary to the site of the former Reeds Bay Restaurant (TMK Nos. 2-1-06:11, 12, 19, and 20);
 - (E) Drag Strip, Hilo;
 - (F) Kalākaua Park;
 - (G) Kaūmana Caves;
 - (H) Keikiland;
 - (I) Lanakila Center;
 - (J) Lincoln Park;

- (K) Lōkahi Park;
- (L) Mo'ōheau Park;
- (M) Pana'ewa Park;
- (N) Honoli'i Beach Park;
- (O) Richardson Park and Center;
- (P) Skeet and Trap Range;
- (Q) Waiākea Recreation Center;
- (R) Waiākea-Waena Playground;
- (S) Waiolama Canal Archery/Jogging Area;
- (T) Zoo, Pana'ewa Rainforest;
- (U) All cemeteries;
- (V) All swimming pools;
- (W) All tennis courts (except Edith Kanakaole);
- (X) Bakers Beach;
- (Y) Hualani Park;
- (Z) Mohouli Park;
- (AA) Wai'olena and Wai'uli Beach Parks, portion located between the pavilions and the west end of the seawall beginning at a point four-tenths of a mile west of Leleiwi Street and extending three hundred twelve feet in the westerly direction;
- (AB) James Kealoha Beach Park;
- (AC) Lehia Beach Park.
- (8) North/South Kona:
 - (A) Kailua Playground;
 - (B) Ku'emanu Heiau;
 - (C) Kailua Park, except as provided in section 14-2(a)(2)(F);
 - (D) All swimming pools;
 - (E) All tennis courts;
 - (F) Higashihara Park;
 - (G) Hillcrest Park;
 - (H) Clarence Lum Won Park;
 - (I) La'aloa Bay Beach Park;
 - (J) Hōnaunau Boat Ramp.
- (9) Ka'ū:
 - (A) Pāhala School Ground;
 - (B) All swimming pools;
 - (C) All tennis courts.
- (10) Puna:
 - (A) Glenwood Park;
 - (B) Kalapana Playground;
 - (C) All swimming pools;
 - (D) All tennis courts;
 - (E) Kahakai Park.
- (11) North Hilo/Hāmākua:
 - (A) Laupāhoehoe Playground;
 - (B) All swimming pools;

- (C) All tennis courts;
- (D) Waipi'o Lookout.
- (12) North/South Kohala:
 - (A) Church Row;
 - (B) All swimming pools;
 - (C) All tennis courts;
 - (D) Waikoloa Highway Park;
 - (E) Spencer Beach Park;
 - (F) Kamakoa Nui Park;
 - (G) Spencer Kalani Schutte District Park.

(1982, ord 810, sec 1; am 1983 CC, c 14, art 1, sec 14-1; am 1987, ord 87-70, sec 1; am 1990, ord 90-104, sec 1; am 1993, ord 93-7, sec 1; am 1996, ord 96-54, sec 1; am 2008, ord 08-7, sec 3; am 2010, ord 10-5, sec 1; am 2013, ord 13-77, sec 1; am 2017, ord 17-55, sec 1; am 2018, ord 18-61, sec 3; am 2019, ord 19-43, sec 3; am 2020, ord 20-59, sec 3; am 2021, ord 21-87, sec 1.)

Section 14-2. Areas requiring permits for intoxicating liquors between the hours of 10:00 a.m. and 10:00 p.m.

- (a) Permits shall allow drinking of intoxicating liquors only between the hours of 10:00 a.m. and 10:00 p.m.
 - (1) South Hilo:
 - (A) Bayfront Beach;
 - (B) Coconut Island;
 - (C) Hilo Armory;
 - (D) Ho'olulu Complex;
 - (E) Pōmaika'i Senior Center;
 - (F) Wainaku Gym;
 - (G) Equestrian Center, Pana'ewa;
 - (H) Hakalau Park;
 - (I) Honomū Park;
 - (J) Carvalho Park;
 - (K) Pepe'ekeo Community Center;
 - (L) University Heights Park.
 - (2) North/South Kona:
 - (A) Hale Hālāwai;
 - (B) Hōnaunau Arena;
 - (C) Imin Center;
 - (D) Yano Hall;
 - (E) Greenwell Park;
 - (F) That area in the terminal at Kailua Park specifically designated by the director of parks and recreation;
 - (G) Old Kona Airport Park picnic pavilions and Events Pavilion excluding the runway and areas surrounding the runway, Pawai Bay, and the park area at the end of the runway;
 - (H) Kahalu'u Beach Park;
 - (I) Magic Sands Beach Park, otherwise known as Disappearing Sands Beach Park or White Sands Beach Park;
 - (J) Pāhoehoe Beach Park.

- (3) Ka'ū:
 - (A) Nā'ālehu Park;
 - (B) Pahala Community Center;
 - (C) Hawaiian Ocean View Park.
- (4) Puna:
 - (A) Pāhoa Neighborhood Facility;
 - (B) Volcano Community Center;
 - (C) Kurtistown Park;
 - (D) Mt. View Park;
 - (E) Shipman Park;
 - (F) Isaac Kepo'okalani Hale Beach Park.
- (5) North Hilo/Hāmākua:
 - (A) Honoka'a Rodeo Arena;
 - (B) Haina Park;
 - (C) Honoka'a Park.
- (6) North/South Kohala:
 - (A) Kamehameha Park;
 - (B) Kohala Senior Center;
 - (C) Waimea Park;
 - (D) Waimea Senior Center.

(1982, ord 810, sec 2; am 1983 CC, c 14, art 1, sec 14-2; am 1987, ord 87-70, sec 1; am 1990, ord 90-122, sec 2; am 2008, ord 08-121, sec 1; am 2009, ord 09-144, sec 2; am 2010, ord 10-6, sec 2; am 2016, ord 16-75, sec 1.)

Section 14-2.1. Intoxicating liquors allowed between the hours of 6:00 p.m. and 10:00 p.m.

- (a) No person shall drink, offer to drink, or display in public view in the following public areas or buildings located thereon, any intoxicating liquors, whether in a bottle, jug, container or otherwise, except between the hours of 6:00 p.m. and 10:00 p.m.
 - (1) South Hilo:
 - (A) Ainako Park;
 - (B) Kaiwiki Park;
 - (C) Kaūmana Park and Playground;
 - (D) Kaūmana Lani Park;
 - (E) Kula'imano Park;
 - (F) Malama Park;
 - (G) Pāpa'ikou Park;
 - (H) Waiākea-Uka Park;
 - (I) Wainaku Playground.
 - (2) North/South Kona:
 - (A) Reserved.
 - (3) Ka'ū:
 - (A) Wai'ōhinu Park.

- (4) Puna:
 - (A) Hawaiian Beaches Park.
 - (5) North Hilo/Hāmākua:
 - (A) Āhualoa Park;
 - (B) Laupāhoehoe Senior Center;
 - (C) Pa‘auilo Park;
 - (D) Pāpa‘aloa Park.
 - (6) North/South Kohala:
 - (A) Waikoloa Village Park.
- (1987, ord 87-70, sec 1; am 2016, ord 16-75, sec 2.)

Section 14-2.2. Intoxicating liquors allowed between the hours of 10:00 a.m. and 10:00 p.m.

- (a) Persons may drink intoxicating liquors in the following public areas or buildings located thereon between the hours of 10:00 a.m. and 10:00 p.m.:
 - (1) South Hilo:
 - (A) Carlsmith Park;
 - (B) Hilo Senior Center;
 - (C) Kolekole Beach Park;
 - (D) Wai‘olena and Wai‘uli Beach Parks, except a portion located between the pavilions and the west end of the seawall beginning at a point four-tenths of a mile west of Leleiwi Street and extending three hundred twelve feet in the westerly direction;
 - (E) Onekahakaha Beach Park.
 - (2) North/South Kona:
 - (A) Ho‘okena Beach Park;
 - (B) Miloli‘i Beach Park.
 - (3) Ka‘ū:
 - (A) Punalu‘u Beach Park;
 - (B) Whittington Beach Park.
 - (4) Puna:
 - (A) Harry K. Brown Park;
 - (B) Kaimū Beach Park.
 - (5) North Hilo/Hamakua:
 - (A) Kukuihaele Social Hall;
 - (B) Laupāhoehoe Beach Park;
 - (C) Waikaumalo Park.

- (6) North/South Kohala:
 - (A) Kapa‘a Beach Park;
 - (B) Kēōkea Beach Park;
 - (C) Māhukona Beach Park;
 - (D) Māhukona Boat Ramp.

(1987, ord 87-70, sec 1; am 1990, ord 90-104, sec 2; am 1990, ord 90-122, sec 3; am 1996, ord 96-54, sec 2; am 2008, ord 08-7, sec 4; am 2009, ord 09-144, sec 1; am 2010, ord 10-6, sec 1; am 2017, ord 17-55, sec 2; am 2021, ord 21-87, sec. 2.)

Section 14-3. Permit application.

- (a) Only persons twenty-one years of age or older who show satisfactory proof of their age and who comply with the requirements set forth in this section shall be entitled to a permit.
- (b) Any person desiring to obtain a permit, required by section 14-2, shall make application in writing to the chief of police or the chief’s authorized representative. The application shall be signed by the applicant and the person who will be responsible for the conduct of all persons at the gathering or occasion, and shall include:
 - (1) The full name and address of the applicant, if an individual, and, if a firm, association, corporation or club, the full names and addresses of its principal officers.
 - (2) The full name and address of the person who will be responsible for the conduct of all persons at the occasion or gathering. Such person shall be of good moral character. The chief of police or the chief’s authorized representative may, in the chief of police’s or the chief’s authorized representative’s discretion, require proof of good moral character if they have good reason to doubt the moral character of the person. The proof shall be in the form of an affidavit signed by two or more responsible persons stating the duration and nature of their knowledge and acquaintance with the person and that the person is of good moral character.
 - (3) The place for which a permit is desired.
 - (4) The date and time for which a permit is desired. In no event shall the permit extend beyond 10:00 p.m.
 - (5) The nature of the occasion or gathering.
 - (6) The approximate number of persons to be in attendance.

(1983 CC, c 14, art 1, sec 14-3; am 1987, ord 87-70, sec 1; am 1990, ord 90-122, sec 4.)

Article 7. Veterans Advisory Committee.**Section 15-61. Organization.**

The veterans advisory committee shall be composed of twelve members, who shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor with the approval of the council. In addition, the Hawai'i Island Veterans Services Counselor of the Office of Veterans Services (Department of Defense of the State of Hawai'i) and the Director of the Department of Parks and Recreation, or their designated representatives, shall serve as ex-officio members of the committee, without the power to vote.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 2; am 1994, ord 94-21, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 1; am 2017, ord 17-57, sec 2.)

Section 15-62. Membership and tenure.

- (a) The members shall serve staggered terms of five years.
- (b) The membership of the committee shall include one representative each from the American Legion, Big Island National Guard Retirees Association, Big Island Retired Military Association, Disabled American Veterans, and Veterans of Foreign Wars. The committee shall also include seven at-large members. Seven or more of the twelve members of the committee shall have served in the United States uniformed services; provided that the committee may still meet and conduct business if due to a vacancy or vacancies less than seven members have served in the United States uniformed services.
- (c) Initially, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, three members shall be appointed for a term of three years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of five years.
- (d) Any vacancy on the committee shall be filled for the remainder of the unexpired term, but members whose terms have expired may continue to serve until their successors have been appointed and confirmed.
- (e) Members shall be eligible to succeed themselves for additional terms, provided that no member shall serve on the committee for more than three consecutive terms.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 3; am 1994, ord 94-21, sec 1; am 1996, ord 96-124, sec 1; am 1997, ord 97-125, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 2; am 2007, ord 07-53, sec 2; am 2017, ord 17-57, sec 3; am 2021, ord 21-65, sec 2.)

Section 15-63. Meetings of the committee.

There shall be a chairperson and vice chairperson of the committee who shall be elected biennially by the members from their membership. The chairperson shall have served in the United States uniformed services. The meetings of the committee shall be called at the discretion of the chairperson or at the request of the majority of the members of the committee with the time and place to be determined by the chairperson.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1; 2021, ord 21-74, sec 1.)

Section 15-64. Powers and duties of the committee.

It shall be the duty of the committee to act in an advisory capacity to the mayor and the council concerning all matters pertaining to the operation, management, and maintenance of the veterans cemeteries in the County, and discuss and make recommendations on issues affecting veterans residing in Hawai'i County. At the request of the mayor or the council, the committee shall discuss and make recommendations on other specific veterans-related issues. The committee may recommend such rules and regulations as it may deem necessary for the enhancement and proper management of the veterans cemeteries, or for the orderly transaction of matters referred to it.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1; am 2019, ord 19-3, sec 2.)

Article 8. Naming of Facilities.**Section 15-65. Purpose.**

The council wishes to establish systematic guidelines to be used in the naming of County parks and recreational facilities.

(1987, ord 87-134, sec 1.)

Section 15-66. Definitions.

As used in this article:

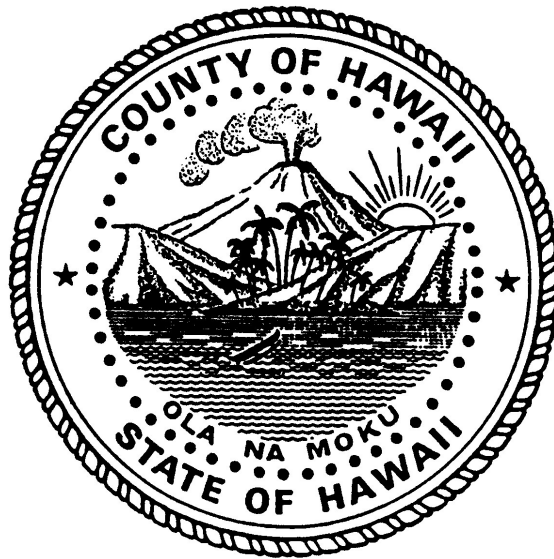
- (1) "Aesthetic areas" shall include scenic and historic sites, ponds and waterfalls.
- (2) "Open areas" shall include parks, playgrounds, fields and totlots.
- (3) "Recreational facilities" means all County facilities classified herein as aesthetic areas, open areas, special interest areas, and structures.
- (4) "Special interest areas" shall include tennis courts, golf courses, zoos, botanical gardens, equestrian center and rodeo arenas, archery ranges, rifle and skeet ranges, drag strips and other raceways, and any other facility operated or owned by the County of Hawai'i which has as its purpose the recreation, entertainment or leisure activity of members of the public as either participants or spectators.
- (5) "Structures" shall include gymnasiums, community centers, senior centers, cultural centers, pavilions, covered arenas and courts, stadiums, theaters, and any other construction which is under the administration of the department of parks and recreation of the County.

(1987, ord 87-134, sec 1.)

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 11 (1-2022)
Contains ordinances effective through: 12-31-21



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
Hilo, Hawai‘i 96720
(808) 961-8255

Volume Two

TABLE OF CONTENTS

VOLUME 1

Chapter 1	General Provisions
Chapter 2	Administration
Chapter 3	Signs
Chapter 4	Animals
Chapter 5	Construction Administrative Code
Chapter 5A	Building Code
Chapter 5B	Residential Building Code
Chapter 5C	Existing Building Code
Chapter 5D	Electrical Code
Chapter 5E	Energy Conservation Code
Chapter 5F	Plumbing Code
Chapter 6	Businesses
Chapter 7	Civil Defense
Chapter 8	Dedication of Land
Chapter 9	Reserved
Chapter 10	Erosion and Sedimentation Control
Chapter 11	Housing
Chapter 12	Improvements by Assessments
Chapter 13	Minors
Chapter 14	General Welfare
Chapter 15	Parks and Recreation
Chapter 16	Planning
Chapter 17	Reserved
Chapter 18	Public Transportation

VOLUME 2

- Chapter 19 Real Property Taxes
- Chapter 20 Integrated Solid Waste Management
- Chapter 21 Sewers
- Chapter 22 County Streets
- Chapter 23 Subdivisions
- Chapter 24 Vehicles and Traffic
 - Traffic Schedules
- Chapter 25 Zoning
 - Zoning Annex

VOLUME 3

- Chapter 26 Fire
- Chapter 27 Flood Control
- Chapter 28 State Land Use District Boundary Amendment Procedures
- Chapter 29 Water Use and Development
- Chapter 30 Development Agreements
- Chapter 31 Enterprise Zone Program
- Chapter 32 Special Improvement Financing by Community Facilities Districts
- Chapter 33 Tax Increment Districts
- Chapter 34 Public Access
- Chapter 35 Business Improvement Districts
- Chapter 36 Redistricting
- Index
- Legislative History
 - Legislative History Table
 - Ordinance Table
- Supplement Insert Guides

Section 19-58.1.	Repealed.
Section 19-58.2.	Repealed.
Section 19-58.3.	Repealed.
Section 19-58.4.	Repealed.

Article 8. Dedications.

Section 19-59.	Native forest dedications.
Section 19-60.	Commercial agricultural use dedication.
Section 19-61.	Repealed.
Section 19-62.	Repealed.
Section 19-63.	Repealed.
Section 19-64.	Repealed.
Section 19-65.	Repealed.
Section 19-66.	Repealed.

Article 9. Nontaxable Property; Assessment.

Section 19-67.	Nontaxable property.
----------------	----------------------

Article 10. Exemptions.

Section 19-68.	Claims for certain exemptions.
Section 19-69.	Repealed.
Section 19-70.	Assignment of partial exemptions.
Section 19-71.	Homes.
Section 19-72.	Home, lease, lessees defined.
Section 19-73.	Homes of disabled or unemployable veterans.
Section 19-74.	Persons affected with Hansen's disease.
Section 19-75.	Exemption, persons who are blind, deaf, and/or totally disabled.
Section 19-76.	Nonprofit medical, hospital indemnity associations; tax exemption.
Section 19-77.	Charitable, etc., purposes.
Section 19-78.	Property used in manufacture of pulp and paper.
Section 19-79.	Crop shelters.
Section 19-80.	Exemption, dedicated lands in urban districts.
Section 19-81.	Water tanks.
Section 19-82.	Alternate energy improvements, exemption.
Section 19-83.	Repealed.
Section 19-84.	Public property, etc.
Section 19-85.	Lessees of exempt real property.
Section 19-86.	Property of the United States leased under the National Housing Act.
Section 19-87.	Exemption for low and moderate-income housing.

- Section 19-88. Claim for exemption.
- Section 19-89. Exemptions for certain Hawaiian Homes property, and other agencies.
- Section 19-89.1. Historic residential real property dedicated for preservation; exemption.
- Section 19-89.2. Credit union exemption.
- Section 19-89.3. Exemptions for enterprise zones.
- Section 19-89.4. Hawai'i Island housing trust exemption.
- Section 19-89.5. Kuleana land exemption.*

Article 11. Determination of Rates.

- Section 19-90. Real property tax; determination of rates.

Article 12. Appeals.

- Section 19-91. Appeals.
- Section 19-92. Appeals by persons under contractual obligations.
- Section 19-93. Grounds of appeal, real property taxes.
- Section 19-94. Second appeal.
- Section 19-95. Small claims.
- Section 19-96. Appointment, removal, compensation.
- Section 19-97. Board of review; duties, powers, procedure before.
- Section 19-98. Tax appeal court.
- Section 19-99. Appeal to board of review.
- Section 19-100. Cost; deposit for an appeal.
- Section 19-101. Cost; taxation.
- Section 19-102. Taxes paid pending appeal.
- Section 19-103. Amendment of assessment list to conform to decision.

Article 13. Tax Credits.

- Section 19-104. Solar water heater tax credit established.
- Section 19-105. Administration.

- (d) When a condominium property regime is declared for a property, each unit shall be classified upon consideration of its actual use into one of the general classes in the same manner as land.
- (e) Classification of land:
 - (1) Except as otherwise provided in subsection (e)(2) of this section, land shall be classified, upon consideration of its highest and best use, into the following general classes:
 - (A) Residential;
 - (B) Affordable rental housing;
 - (C) Apartment;
 - (D) Hotel and resort;
 - (E) Commercial;
 - (F) Industrial;
 - (G) Agricultural or native forests;
 - (H) Conservation; and
 - (I) Homeowner.
 - (2) In assigning land to one of the general classes the director of finance shall give major consideration to the districting established by the land use commission pursuant to chapter 205, Hawai'i Revised Statutes, the districting established by the County in its general plan and zoning ordinance, use classifications established in the general plan of the State, and such other factors which influence highest and best use, except that parcels which are used exclusively as the owner's principal residence shall be classified as "homeowner" without regard to the highest and best use, provided that the director has granted to the owner a home exemption in accordance with sections 19-71 to 19-72.
 - (A) The homeowner class is exclusively reserved for properties which are used as the owner's principal residence. Uses which shall not qualify as "homeowner" include:
 - (i) Real property which is valued according to its nondedicated agricultural use pursuant to subsection 19-57.
 - (ii) Real property which is dedicated to an agricultural use or native forest use.
 - (iii) Real property which is used for commercial or income-producing purposes, except as exempted under section 19-71(a) or (b).
 - (iv) Real property which is used for residential rental purposes, whether for short-term or long-term lease, except as exempted under section 19-71(a) and affordable rental housing.
 - (v) Real property which is used for any purpose other than the owner's principal residence.
 - (B) The affordable rental housing class is exclusively reserved for properties which meet the eligible requirements for this class and have the annual required application timely filed. Uses which shall not qualify as "affordable rental housing" include:
 - (i) Real property which is valued according to its nondedicated agricultural use pursuant to section 19-57.

- (ii) Real property which is dedicated to an agricultural use or native forest use.
- (iii) Real property which is used for commercial or income-producing purposes, except uses which is legally permitted as a home occupation in accordance with the zoning code.
- (3) Whenever there is an overlap or contradiction in districting or use classification between the County and the State, zoned districts by the County shall take precedence.
- (f) In determining the value of buildings, consideration shall be given to any additions, alterations, remodeling, modifications or other new construction, improvement or repair work undertaken upon or made to existing buildings as the same may result in higher assessable valuation of said buildings; provided, however, that the increase in value resulting from any additions, alterations, modifications or other new construction, improvements or repair work to buildings undertaken or made by the owner-occupant thereof pursuant to the requirements of any urban redevelopment, rehabilitation or conservation project under the provisions of part II of chapter 53, Hawai'i Revised Statutes, shall not increase the assessable valuation of any building for a period of seven years from the date of certification as hereinafter provided.

It is further provided that the owner-occupant shall file with the director of finance, in the manner and place which the director may designate, a statement of the details of the improvements certified in the following manner:

- (1) In the case of additions, alterations, modifications or other new construction, improvements or repair work to a building that are undertaken pursuant to any urban redevelopment, rehabilitation or conservation project as hereinabove mentioned, the statement shall be certified by the mayor or any government official designated by the mayor and approved by the council, that the additions, alterations, modifications, or other new construction, improvement or repair work to the buildings were made and satisfactorily comply with the particular urban redevelopment, rehabilitation or conservation act provision, or
- (2) In the case of maintenance or repairs to a residential building undertaken pursuant to any health, safety, sanitation or other governmental code provision, the statement shall be certified by the mayor or any governmental official designated by the mayor and approved by the council, that:
 - (A) The building was inspected by them and found to be substandard when the owner-occupant made the claim, and
 - (B) The maintenance or repairs to the buildings were made and satisfactorily comply with the particular code provision.

(g) Limitation on homeowner assessment.

For properties in the homeowner class as of January 1, 2004, the assessed value of the property shall not increase more than three percent per tax year until the parcel is sold or any portion thereof sold by way of conveyance which is subject to conveyance tax under terms of chapter 247, Hawai'i Revised Statutes, at which time the property will be assessed at market value. In addition to the three percent limit of this subsection any improvements undertaken on the property within the tax year shall be assessed at market value. All parcels entering this class after January 1, 2004 shall have the assessed value as of January 1 of the following year and be subject to the above provisions.

(h) Eligibility for affordable rental housing class.

- (1) Real property occupied as affordable rental housing must be rented at a rate not to exceed the affordable rental rate for the entire calendar year claimed and must be legally permitted by all codes.
- (2) All rental units on affordable rental housing properties must be rented at the affordable rental rates.
- (3) Affordable rental housing properties shall not be excluded by the owner's principal residence also being on the property.
- (4) For properties in the affordable rental housing class as of January 1, 2008, the assessed value of the property shall not increase more than three percent per tax year until the parcel is sold or any portion thereof sold by way of conveyance which is subject to conveyance tax under terms of chapter 247, Hawai'i Revised Statutes, at which time the property will be assessed at market value. In addition to the three percent limit of this subsection, any improvements undertaken on the property within the tax year shall be assessed at market value. All parcels entering this class after January 1, 2008, shall have the assessed value as of January 1 of the following year and be subject to the above provisions.

- (i) Application for the affordable rental housing class.
 - (1) No affordable rental housing classification shall be granted unless the claimant shall annually have filed with the department of finance, on or before December 31 preceding the tax year for which such classification is claimed, a claim for such classification in such form as shall be prescribed by the department and shall include but not be limited to rental agreements signed by the renter or excise tax returns.
 - (2) No affordable rental housing classification shall be granted unless and until a Hawai'i County real property tax assessor evaluates the property and establishes its current market value.
 - (3) The landowner shall submit a certification of rental rates affirming that the rental rates charged to all renters on that parcel shall be at the affordable rental rate and that rate will be maintained for the calendar year.
 - (j) Breach of affordable rental housing class.
 - (1) Rental of any unit during the calendar year at a rate higher than the affordable rental rate shall breach the classification.
 - (2) Any conveyance of the parcel or portion of the parcel subject to conveyance tax under terms of chapter 247, Hawai'i Revised Statutes, shall breach the classification.
 - (3) Upon breach of the classification, the tax assessment shall be cancelled retroactive to the date of the classification, but for not more than the current year, and all difference in the amount of taxes that were paid and those that would have been due from the assessment in the higher classification shall be payable with a ten percent penalty.
- (1983 CC, c 19, art 7, sec 19-53; am 1982, ord 834, sec 2; am 1984, ord 84-21, sec 1; am 1990, ord 90-136, sec 2; ord 90-157, sec 1; am 1991, ord 91-143, sec 2; am 1996, ord 96-71, sec 2; am 1997, ord 97-84, sec 1; ord 97-153, sec 2; am 2000, ord 00-48, sec 2; am 2003, ord 03-103, secs 2 and 3; am 2004, ord 04-67, sec 1; ord 04-121, sec 2; ord 04-143, sec 2; am 2006, ord 06-147, sec 2; am 2007, ord 07-107, secs 3 and 4; ord 07-163, sec 2; am 2008, ord 08-156, sec 2; am 2013, ord 13-72, sec 2; am 2014, ord 14-97, sec 2; am 2021, ord 21-32, sec 1.)

Section 19-53.1. Valuation of public utilities.

- (a) Notwithstanding any section to the contrary, the director of finance, in determining the market value assessment of the property of the public utilities, may use the values for real property as set forth in the annual financial reports of the public utilities as filed with the Public Utilities Commission, pursuant to chapter 269, Hawai'i Revised Statutes, as the basis for the director's assessment, which shall be deemed prima facie correct. Due to the unique nature of the public utility and its equipment, assignment of values to individual tax map keys is not required.
- (b) For the purposes of this section, the following definitions are also adopted:
 - (1) "Public utilities" are as defined in section 269-1, Hawai'i Revised Statutes.
 - (2) "Outside plant" means public utility real property, predominantly production, transmission, collection, switching, and distribution facilities, that may consist of one or more of the following:
 - (A) Units that have physical and functional characteristics that are so similar that they are accounted for as a group or class and are generally installed on easements.
 - (B) Transmission cable, wire or pipes, including support or conduit structures.
 - (C) Substation equipment.
 - (D) Measuring and regulating equipment.
 - (E) Generation equipment.
 - (F) Storage equipment.
 - (G) Switching equipment.
 - (3) "Plant or structure" means public utility real property improvements that are not outside plant, such as buildings, generating stations, production plants, gas compressor stations, boilers, switching plants, dams and reservoirs, circuit equipment, radio systems, terminals, satellite facilities, storage, wells, pumping facilities, and including those items which are included in the outside plant definition above.
 - (4) "Property" is the same as defined in section 19-2.

- (c) Valuations are determined as follows:
- (1) Land. Land values are determined by the market value approach in accordance with section 19-53.
 - (2) Public utility real property generally classed as outside plant, as set forth in section 19-53.1(b)(2), including but not limited to, production, transmission, collection, switching or distribution substation equipment or measuring, regulating, generation, storage or switching equipment or improved property is appraised on the basis of its reproduction cost new less allowances for physical depreciation, functional obsolescence and economic obsolescence, if any. The reproduction cost new is determined by multiplying reported inventory original cost by appropriate price indices and/or by multiplying physical inventories by appropriate unit prices. The rate of depreciation is a function of the appraised property's age, estimated service life and salvage factor. Such determinations and assessments of fair market value shall be made, to the extent possible, in accordance with the annual financial reports as filed with the Public Utilities Commission pursuant to chapter 269, Hawai'i Revised Statutes, which shall be deemed prima facie correct. For all lands of public utilities not categorized by section 19-53(a), said improvements shall be taxed at a rate assigned to the industrial classification.
 - (3) Plant; Structure. The value of improvements that are plant or structure as set forth in section 19-53.1(b)(3), including but not limited to, buildings, generating stations, gas compressor stations, switching plants, dams and reservoirs, circuit equipment, radio systems, terminals, satellite facilities, storage, wells, and pumping stations, is determined using the same methodology as is used in appraising outside plant properties.
 - (4) For the purpose of liens and foreclosure, any outside plant property shall be considered a part of any system or plant to which it is a part of and to which a tax map key has been assigned.
- (d) (1) In lieu of the assessment method as set forth in subsections (a) (b) and (c) above, a public utility, except airlines, motor carriers, common carriers by water or contract carriers taxed by section 239-6, Hawai'i Revised Statutes, may pay the County a real property tax of such rate percent of its gross income each year from its public utility business as shall be determined in the manner hereinafter provided. The tax imposed by this section is a means of taxing the real property owned by the public utility or leased to it by a lease under which the public utility is required to pay the taxes upon the property. For the purposes of this section, gross income and net income shall have the respective meanings given those terms in chapter 239, Hawai'i Revised Statutes, provided that such gross income and net income is from public

- (3) The application for a nondedicated agricultural use assessment must be signed by all owners of the land being committed.
- (4) If the application is approved, the assessment based upon the use requested in the application shall be effective as of January 1 for the following tax year.
- (5) Renewal of the application shall be in such form and at such time as required by the director.
- (d) Deferred or rollback tax.
 - (1) A deferred or rollback tax shall be imposed on the owner of the agricultural land upon any of the following events:
 - (A) Conversion to any County zoned district other than agricultural, residential and agricultural, family agricultural, intensive agricultural, or agricultural project district as a result of a petition by the owner or lessee;
 - (B) The property is subdivided into parcels of less than five acres in size; or
 - (C) A condominium property regime is declared for the property having condominium units with an area equivalent to less than five acres in size.
 - (2) The deferred tax shall commence from the date the conversion was made retroactive to the date the agricultural use assessment was approved, but for not more than a period of two years plus the current year.
 - (3) The amount of deferred taxes shall be based on the difference between the assessed market value at highest and best use and the assessed agricultural use value of the land at the tax rate applicable for the respective years, with a ten percent penalty.

(2004, ord 04-143, sec 4.)

Section 19-58. Certain lands dedicated for residential use.

- (a) The term “owner” as used in this section means a person who is the fee simple owner of real property, or who is the lessee of real property whose lease term extends at least ten years from the effective date of the dedication.
- (b) A special land reserve is established to enable the owner of any parcel of land within a hotel, apartment, resort, commercial, or industrial district to dedicate the owner’s land for residential use and to have the land assessed at its value in residential use; provided that:
 - (1) The land dedicated shall be limited to a parcel used only for single-family dwelling residential use;
 - (2) The owner of the land dedicated shall use it as the owner’s principal residence and qualify to be in the homeowner’s class per section 19-53(e)(2)(A); and
 - (3) Not more than one parcel of land shall be dedicated for residential use by any owner.

- (c) If any owner desires to use the owner's land for residential use and to have the land assessed at its value in this use, the owner shall so petition the director of finance and declare in the petition that if the petition is approved, the owner will use the land for single-family dwelling residential use only and that the land so dedicated will be used exclusively as the owner's principal residence.

Upon receipt of any such petition, the director of finance shall make a finding of fact as to whether the land described in the petition is being used by the owner for single-family dwelling residential use only and exclusively as the owner's principal residence. If the finding is favorable to the owner, the director shall approve the petition and declare the land to be dedicated.

- (d) The approval of the petition by the director of finance to dedicate shall constitute a forfeiture on the part of the owner of any right to change the use of the land for a minimum period of ten years. At least one hundred eighty days prior to the cancellation date, the department of finance shall notify the owner by mail of such cancellation. The owner of a dedicated property must renew the dedication on or before September 1 of the tenth year of the original dedication or any subsequent renewal period in order to continue the dedication for the next ten years.
- (e) Failure of the owner to observe the restrictions on the use of the land or the sale of the property shall cancel the special tax assessment privilege retroactive to the date of the dedication, or the latest renewal ten-year period, and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with a ten percent penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over twelve consecutive months to use the land in the manner requested in the petition or the overt act of changing the use for any period, or the sale of the real property. Nothing in this subsection shall preclude the County from pursuing any other remedy to enforce the covenant on the use of the land.

The additional taxes and penalties, due and owing as a result of failure to use or any other breach of the dedication shall be a paramount lien upon the property as provided for by this chapter.

- (f) The director of finance shall prescribe the form of the petition. The petition shall be filed with the director of finance by September 1 of any calendar year and shall be approved or disapproved by December 15. If approved, the dedication shall be effective on July 1 of the following tax year.
- (g) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

(1983 CC, c 19, art 7, sec 19-58; am 1997, ord 97-84, sec 1.)

Section 19-58.1. Repealed.

(1990, ord 90-137, sec 3; am 1991, ord 91-109, sec 2; ord 91-122, sec 2; am 1997, ord 97-84, sec 1; am 2003, ord 03-103, sec 4; am 2004, ord 04-122, sec 2; am 2008, ord 08-156, sec 3; rep 2021, ord 21-32, sec 2.)

Section 19-58.2. Repealed.

(1990, ord 90-137, sec 3; am 1991, ord 91-122, sec 3; am 1997, ord 97-84, sec 1; am 2008, ord 08-156, sec 3; rep 2021, ord 21-32, sec 3.)

Section 19-58.3. Repealed.

(1990, ord 90-137, sec 3; rep 1997, ord 97-84, sec 1.)

Section 19-58.4. Repealed.

(1996, ord 96-71, sec 3; am 1997, ord 97-84, sec 1; rep 2003, ord 03-103, sec 5.)

This page intentionally left blank.

This page intentionally left blank.

Article 8. [Former] Repealed.

(1983 CC, c 19, art 8, sec 19-59; rep 1997, ord 97-84, sec 1.)

Article 8. Dedications.**Section 19-59. [Former] Repealed.**

(1983 CC, c 19, art 8, sec 19-59; rep 1997, ord 97-84, sec 1.)

Section 19-59. Native forest dedications.

(a) Native forest categories.

- (1) "Native forests" means lands which have sixty percent or greater native species forest cover.
 - (A) Native species are defined as those species that are either endemic or indigenous to the Hawaiian islands. Native species in this context shall mean plants that became established or evolved in the Hawaiian islands without the aid of human beings.
 - (B) The forest cover requirement may be met by native species in either the tree layer or the understory layer, or a combination of the two; provided a minimum twenty-five percent of the forest cover shall contain tree cover.
- (2) "Functional forests" means lands which have sixty percent or greater native species forest cover combined with non-native/non-invasive species forest cover.
 - (A) Non-native/non-invasive species are defined as those species that are not native to the Hawaiian islands, having arrived with human help, which do not invade or overtake native species habitat and have a Hawai'i-Pacific Weed Risk Assessment score of six or less, with seven or more being a designation of high risk. Exceptions to the score must be justified in the forest management plan or forest restoration plan.
 - (B) The forest cover requirement may be met by native species and non-native/non-invasive species in either the tree layer or the understory layer, or a combination of the two; provided a minimum twenty-five percent of the forest cover shall contain tree cover and a minimum of half of the forest cover shall contain native species.

Section 23-55. Location of utilities within street impractical; alternative.

If in the opinion of the director, the director of public works and manager, the most suitable and reasonable location for any of the utilities, such as sewers, storm drains, water and gas pipes, electric and telephone pole lines and conduits, which are likely to be required within a subdivision for the service thereof or for the service of areas in the surrounding territory, does not lie wholly within the street width, the director may require provisions to be made for the location of such utilities on routes elsewhere than within said street width. The subdivider shall designate the required area for all such utility locations outside of the street width and shall deliver a proper easement or right-of-way for the area.

(1983 CC, c 23, art 3, sec 23-55; am 2001, ord 01-108, sec 1.)

Section 23-56. Easements for utilities; size; conveyance.

- (a) Easements or rights-of-way for sewers, storm drains and government owned water facilities shall be fifteen feet in width and centered on rear or side lot lines except for guy-wire tie-back easements, which shall be three feet wide by twenty feet long along lot lines at change of direction points of easements, except that this width may be modified where the director of public works or the manager, whichever is appropriate, finds that a greater or lesser width is necessary or satisfactory for the purpose of the use of the area.
- (b) Easements or rights-of-way for all government owned utilities including storm drains except those under the jurisdiction of the department of water supply shall be conveyed to the County and documents shall be delivered to the council for acceptance. Easements or rights-of-way for water facilities which are under the jurisdiction of the department of water supply shall be conveyed to the water commission and the documents shall be delivered to the water commission for acceptance.

(1983 CC, c 23, art 3, sec 23-56; am 2001, ord 01-108, sec 1.)

Article 4. Application for Subdivision and Preliminary Plat.**Division 1. General Provisions.****Section 23-57. Where information obtainable.**

A subdivider may call at the planning department's office for information regarding procedures and general information that may have a direct influence on the proposed subdivision.

(1983 CC, c 23, art 4, sec 23-57.)

Section 23-58. Application for subdivision; plat and plans submitted by subdivider.

- (a) The subdivider shall submit a written application for subdivision, a preliminary plat prepared, stamped and signed by a surveyor, and other supplementary material required to describe the nature and objectives of the proposed subdivision,

and shall submit the preliminary plat and other supplementary material in a format prescribed by the director.

- (b) All pertinent information on the preliminary plat shall be drawn to scale.
- (c) Where the area to be subdivided contains only part of the tract owned or controlled by the subdivider, the director may require a sketch of a tentative layout for streets in the unsubdivided portion.
- (d) Application for Resort Subdivision. The subdivider may file an application for resort subdivision. An application for resort subdivision may either be filed under this section or under any other provision of this chapter. If an application for subdivision is filed under this section, it shall be clearly designated as such. Such application shall, in addition to all other information to be submitted with the subdivision application, preliminary plat and other supplementary material, include the following:
 - (1) A statement acknowledging that all improvements will not be approved for dedication unless and until such improvements satisfy all of the requirements for dedicable improvements.
 - (2) A description of the provisions made for permanent maintenance of the private roadways within the proposed resort subdivision.
 - (3) A description of how subsequent owners of the property will be notified of the private nature of the improvements and maintenance responsibilities.

(1983 CC, c 23, art 4, sec 23-58; am 1992, ord 92-138, sec 5; am 2006, ord 06-104, sec 2; am 2015, ord 15-19, sec 1; am 2021, ord 21-52, sec 2.)

Section 23-58.1. Posting of signs for public notification.

- (a) Within ten days of filing the application for a subdivision, the applicant shall post a sign on the subject property notifying the public of the following:
 - (1) The nature of the application;
 - (2) The proposed number of lots;
 - (3) The size of the property;
 - (4) The tax map key or keys of the property;
 - (5) That they may contact the planning department for additional information; and
 - (6) The address and telephone number of the planning department.
- (b) The sign shall remain posted until final approval, or until the application has been rejected or withdrawn. The applicant shall remove the sign promptly after such action.
- (c) Notwithstanding any other provisions of law, the sign shall be not less than nine square feet and not more than twelve square feet in area, with letters not less than one inch high. No pictures, drawings, or promotional materials shall be permitted on the sign. The sign shall be posted at or near the property boundary adjacent to a public road bordering the property and shall be readable from said public road. If more than one public road borders the property the applicant shall post the sign to

Section 23-70. Supplemental information with final plat.

The following data shall be submitted with the final plat:

- (1) A complete title report issued by a licensed title company in the name of the owner of the land, showing all parties whose consents are necessary and their interests in the premises when required by the director;
- (2) A copy of any deed restrictions applicable to the subdivision;
- (3) Written proof that all taxes and assessments on the tract are paid to date; and
- (4) For nondedicable streets in a resort subdivision, the subdivider shall submit a recordable document with the director which shall describe all nondedicable streets, the ownership thereof and access rights thereon for all lots in the subdivision and the maintenance rights and responsibilities thereof. The document shall contain statements as follows: that nondedicable streets within the resort subdivision have not been built to the standards required for streets which are dedicable to the County of Hawai'i; that such streets will accordingly not be accepted for dedication unless they are brought into compliance with the requirements for dedication as of the time they are offered for dedication; and that the County is not responsible for maintenance of such nondedicable streets. The document shall be in a form acceptable to the director of public works and corporation counsel. For subdivided land within the jurisdiction of the land court, such document shall be recorded with the land court. For all other subdivided land, the document shall be recorded with the State bureau of conveyances.

(1983 CC, c 23, art 5, sec 23-70; am 1992, ord 92-138, sec 7; am 2001, ord 01-108, sec 1; am 2006, ord 06-104, sec 7; am 2021, ord 21-52, sec 3.)

Section 23-71. Subdivision not involving streets, drains, or utilities.

The preliminary plat may be approved by the director for recordation if:

- (1) The preliminary plat meets all of the requirements of a final plat; and
- (2) The subdivision involves no streets, drains, or utilities.

(1983 CC, c 23, art 5, sec 23-71.)

Section 23-72. Filing of final plat.

- (a) Within one year after tentative approval of the preliminary plat by the director, the subdivider shall have the subdivision surveyed and shall prepare a final plat which conforms with the preliminary plat as tentatively approved. The subdivider shall submit to the director a copy of the final plat, prepared in conformity with these regulations, together with a copy of a general layout map, which was originally attached to the construction drawings and specifications (where required) showing the location of lots, streets, water mains and storm drainage systems.
- (b) For good cause, the director may grant to the subdivider an extension of time within which the subdivider may file the final plat.

- (c) The time of filing the final plat means the time at which the final plat, together with all required data, is received by the director. The director shall indicate the date of filing on all copies of the final plat and accompanying data.
(1983 CC, c 23, art 5, sec 23-72; am 2006, ord 06-104, sec 7; am 2021, ord 21-52, sec 4.)

Section 23-73. Technical review.

Within thirty days after receipt of the final plat and other data, the director shall submit copies of the final plat and other data to the director of public works, manager, State department of health and district engineer when the subdivision involves State highways for review of the final plat with the director. The final plat shall be examined as to whether it is substantially similar to the approved preliminary plat and whether it is technically correct. The information on the final plat shall also be verified by entering upon the respective subdivision where deemed necessary by the director. If there is a variance, the subdivider shall be advised by the director of the changes or additions that must be made and given an opportunity to make corrections. The director’s submission of copies of the final plat to other reviewers constitutes acceptance of the contents of the final plat, provided that the director may request supplementary information, and may require the subdivider to correct errors prior to the issuance of final subdivision approval, and after final approval pursuant to section 23-74(c). The director’s issuance of final subdivision approval shall be valid despite the absence of technical information as required by section 23-69(1) and (3), or the absence of similar technical but non-substantive information required by sections 23-69 and 70.
(1983 CC, c 23, art 5, sec 23-73; am 2001, ord 01-108, sec 1; am 2006, ord 06-104, sec 7.)

Section 23-74. Final approval of plat.

- (a) When all the construction work is complete and is accepted in writing by the director of public works, the subdivider may apply for approval of the subdivision map for recordation. If the director disapproves the plat, the grounds for disapproval shall be filed in the records of the planning department. No plat shall be disapproved by the director without giving the subdivider an opportunity to correct errors in the plat.
- (b) Upon final approval, the director shall stamp the final plat:

“SUBDIVISION NUMBER _____ APPROVED FOR RECORDATION
WITH THE BUREAU OF CONVEYANCES, STATE OF HAWAII.”

The approval shall bear the signature of the director. The planning department shall then retain one copy of the final plat, and forward one copy of the final plat to the County real property tax office, and one copy of the final plat to the subdivider. The approval of the final plat by the director shall not be deemed to constitute or effect an acceptance by the County of the dedication of any street or other easement shown on the plat.

- (c) The approval for recordation of the final plat by the director shall not relieve the subdivider of the responsibility for any error in the dimensions or other discrepancies. Such errors or discrepancies shall be revised or corrected, upon request, to the satisfaction of the director.
- (d) Nondedicable Streets. In addition to all other requirements for approval of the final plat herein, if the subdivision includes any nondedicable streets, the subdivider shall, prior to final approval, deposit a duly recorded copy of the document described in section 23-70(4) of this chapter with the director.

(1983 CC, c 23, art 5, sec 23-74; am 1992, ord 92-138, sec 8; am 2001, ord 01-108, sec 1; am 2006, ord 06-104, sec 7; am 2021, ord 21-52, sec 5.)

Section 23-75. Change after approval.

No change in a subdivision, or in the plan of a subdivision, already approved, may be made without the approval of the director.

(1983 CC, c 23, art 5, sec 23-75.)

Section 23-76. No conveyance of land prior to approval for recordation.

Land shall not be offered for sale, lease or rent in any subdivision, nor shall options or agreements for the purchase, sale, leasing or rental of the land be made until approval for recordation of the final plat is granted by the director.

(1983 CC, c 23, art 5, sec 23-76.)

Section 23-77. Recordation of final plat.

After the director grants approval for recordation of the final plat, the subdivider may file and record the plat.

(1983 CC, c 23, art 5, sec 23-77.)

Section 23-78. Release of surety after final approval.

Upon completion of the improvements and utilities in a subdivision as required by this chapter and certification thereof as provided by article 7 of this chapter, and after the subdivider files one set of construction plans as actually modified to meet construction requirements with the department of public works, State department of health and department of water supply (if applicable), the department of public works, State department of health and the department of water supply (if applicable), shall approve the performance and thereupon discharge the subdivider and surety (in whole or in part according to the terms of the subdivider's agreement, if any) from the obligation of any bonds and release to the subdivider any security posted by the subdivider, or authorize and direct such discharge and release by the appropriate agency.

(1983 CC, c 23, art 5, sec 23-78.)

Article 6. Improvements.**Division 1. Construction.****Section 23-79. Construction plans; contents; review.**

- (a) After the subdivider has secured tentative approval of his preliminary plat of the subdivision from the director, and before beginning construction of the improvements therein, the subdivider shall prepare and submit to the director construction plans and specifications showing details of road construction, drainage structures, sewers, water mains and all other utilities proposed to be installed in the proposed subdivision. The construction plans shall be drawn on acceptable tracing medium to County standards as to size and general drafting practice. Included with the construction plans shall be a general layout map showing the location of lots and streets, and the location of water lines, sewer mains and drainage systems and other utility lines. Plans shall be prepared by an engineer registered under the laws of the State provided that, when the subdivision consists of three lots or less, the director may grant tentative approval to proceed with plans without the seal of an engineer.
- (b) The subdivider shall submit a copy of the construction plans and specifications to the director for examination and submission to the director of public works, the manager, the sanitary engineer and the district engineer as required under section 23-61, for their respective consideration and approval. Such construction plans and specifications shall be considered approved for construction purposes when the construction plan tracings and specifications bear the approval of the director of public works, the manager, the sanitary engineer, the district engineer and the director as required under section 23-61.

(1983 CC, c 23, art 6, sec 23-79; am 2001, ord 01-108, sec 1; am 2021, ord 21-52, sec 6.)

Section 23-80. Construction required for final approval.

- (a) When the construction drawings and specifications bear the approval of the director, the director of public works, the manager, the sanitary engineer and the district engineer as required under section 23-79, the subdivider may proceed with the construction of the improvements and utilities.
- (b) Where construction extends into the State highway right-of-way, the contractor shall obtain a permit from the district engineer prior to commencement of work within the State right-of-way. In this case no bond or security need be posted with the department of public works or the department of water supply.

(1983 CC, c 23, art 6, sec 23-80; am 2001, ord 01-108, sec 1.)

Section 25-2-3. Review and acceptance of applications.

- (a) Any application filed with the director or the commission, pursuant to this chapter, including but not limited to a zoning amendment, variance, use permit, plan approval, ohana dwelling permit, planned unit development permit, or cluster plan development permit, shall be reviewed by the director for completeness within fifteen days from the date that the application was filed by the applicant. An application may be filed with the director or the commission in a format prescribed by the director.
 - (b) Prior to the acceptance of any application, all real property taxes and other fees relating to the subject parcel or parcels shall be paid and there shall be no outstanding delinquencies, except in cases of bankruptcy or similar matters as authorized by the director of finance.
 - (c) During the fifteen-day period, the director shall either determine that the application is complete and accept the application as of the date that the application was filed by the applicant or shall determine that the application is defective.
 - (d) If the director determines that the application is defective, the application shall be returned to the applicant together with a deficiency notice, to be postmarked within the fifteen-day review period, which lists the information missing from the application.
 - (e) Any application that is rejected as defective may be refiled together with a copy of the deficiency notice and the required additional information. The resubmitted application shall be accepted as complete as of the date of resubmission, provided that all required additional information has been submitted.
 - (f) If the director fails to act upon any application within the fifteen-day period, the application shall be deemed complete and shall be considered accepted as of the date that the application was filed.
 - (g) The director shall publish, on a semi-monthly basis, a list of all applications accepted under this section in at least two newspapers of general circulation in the County. Such list shall include the name of the property owner, tax map key number(s) of the property, the land area, and street address, if available.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 1998, ord 98-29, sec 1; ord 98-26, sec 1; am 2021, ord 21-52, sec 7.)

Section 25-2-4. Notice to property owners and lessees of record of pending application.

- (a) Whenever any application under this chapter requires notice to owners and lessees of record interests of the surrounding properties:
 - (1) Such notice shall be served to the owners and lessees of record of all lots of which any portion is within three hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the state land use urban or rural district;

- (2) For applications other than those requesting a change of zoning district classification, such notice shall be served on the owners and lessees of record of all lots of which any portion is within five hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the state land use agricultural district, except that if the surrounding lots are located within either the state land use urban or rural district, notice shall be served on the owners and lessees of record of all lots of which any portion is within three hundred feet of the building site; or
 - (3) For applications requesting a change of zoning district classification, such notice shall be served on the owners and lessees of record of all lots of which any portion is within one thousand feet of any point along the perimeter boundary of the building site affected by the application or the two contiguous lots in all directions, whichever distance is greater, if the building site is located within the state land use agricultural district or the County zoned agricultural district. For those adjoining properties located within either the state land use urban or rural district, notice shall be served on the owners and lessees of record of all lots of which any portion is within three hundred feet of the building site.
- (b) The applicant shall first serve notice of the filing of the application on the surrounding owners and lessees within ten days after the director or commission has officially acknowledged receipt of the application, and shall again serve notice of the application and of any proposed action or public hearing on the surrounding owners and lessees, within ten days after receiving notice from the director or the commission of the date of the proposed action or hearing. The second notice shall be served not less than ten days prior to the date of the proposed action or hearing.
 - (c) In determining the names and addresses of the affected owners and lessees of record, as required by this section, the applicant shall utilize the data available from the real property tax office; provided, that where the director has received written notice of additional or subsequent owners or lessees of record and has so informed the applicant, the applicant shall also provide the required notice to such persons. The applicant shall also provide notice to such other owners and lessees of record when the applicant otherwise has actual knowledge of such other owners or lessees of record.
 - (d) The notice to the affected property owners and lessees shall include the following information:
 - (1) The name of the applicant;
 - (2) The precise location of the property involved;
 - (3) The nature of the application and the proposed use of the property;

- (c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
 - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (3) Community buildings, as permitted under section 25-4-11.
 - (4) Family child care homes.
 - (5) Home occupations, as permitted under section 25-4-13.
 - (6) Meeting facilities.
 - (7) Model homes, as permitted under section 25-4-8.
 - (8) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
 - (9) Temporary real estate offices, as permitted under section 25-4-8.
 - (10) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
- (d) The following uses may be permitted in the FA district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (2) Churches, temples and synagogues.
 - (3) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (4) Day care centers.
 - (5) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (6) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
 - (7) Medical clinics.
 - (8) Schools.
- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the FA district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 12; am 2010, ord 10-17, sec 5; am 2012, ord 12-28, sec 8; ord 12-124, sec 7; am 2014, ord 14-86, sec 8; am 2021, ord 21-26, sec 9; am 2021, ord 21-52, sec 8.)

Section 25-5-63. Height limits.

The height limit in FA districts shall be thirty-five feet for any residential structure, including any single-family dwelling or farm dwelling, and forty-five feet for all other structures.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-64. Minimum building site area.

The minimum building site area in the FA district shall be one acre. Other FA districts having larger areas may be designated in increments of one acre up to a recommended maximum of five acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-65. Minimum building site average width.

Each building site in the FA district must have a minimum average width of one hundred twenty feet for the initial one acre of required area plus twenty feet for each additional acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-66. Minimum yards.

- (a) Except as otherwise provided in this section, the minimum yards in the FA district shall be thirty feet for front and rear yards and twenty feet for side yards.
- (b) In the FA district, accessory buildings and enclosures (other than fences under eight feet high) for the shelter and confinement of any livestock shall be at least thirty feet from the side and rear property lines.
- (c) Appropriate additional setbacks from adjacent residential zoned lands may be required by the director for those facilities and uses which may include more frequently used machinery and equipment in order to minimize potential lighting, odor, vector and air and water quality impacts.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-67. Other regulations.

- (a) If any legal building site in an FA district has an area of less than one acre, then the yard and height requirements for the building site shall be the same as the yard and height requirements in the RA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the FA district. A farm dwelling is a single-family dwelling located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- (c) Additional farm dwellings may be permitted in the FA district only upon the following conditions:
 - (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
 - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
- (d) An ohana dwelling may be located on any building site in the FA district, as permitted under article 6, division 3 of this chapter.

Section 25-6-10. Criteria for granting a P.U.D. permit.

A P.U.D. permit may be granted by the commission upon finding that:

- (a) The construction of the project can begin and be completed within a reasonable period of time from the date of full approval.
- (b) The proposed development substantially conforms to the general plan, any adopted community development plan, other adopted master plan, and if applicable, any adopted design guidelines and/or standards affecting the project area.
- (c) Any residential or agricultural development shall constitute an environment of sustained desirability and stability for the district that is in harmony with the character of the surrounding area, that results in an intensity of land use no higher than that otherwise specified for the district, and that maintains the standards of open space at least as high as that otherwise specified for the district in which the development occurs.
- (d) Any commercial development shall not create traffic congestion which exceeds that which would have been produced under conventional development patterns, practices and standards in the district or interfere with any projected public improvements, shall provide for proper entrances and exits along with proper provisions for internal traffic and parking, and be an attractive center which does not adversely impact upon adjacent and surrounding existing or prospective developments.
- (e) Any industrial development shall be in conformity with desirable performance standards and shall constitute an efficient and well organized development with adequate provisions for freight service and necessary storage, and shall not adversely impact upon adjacent and surrounding existing or prospective development.
- (f) The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of this chapter, and the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 2; ord 15-45, sec 8.)

Section 25-6-11. Height exceptions authorized.

- (a) A building approved under a P.U.D. permit may exceed the height limit specified under the zoning district of the property and the height limits under section 25-4-22; provided, that the maximum height of the building shall not exceed seventy-five feet.
- (b) A building approved under a P.U.D. permit and situated within a zoning district which exceeds the height limits specified under subsection (a) may be permitted at the higher height limits prescribed for that zoning district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-6-12. Approvals issued under P.U.D. permit.

- (a) No separate or additional permit or use permit shall be required for any use approved under a P.U.D. permit, and any use approved under a P.U.D. permit shall be considered to be in compliance with the required procedures for obtaining a use permit.
- (b) Plan approval shall be considered issued when completed drawings are approved under a P.U.D. permit, and no further action is required for the issuance of plan approval under this chapter.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 2.)

Section 25-6-13. Effect of P.U.D. permit on other zoning provisions.

Any P.U.D. permit issued shall be subject to all of the conditions imposed in the permit and shall be exempted from other provisions of this chapter only to the extent specified in the permit.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-6-14. Time extensions and amendments.

- (a) A P.U.D. permit holder may apply to the commission through the department for an amendment to the permit or any condition or conditions imposed therein.
- (b) In the case of time extensions, the P.U.D. permit holder shall file the request not less than ninety days prior to the expiration date of the applicable time condition or conditions, setting forth:
 - (1) The affected condition or conditions;
 - (2) The length of time requested; and
 - (3) The reasons for the request.

If the commission fails to act on a properly filed time extension request prior to the expiration date, the activity granted under P.U.D. permit may be continued, unless the commission specifically disallows the activity during the interim period.

- (c) In the case of additions, modifications, and/or deletions of conditions of the P.U.D. permit, the P.U.D. permit holder shall set forth in writing:
 - (1) The affected condition or conditions;
 - (2) The specific amendment or amendments requested; and
 - (3) The reasons for the request.
- (d) Any such request shall be accompanied by a \$250 filing and processing fee and an application and documentation in a format prescribed by the director.
- (e) The hearing and notice procedures and action shall be the same as under sections 6-6 and 6-8 of the Planning Commission Rules of Practice and Procedure, provided further that the commission shall conduct a hearing within a period of ninety days from the date of receipt of a properly filed request, or within a longer period as may be agreed to by the commission.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 2; am 2021, ord 21-52, sec 9.)

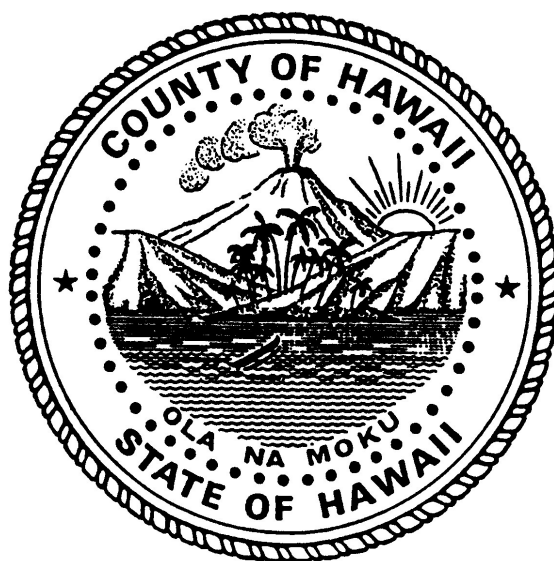
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(424)	19-17	02-20-19	Waiākea, South Hilo	2-4-057:029: Por. 030 & Por. 031 (Formerly 2-4-057:001)	(Amends Ord. 07-26) (Effective Date 3-20-07)		
(425)	19-26	03-25-19	Waiākea, South Hilo	2-2-023:012	(Amends Ord. 97-13) (Effective Date 2-20-97)		
(426)	19-27	03-25-19	Waiākea Homesteads 1st Series, Waiākea South Hilo	2-4-021:059	RS-15	RS-10	
(427)	19-28	03-25-19	Waiākea House Lots, Waiākea South Hilo	2-2-034:086	RS-10	CN-20	
(428)	19-34	04-08-19	Waiākea House Lots 2nd Series, Waiākea South Hilo	2-2-024:003	RS-10	CG-20	
(429)	19-39	04-25-19	Waiākea, South Hilo	2-2-034:012	(Amends Ord. 06-107) (Effective Date 7-17-06)		
(430)	19-58	05-21-19	Ponahawai, South Hilo	2-3-037:001, 2-3-044:019, and 2-3-049:053	(Amends Ord. 10-64) (Effective Date 6-18-10)		
(431)	19-90	08-21-19	Waiākea, South Hilo	2-2-39:31, 57, 68, and 69	(Amends Ord. 07-105) (Effective Date 8-14-07)		
(432)	19-92	09-18-19	Waiākea, South Hilo	2-4-080:013	A-3a	RS-10	
(433)	19-113	12-17-19	Waiākea Houselots, Waiākea South Hilo	2-2-050:043	(Amends Ord. 09-90A) (Effective Date 9-2-09)		
(434)	20-63	09-02-20	Waiākea, South Hilo	2-4-028:009	RM-1.5	RS-7.5	
(435)	20-64	09-02-20	Waiākea Houselots 2nd, Waiākea South Hilo	2-2-021:008	RS-10	CG-20	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(436)	20-71	09-29-20	Ponahawai, South Hilo	2-3-037:019	(Amends Ord. 10-19) (Effective Date 3-18-10)		
(437)	21-17	03-01-21	Kūkūau 1st, South Hilo	2-4-025:048, 053 and 080	(Amends Ord. 10-32) (Effective Date 5-10-10)		
(438)	21-45	06-25-21	Waiākea Houselots, Waiākea, South Hilo	2-2-035:034	(Amends Ord. 09-138) (Effective Date 11-4-09)		
(439)	21-46	06-25-21	Waiākea, South Hilo	2-2-041:Portion of 75	(Amends Ord. 723) (Effective Date 11-4-81)		
(440)	21-49	07-15-21	Piopio, Waiākea	2-2-001:008, 017, 018, 019, 024, 030, and 034	Open	Industrial	
(441)	21-62	09-22-21	Waiākea, South Hilo	2-2-024:022	RS-10	CG-7.5	
(442)	21-64	10-06-21	Waiākea, South Hilo	2-4-003:Por. 021	(Amends Ord. 98-13) (Effective Date 2-24-98)		

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 11 (1-2022)
Contains ordinances effective through: 12-31-21



A CODIFICATION OF THE GENERAL ORDINANCES
OF THE COUNTY OF HAWAI‘I
STATE OF HAWAI‘I

Office of the County Clerk
County of Hawai‘i
25 Aupuni Street
Hilo, Hawai‘i 96720
(808) 961-8255

Volume Three

TABLE OF CONTENTS

VOLUME 1

Chapter 1	General Provisions
Chapter 2	Administration
Chapter 3	Signs
Chapter 4	Animals
Chapter 5	Construction Administrative Code
Chapter 5A	Building Code
Chapter 5B	Residential Building Code
Chapter 5C	Existing Building Code
Chapter 5D	Electrical Code
Chapter 5E	Energy Conservation Code
Chapter 5F	Plumbing Code
Chapter 6	Businesses
Chapter 7	Civil Defense
Chapter 8	Dedication of Land
Chapter 9	Reserved
Chapter 10	Erosion and Sedimentation Control
Chapter 11	Housing
Chapter 12	Improvements by Assessments
Chapter 13	Minors
Chapter 14	General Welfare
Chapter 15	Parks and Recreation
Chapter 16	Planning
Chapter 17	Reserved
Chapter 18	Public Transportation

VOLUME 2

- Chapter 19 Real Property Taxes
- Chapter 20 Integrated Solid Waste Management
- Chapter 21 Sewers
- Chapter 22 County Streets
- Chapter 23 Subdivisions
- Chapter 24 Vehicles and Traffic
 - Traffic Schedules
- Chapter 25 Zoning
 - Zoning Annex

VOLUME 3

- Chapter 26 Fire
- Chapter 27 Flood Control
- Chapter 28 State Land Use District Boundary Amendment Procedures
- Chapter 29 Water Use and Development
- Chapter 30 Development Agreements
- Chapter 31 Enterprise Zone Program
- Chapter 32 Special Improvement Financing by Community Facilities Districts
- Chapter 33 Tax Increment Districts
- Chapter 34 Public Access
- Chapter 35 Business Improvement Districts
- Chapter 36 Redistricting
- Index
- Legislative History
 - Legislative History Table
 - Ordinance Table
- Supplement Insert Guides

LEGISLATIVE HISTORY TABLE

Ordinances are listed by the Code chapter affected.

Abbreviations:

- A = Amended or repealed section(s) of the chapter, or added new section(s)
- R = Repealed and replaced chapter in its entirety
- C = Created new chapter
- X = Repealed the chapter

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
1	General Provisions							
2	Administration	15-65A, 15-95A, 15-97A, 15-103A		17-42A	18-25A, 18-32A, 18-34A, 18-74A	19-29A, 19-75A, 19-105A, 19-112A	20-26A, 20-28A, 20-61A, 20-86A	20-79A, 21-56A, 21-57A, 21-82A, 21-89A
3	Signs	15-46A					20-19A, 20-61A	
4	Animals							
5	Building			17-56A			20-10A, 20-61R	
5	Construction Administrative Code						20-61C	21-61A
5A	Building Code						20-61C	21-61A
5B	Residential Building Code							21-61C

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
5C	Existing Building Code							21-61C
5D	Electrical Code						20-61C	21-61A
5E	Energy Conservation Code						20-61C	21-61A
5F	Plumbing Code						20-61C	21-61A
6	Businesses							
7	Civil Defense							
8	Dedication of Land							
9	Electricity						20-61R	
10	Erosion and Sedimentation Control							
11	Housing							
12	Improvements by Assessments						20-7A	
13	Minors							
14	General Welfare	15-11A, 15-51A, 15-70A	16-75A, 16-107A, 16-114A	17-55A	18-61A	19-43A	20-59A, 20-86A	21-87A

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
15	Parks and Recreation	15-52A, 15-60A	16-111A, 16-112A, 16-113A	17-54A, 17-57A, 17-61A	18-2A, 18-20A, 18-21A, 18-22A, 18-44A, 18-56A, 18-61A, 18-83A	19-3A, 19-43A	20-59A	21-3A, 21-65A, 21-74A
16	Planning		16-77A	17-66A	18-78A			
17	Plumbing						20-61R	
18	Public Transportation		16-95A, 16-108A					
19	Real Property Taxes			17-41A	18-88A		20-39A	20-60A, 21-32A
20	Integrated Solid Waste Management	15-114A		17-63A	18-5A, 18-82A	19-85A, 19-95A	20-86R, C	
21	Sewers					19-21A		
22	County Streets							
23	Subdivisions	15-19A			18-12A			21-52A

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
24	Vehicles and Traffic	15-3A, 15-4A, 15-5A, 15-6A, 15-7A, 15-8A, 15-14A, 15-20A, 15-21A, 15-22A, 15-28A, 15-89A, 15-90A, 15-91A, 15-92A, 15-107A, 15-108A, 15-112A	16-1A, 16-6A, 16-25A, 16-51A, 16-52A, 16-53A, 16-63A, 16-64A, 16-74A, 16-78A, 16-83A, 16-104A	17-10A, 17-11A, 17-27A, 17-28A, 17-51A, 17-52A, 17-60A	18-4A, 18-19A, 18-37A, 18-38A, 18-39A, 18-45A, 18-92A	19-41A, 19-42A	20-46A, 20-47A	
24	Traffic Schedules							
25	Zoning	15-33A, 15-44A, 15-45A	16-98A	17-31A	18-114A	19-100A	20-3A, 20-61A, 20-94A	21-24A, 21-26A, 21-52A

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
25	Zoning Annex	15-1A, 15-2A, 15-34A, 15-35A, 15-37A, 15-41A, 15-50A, 15-72A, 15-96A, 15-104A, 15-105A, 15-106A, 15-116A, 15-117A, 15-118A	16-10A, 16-16A, 16-18A, 16-34A, 16-45A, 16-46A, 16-48A, 16-49A, 16-50A, 16-79A, 16-80A, 16-81A, 16-82A, 16-84A, 16-85A, 16-86A, 16-87A, 16-99A	17-6A, 17-7A, 17-8A, 17-9A, 17-14A, 17-16A, 17-24A, 17-32A, 17-50A, 17-65A, 17-70A, 17-74A	18-1A, 18-31A, 18-75A, 18-95A, 18-96A, 18-97A	19-1A, 19-4A, 19-12A, 19-16A, 19-17A, 19-26A, 19-27A, 19-28A, 19-34A, 19-38A, 19-39A, 19-51A, 19-57A, 19-58A, 19-67A, 19-88A, 19-90A, 19-92A, 19-113A	20-21A, 20-25A, 20-34A, 20-41A, 20-63A, 20-64A, 20-65A, 20-71A	21-1A, 21-2A, 21-17A, 21-25A, 21-27A, 21-31R, 21-40A, 21-45A, 21-46A, 21-49A, 21-62A, 21-64A
26	Fire		16-107A		18-15A			
27	Flood Control			17-56A	18-25A			

CHAPTER NO.	CHAPTER TITLE	2015	2016	2017	2018	2019	2020	2021
28	State Land Use District Boundary Amendment Procedures							
29	Water Use and Development							
30	Development Agreements							
31	Enterprise Zone Program							
32	Special Improvement Financing by Community Facilities Districts							
33	Tax Incremental Districts							
34	Public Access							
35	Business Improvement Districts							
36	Redistricting				18-98A			

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
21-7	01-21-21	Operating budget	--
21-8	01-21-21	Operating budget	--
21-9	01-21-21	Operating budget	--
21-10	01-21-21	Operating budget	--
21-11	01-21-21	Operating budget	--
21-12	02-16-21	Capital improvements budget	--
21-13	02-16-21	Capital improvements budget	--
21-14	02-16-21	Operating budget	--
21-15	02-16-21	Operating budget	--
21-16	02-16-21	Operating budget	--
21-17	03-01-21	City of Hilo Zone Map	ZA
21-18	03-01-21	Capital improvements budget	--
21-19	03-01-21	Capital improvements budget	--
21-20	03-01-21	Capital improvements budget	--
21-21	03-01-21	Operating budget	--
21-22	03-01-21	Operating budget	--
21-23	03-15-21	Operating budget	--
21-24	03-15-21	Relating to use permits	25-2-64, 25-2-67
21-25	03-16-21	North Kona Zone Map	ZA
21-26	03-16-21	Relating to definitions, use permit requirements, parking requirements, and zoning district regulations for medical clinics and massage, acupuncture, chiropractic, and other similar health service facilities	25-1-5, 25-2-61, 25-4-51, 25-5-3, 25-5-22, 25-5-32, 25-5-52, 25-5-62, 25-5-72, 25-5-112, 25-5-122, 25-7-22
21-27	03-31-21	North Kona Zone Map	ZA
21-28	03-31-21	Operating budget	--
21-29	03-31-21	Operating budget	--
21-30	03-31-21	Capital improvements budget	--
21-31	05-03-21	Volcano-Mt. View Zone Map	ZA
21-32	07-01-21	Relating to the nonspeculative residential use real property tax dedication	19-53, 19-58.1, 19-58.2
21-33	05-17-21	Operating budget	--
21-34	05-17-21	Capital improvements budget	--
21-35	07-01-21	Salary Ordinance of 2021	--
21-36	06-04-21	Operating budget	--
21-37	06-09-21	Operating budget	--
21-38	07-01-21	Operating budget FY 2021-2022	--
21-39	07-01-21	Capital improvements budget FY 2021-2022	--

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
21-40	06-21-21	North Kona Zone Map	ZA
21-41	06-21-21	Operating budget	--
21-42	06-21-21	Operating budget	--
21-43	06-21-21	Operating budget	--
21-44	06-25-21	Operating budget	--
21-45	06-25-21	City of Hilo Zone Map	ZA
21-46	06-25-21	City of Hilo Zone Map	ZA
21-47	06-25-21	Operating budget	--
21-48	06-25-21	Operating budget	--
21-49	07-15-21	City of Hilo Zone Map	ZA
21-50	07-30-21	Operating budget	--
21-51	08-03-21	Operating budget	--
21-52	08-03-21	Relating to processing of subdivision and zoning applications and making clerical revisions to permitted uses in the family agricultural zoning district	23-58, 23-70, 23-72, 23-74, 23-79, 25-2-3, 25-5-62, 25-6-14
21-53	08-03-21	General Obligation Bond (\$25,500,000 - Various public improvement projects)	--
21-54	08-03-21	Operating budget	--
21-55	08-13-21	Operating budget	--
21-56	08-19-21	Relating to the public access, open space, and natural resources preservation commission and maintenance fund	2-214.2, 2-215, 2-217
21-57	08-19-21	Repeals article relating to the disaster and emergency fund	2-208 to 2-213
21-58	08-30-21	Operating budget	--
21-59	08-30-21	Operating budget	--
21-60	08-30-21	Operating budget	--
21-61	09-08-21	Construction code	5-1-2, 5-1-3, 5-1-5, 5-2-2, 5-2-3, 5-2-4, 5-4-21, 5-8-4, 5-10-1, 5A-1-3, 5A-1-6, 5A-3-21, 5A-3-22, 5A-3-27, 5D-1-3, 5D-1-6, 5E-1-6, 5F-1-6, new chapters 5B and 5C
21-62	09-22-21	City of Hilo Zone Map	ZA
21-63	09-22-21	Operating budget	--
21-64	10-06-21	City of Hilo Zone Map	ZA

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
21-65	10-06-21	Relating to the membership and tenure of the veterans advisory committee	15-62
21-66	10-06-21	Operating budget	--
21-67	10-06-21	Authorizes formation of community facilities district 1-2021 (Kaloko Heights Project) and the levy of a special tax on properties within this district	--
21-68	10-20-21	Operating budget	--
21-69	10-20-21	Operating budget	--
21-70	10-20-21	Operating budget	--
21-71	10-20-21	Operating budget	--
21-72	10-20-21	Operating budget	--
21-73	10-20-21	Operating budget	--
21-74	11-08-21	Relating to meetings of the veterans advisory committee	15-63
21-75	11-08-21	Operating budget	--
21-76	11-08-21	Capital improvements budget	--
21-77	11-08-21	Operating budget	--
21-78	11-08-21	Operating budget	--
21-79	11-18-21	Operating budget	--
21-80	11-18-21	Operating budget	--
21-81	11-18-21	Operating budget	--
21-82	11-30-21	Relating to expenditures from fund for the workforce innovation and opportunity act program	2-195
21-83	11-30-21	Operating budget	--
21-84	11-30-21	Operating budget	--
21-85	11-30-21	Operating budget	--
21-86	11-30-21	Operating budget	--
21-87	11-30-21	Relating to alcoholic beverages	14-1, 14-2.2
21-88	11-30-21	Operating budget	--
21-89	12-10-21	Implements a County transient accommodations tax	2-259 to 2-269 (new article)
21-90	12-21-21	Operating budget	--
21-91	12-21-21	Operating budget	--
21-92	12-29-21	Operating budget	--

