

SUPPLEMENT 14 (7-2023)

Insertion Guide

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

(Covering general ordinances effective through 06-30-23 and numbered through 23-53)

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

i – iv

Preface to 2016
Edition – iii

Chapter 6 Businesses

i – ii
6-1 – 6-9

i – ii
6-1 – 6-7

Chapter 11 Housing

11-9 – 11-10

11-9 – 11-10

Chapter 15 Parks and Recreation

i – ii
15-1 – 15-4
15-7 – 15-12
15-19 – 15-20
15-23 – 15-26

i – ii
15-1 – 15-4
15-7 – 15-12
15-19 – 15-20
15-23 – 15-26.6

	Chapter 17 Fire	
Tab "Reserved"	.....	Tab "Fire"
--	.....	i – ii
17-1	.....	17-1 – 17-61

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
19-49 – 19-54	.....	19-49 – 19-54
19-69 – 19-72	.....	19-69 – 19-72

	Chapter 25 Zoning	
25-27 – 25-30	.....	25-27 – 25-30

	Chapter 25 Zoning Annex	
25A-5 – 25A-6	.....	25A-5 – 25A-6
25A-41 – 25A-42	.....	25A-41 – 25A-42
25A-51 – 25A-52	.....	25A-51 – 25A-52
25A-127 – 25A-128	.....	25A-127 – 25A-128

VOLUME 3

Vol. 3 Cover Page	Vol. 3 Cover Page
-------------------	-------	-------------------

	Table Of Contents	
i – ii	.....	i – ii

Chapter 26 Reserved

Tab "Fire"	Tab "Reserved"
i – ii	--
26-1 – 26-42	26-1

Legislative History

--	T-6.1 – T-6.6
T-35 – T-36	T-35 – T-38

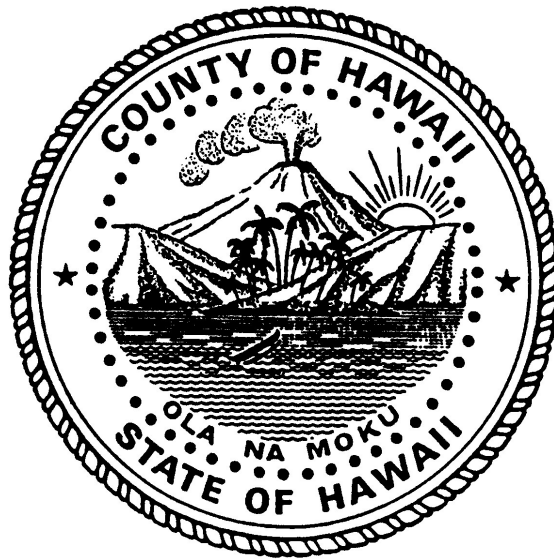
Supplement Insert Guide

--	Supp. 14
	Insertion Guide

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 14 (7-2023)
Contains ordinances effective through: 06-30-2023



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

PREFACE TO 2016 EDITION

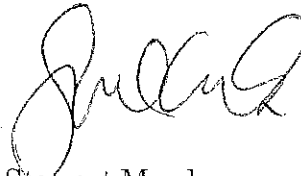
This 2016 edition of the Hawai'i County Code contains all ordinances enacted through June 30, 2016. This republication of the Code may be cited as "Hawai'i County Code 1983 (2016 edition)." This edition is set forth in three volumes that contain chapters 1 through 36. Volume 3 also contains the following reference aids: a subject matter index; a legislative history table that lists ordinances and the chapters they affected by year; and an ordinance table that lists ordinances effective from 2015 to the present.

The Hawai'i County Code is a compilation of all ordinances of a general and permanent nature, with some exceptions. Ordinances relating to the County budget, appropriations, the issuance of bonds, State land use boundary amendments, improvement districts, salary ordinances, and emergency ordinances are not included in this Code. Likewise, the County of Hawai'i general plan and community development plans are adopted by reference but published as separate documents.

This edition contains a number of formatting changes. The historical citations that appear at the end of each section were updated and the citation format was streamlined. In addition, repealed sections are designated as such, along with relevant historical citations. To make the code easier to read, the font has been changed to Century Schoolbook and tables have been enclosed in borders. To facilitate future amendment, numbers that formerly accompanied entries in the exceptional tree list in section 14-65 and the traffic schedules that are annexed to chapter 24, have been removed. Entries on these lists have been arranged in alphabetical order. The zoning code annex to chapter 25 now consists of only one schedule and the ordinance table now lists ordinances beginning with 2015. An ordinance table that includes ordinances dating back to 1992 is available on the County Clerk's website.

All ordinances enacted after June 30, 2016, will be incorporated into this compilation by means of supplements. For public convenience and reference, an unofficial version of the Code will be maintained on the County of Hawai'i's website at: <http://www.hawaiicounty.gov/lb-countycode/>. Ordinances will be incorporated into this unofficial online version as they become effective.

Mahalo to the staff of the Legislative Research Branch and our Deputy County Clerk, who produced this republication. Your efforts to maintain the code and complete this substantial task are greatly appreciated.



Stewart Maeda
County Clerk, County of Hawai'i

25 Aupuni Street
Hilo, Hawai'i 96720
August 19, 2016

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	Disaster and Emergency Management
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	Fire
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 Reserved
- 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

TABLE OF ABBREVIATIONS

am	=	Amended
art	=	Article
c	=	Chapter
CC	=	County Code
Eff	=	Effective date
HRS	=	Hawai'i Revised Statutes
ord	=	Ordinance
rep	=	Repealed
sch	=	Schedule
sec	=	Section

CHAPTER 6

BUSINESSES

Article 1. Cemeteries.

Section 6-1.	Prohibition.
Section 6-2.	Application.
Section 6-3.	Referral to planning commission.
Section 6-4.	Other requirements.
Section 6-5.	Penalty.
Section 6-6.	County plots; fee; dimensions.
Section 6-7.	Cemetery fund.

Article 2. Repealed.

Section 6-8.	Repealed.
Section 6-9.	Repealed.
Section 6-10.	Repealed.
Section 6-11.	Repealed.
Section 6-12.	Repealed.
Section 6-13.	Repealed.
Section 6-14.	Repealed.
Section 6-15.	Repealed.
Section 6-16.	Repealed.
Section 6-17.	Repealed.
Section 6-18.	Repealed.
Section 6-19.	Repealed.
Section 6-20.	Repealed.
Section 6-21.	Repealed.
Section 6-22.	Repealed.
Section 6-23.	Repealed.
Section 6-24.	Repealed.

Article 3. Mobile Homes.

Section 6-25.	Definitions.
Section 6-26.	License.
Section 6-27.	License application; initial; transfer.
Section 6-28.	Conformity with other laws.

Article 4. Miscellaneous Business Licenses.

- Section 6-29. County business licenses.
- Section 6-30. Elimination of business licenses.

Article 5. Licensing of Auctioneers.

- Section 6-31. Purpose.
- Section 6-32. Definitions.
- Section 6-33. Exceptions.
- Section 6-34. Applicability.
- Section 6-35. Fee.
- Section 6-36. Authority to conduct auctions.
- Section 6-37. Adverse interest of auctioneer prohibited.
- Section 6-38. Receipts to purchasers required.
- Section 6-39. Violation - penalty.

CHAPTER 6**BUSINESSES****Article 1. Cemeteries.****Section 6-1. Prohibition.**

No cemetery shall be established, nor shall the area of any existing cemetery be enlarged or extended without the approval of the council, evidenced by a resolution. (1983 CC, c 6, art 1, sec 6-1.)

Section 6-2. Application.

(a) Any person requesting that the council pass a resolution establishing, enlarging or extending a cemetery shall submit with the person's application:

- (1) A certificate of approval by the State department of health of the proposed cemetery site or extension as evidence of compliance with its regulations.
- (2) A complete description of the land included within the proposed cemetery site or extension.
- (3) A map or plan showing the proposed project.
- (4) Evidence of approval relative to noncontamination of water services by the department of water supply.
- (5) A deposit of \$100 to cover cost of publication of notices and other expenses that may be incurred in connection with the application.
- (6) An abstract or certificate of title of the proposed cemetery site or extension.

(1983 CC, c 6, art 1, sec 6-2.)

Section 6-3. Referral to planning commission.

Before final action is taken by the council, the application and related maps and documents will be referred to either the windward or leeward planning commission, or both acting jointly, as provided in the Charter. The designated planning commission, or joint commission, shall:

- (1) Study the proposed project in relation to any zoning ordinances, statutes, general plan, and policies and rules and regulations of the planning commission.
- (2) Conduct a public hearing on the application, pursuant to provisions governing public hearings under this Code.
- (3) Submit its recommendation to the council.

(1983 CC, c 6, art 1, sec 6-3; am 2009, ord 09-118, sec 13.)

Section 6-4. Other requirements.

No cemetery shall be located on land which is not owned in fee simple. The section of a proposed location which is set aside for interment shall be free of any financial encumbrance. After the approval of a proposed location, it shall be unlawful to encumber any section thereof which is set aside for interment. Lands which are transferred to the County by State executive order for the establishment, enlargement, or extension of any cemetery shall be exempt from the conditions of this section. (1983 CC, c 6, art 1, sec 6-4.)

Section 6-5. Penalty.

Any person convicted of violating sections 6-1 and 6-4 of this article shall be punished by a fine not exceeding \$500. (1983 CC, c 6, art 1, sec 6-5.)

Section 6-6. County plots; fee; dimensions.

For each County owned cemetery plot sold at the Alae Cemetery, the director of the department of parks and recreation of the County shall collect a fee established by duly promulgated rules of the department, exclusive of the cost of digging and covering the plot. Each cemetery plot shall not exceed nine feet in length and four feet in width. (1983 CC, c 6, art 1, sec 6-6; am 1996, ord 96-22, sec 2.)

Section 6-7. Cemetery fund.

The moneys collected under section 6-6 shall be deposited with the County finance director in a cemetery fund. All moneys deposited in the cemetery fund shall be expended for the improvement, maintenance, and upkeep of Alae Cemetery. (1983 CC, c 6, art 1, sec 6-7.)

Article 2. Repealed.**Section 6-8. Repealed.**

(1983 CC, c 6, art 2, sec 6-8; rep 2023, ord 23-29, sec 1.)

Section 6-9. Repealed.

(1983 CC, c 6, art 2, sec 6-9; rep 2023, ord 23-29, sec 1.)

Section 6-10. Repealed.

(1983 CC, c 6, art 2, sec 6-10; rep 2023, ord 23-29, sec 1.)

Section 6-11. Repealed.

(1983 CC, c 6, art 2, sec 6-11; rep 2023, ord 23-29, sec 1.)

Section 6-12. Repealed.

(1983 CC, c 6, art 2, sec 6-12; rep 2023, ord 23-29, sec 1.)

Section 6-13. Repealed.

(1983 CC, c 6, art 2, sec 6-13; rep 2023, ord 23-29, sec 1.)

Section 6-14. Repealed.

(1983 CC, c 6, art 2, sec 6-14; rep 2023, ord 23-29, sec 1.)

Section 6-15. Repealed.

(1983 CC, c 6, art 2, sec 6-15; rep 2023, ord 23-29, sec 1.)

Section 6-16. Repealed.

(1983 CC, c 6, art 2, sec 6-16; rep 2023, ord 23-29, sec 1.)

Section 6-17. Repealed.

(1983 CC, c 6, art 2, sec 6-17; rep 2023, ord 23-29, sec 1.)

Section 6-18. Repealed.

(1983 CC, c 6, art 2, sec 6-18; rep 2023, ord 23-29, sec 1.)

Section 6-19. Repealed.

(1983 CC, c 6, art 2, sec 6-19; rep 2023, ord 23-29, sec 1.)

Section 6-20. Repealed.

(1983 CC, c 6, art 2, sec 6-20; rep 2023, ord 23-29, sec 1.)

Section 6-21. Repealed.

(1983 CC, c 6, art 2, sec 6-21; rep 2023, ord 23-29, sec 1.)

Section 6-22. Repealed.

(1983 CC, c 6, art 2, sec 6-22; rep 2023, ord 23-29, sec 1.)

Section 6-23. Repealed.

(1983 CC, c 6, art 2, sec 6-23; rep 2023, ord 23-29, sec 1.)

Section 6-24. Repealed.

(1983 CC, c 6, art 2, sec 6-24; rep 2023, ord 23-29, sec 1.)

Article 3. Mobile Homes.**Section 6-25. Definitions.**

- (1) "Mobile home" means any vehicle or similar portable structure having no foundation other than wheels, jacks or blocks and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- (2) "Mobile home park" means any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.
- (3) "Persons" means any natural individual, firm, trust, partnership, association or corporation.

(1983 CC, c 6, art 3, sec 6-25.)

Section 6-26. License.

It shall be unlawful for any person to maintain or operate a mobile home park within the County, unless such person first obtains a license.

(1983 CC, c 6, art 3, sec 6-26.)

Section 6-27. License application; initial; transfer.

- (a) Application for an initial mobile home park license shall be filed with and issued by either the windward or leeward planning commission, or both acting jointly, as provided in the Charter. The application shall be in writing, signed by the applicant and shall include the following:
 - (1) The name and address of the applicant;
 - (2) The location and legal description of the mobile home park; and
 - (3) Such further information as may be requested by the designated planning commission, or joint commission, to enable it to determine if the proposed park will be compatible with existing and proposed land uses and complies with all legal requirements.
- (b) If the applicant is of good moral character, and the proposed mobile home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this article and all other applicable statutes, ordinances, and regulations, the designated planning commission, or joint commission, may approve the application, and upon completion of the park according to the plans shall issue the license. A ruling by the joint commission shall require the affirmative vote of a majority of the combined membership of both commissions.
- (c) Upon application in writing for transfer of a license, the designated planning commission, or joint commission, shall issue a transfer if the transferee is of good moral character.

(1983 CC, c 6, art 3, sec 6-27; am 2009, ord 09-118, sec 14.)

Section 6-28. Conformity with other laws.

All mobile homes shall conform to the County building code, and the public health housing code (chapter 2 of the State public health regulations),* except:

- (1) When parked in a licensed mobile home park;
- (2) When occupied for dwelling or sleeping purposes outside of a licensed mobile home park for less than thirty days in any one location.

(1983 CC, c 6, art 3, sec 6-28.)

* **Editor's Note:** The public health regulations of the department of health relating to housing were repealed.

Article 4. Miscellaneous Business Licenses.**Section 6-29. County business licenses.**

The director of finance shall issue County licenses to businesses as required by chapter 445, Hawai'i Revised Statutes, as amended, except as provided in section 6-30 of this article.

(1989, ord 89-41, sec 2.)

Section 6-30. Elimination of business licenses.

The following businesses are not required to obtain an annual County license or to pay an annual County license fee:

- (1) The sale of beef or pork.
- (2) The manufacture of food products.
- (3) The operation of a laundry.
- (4) The keeping of a lodging or tenement house, hotel, boarding house or restaurant.
- (5) The production, processing or preparation of milk.
- (6) The sale of tobacco, cigars, and cigarettes.
- (7) The carrying of freight and baggage.
- (8) The carrying of passengers.

(1989, ord 89-41, sec 2.)

Article 5. Licensing of Auctioneers.**Section 6-31. Purpose.**

The purpose of this article is to provide for a licensing mechanism for auctioneers which was eliminated by Act 232 of the 1992 State Legislature, but which is still required in the Federal Bankruptcy Court.

(1995, ord 95-140, sec 1.)

Section 6-32. Definitions.

"Auction" means a sale, offering for sale or exposing for sale to the highest bidder of any goods, wares, merchandise or other personal property in an auction room.

“Auctioneer” means any person who is licensed by the director pursuant to chapter 445, Hawaii Revised Statutes, and this article to sell goods, wares, merchandise or other personal or real property at auction.

“Director” means the director of finance of the County of Hawaii or the director’s duly authorized subordinate(s).

(1995, ord 95-140, sec 1.)

Section 6-33. Exceptions.

- (a) Nothing contained in this article shall be construed to apply to any type of auction which is exempt from the requirements of section 445-22, Hawaii Revised Statutes.
- (b) Auctions conducted by nonprofit organizations for charitable purposes shall also be exempt from the provisions of this Article.

(1995, ord 95-140, sec 1.)

Section 6-34. Applicability.

It shall be unlawful for any person to sell, offer for sale or expose for sale at public auction any personal property without obtaining a license issued by the director in accordance with the terms, conditions and penalties enumerated in chapter 445, Hawaii Revised Statutes and this article.

(1995, ord 95-140, sec 1.)

Section 6-35. Fee.

The annual fee for a license to sell, offer for sale or expose for sale any property at auction shall be \$100, payable to the County of Hawaii, department of finance.

(1995, ord 95-140, sec 1.)

Section 6-36. Authority to conduct auctions.

- (a) It is unlawful for any person, other than an auctioneer who has obtained a license, to conduct an auction, provided that the auctioneer may appoint an agent or assistant who may conduct the auction in the auctioneer’s presence. Where the licensee is a corporation, it shall appoint and designate a person to be its “auctioneer” within the meaning of this article.
- (b) The auctioneer, its agent or assistant or if a corporation shall post a copy of the license and bond, if required, in a conspicuous place that is visible and accessible to any interested persons at the time of the auction.

(1995, ord 95-140, sec 1.)

Section 6-37. Adverse interest of auctioneer prohibited.

Every auctioneer conducting an auction shall, in accepting a bid from any person, become the agent of such bidder and remain so until a higher bid is accepted or until the transaction involving the bid is completed. The auctioneer must disclose publicly to all prospective buyers any proprietary interest that the auctioneer has in any personal or real property to be sold at the auction.

(1995, ord 95-140, sec 1.)

Section 6-38. Receipts to purchasers required.

The auctioneer shall give each purchaser at an auction a receipt with each purchase setting forth:

- (a) The name and permanent address of the auctioneer.
- (b) The date.
- (c) The price paid for the article.
- (d) The amount of tax paid.
- (e) A description of the article.

(1995, ord 95-140, sec 1.)

Section 6-39. Violation - penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine not exceeding \$500, and such person's license to conduct a public auction shall be subject to suspension or forfeitures.

(1995, ord 95-140, sec 1.)

This page intentionally left blank.

- (e) If the project applying for the excess credits was developed with a direct subsidy from the federal, state, or county governments, the administrator shall either (1) discount the excess credits earned by the value of the subsidy, or (2) require that the Agency or other public entity subsidizing the project share equitably in the proceeds from the transfer of the excess credits. If the project was developed by a nonprofit corporation and sold to qualified households earning not more than 80% of the median, or rented to qualified households earning not more than 60% of the median, the discount shall not exceed 50% of the credits. The administrator may waive these requirements if the project earning the excess credits addresses a critical housing need and the excess credits, in addition to the direct subsidy, are or were a necessary inducement to the construction of the project, or if the excess credits are earned by a nonprofit entity that will use the proceeds for the construction of more affordable housing.
- (f) For the purposes of this section, a “direct financial subsidy” includes the provision of land at below market value, or governmental construction of infrastructure necessary for a housing project, but does not include density bonuses, zoning or other permitting exemptions under section 201G-118, Hawai‘i Revised Statutes, or federal or state tax credits for the construction of rental housing.
(2005, ord 05-23, sec 2; am 2005, ord 05-111, sec 4.)

Section 11-16. Section 201G projects.

The County’s exemption authority, as contained in chapter 201G, Hawai‘i Revised Statutes, may be utilized to expedite change of zone requests, subdivision applications, and plan review as well as the consideration of reduced development standards.
(2005, ord 05-23, sec 2.)

Section 11-17. Effect on existing requirements.

This policy supersedes all previous affordable housing requirements and Hawai‘i County Housing Agency Resolution 65 dated May 2, 1990 and Ordinance 98-1. Any affordable housing condition or portion thereof in any prior rezoning ordinance which has not been fully satisfied as of the effective date of this policy shall be reassessed pursuant to this policy unless the County has previously agreed as to the specific means of satisfying the requirements, in which case, this amended policy shall apply only to the extent it is not inconsistent with the agreement. In no event shall the County of Hawai‘i reimburse or be obligated to reimburse any person or entity for the partial or full satisfaction of an affordable housing condition in any ordinance which became effective prior to the effective date of this policy.
(2005, ord 05-23, sec 2.)

Section 11-18. Adoption of rules.

The housing administrator is authorized to adopt such rules pursuant to Chapter 91, Hawaii Revised Statutes, as are necessary to carry out this ordinance.

(2005, ord 05-23, sec 2.)

Section 11-19. Reports by housing administrator.

- (a) Affordable housing agreements. Within thirty calendar days following the date of execution of any affordable housing agreement executed in satisfaction of this chapter, the housing administrator shall submit a copy of the affordable housing agreement to the council.
- (b) Quarterly reporting. The housing administrator shall provide reports to the council relating to the activities of each quarter. Reports shall cover the following periods: January through March; April through June; July through September; and October through December and be submitted to the council within sixty calendar days following the end of each period. The first report shall be submitted to the council by March 1, 2023 and include information relating to the period October through December 2022. Each report shall include the following:
 - (1) A list of developers in possession of excess affordable housing credits and the number of affordable housing credits each developer has earned, transferred, redeemed, and remains in possession of as of the end of the quarterly reporting period;
 - (2) A summary of the current affordable housing inventory; and
 - (3) An accounting of significant actions taken under authority of this chapter including, but not limited to:
 - (A) For sale affordable housing units developed and sold;
 - (B) Finished affordable housing lots constructed and sold;
 - (C) Affordable housing rental units constructed and being rented;
 - (D) Developable land conveyed;
 - (E) Infrastructure conveyed;
 - (F) Affordable housing units resold; and
 - (G) Density bonuses granted.

(2005, ord 05-23, sec 2; am 2014, ord 14-8, sec 7; 2023, ord 23-20, sec 1.)

Article 2. Housing Production Funding.**Section 11-21. Appropriation of funds for housing production.**

At least \$5,000,000 per year shall be appropriated for the office of housing and community development to facilitate programs that support affordable housing production. Any remaining balance at the end of the fiscal year should be designated for this purpose.

(2022, ord 22-77, sec 1.)

CHAPTER 15

PARKS AND RECREATION

Article 1. General Provisions.

- Section 15-1. Purpose of chapter.
- Section 15-2. Applicability and scope of chapter.
- Section 15-3. Definitions.
- Section 15-4. Animal or agricultural use of public land restricted.
- Section 15-5. Special rules for Kahalu‘u Park, North Kona.
- Section 15-6. Repealed.
- Section 15-7. Penalty.

Article 2. Restrictions and Prohibitions.

Division 1. Park Areas.

- Section 15-8. Parks and recreation facilities; hours of operation.
- Section 15-9. Disorderly conduct prohibited; defined.
- Section 15-10. Explosives and fireworks prohibited; exception.
- Section 15-11. False reports prohibited.
- Section 15-12. Weapons restricted.
- Section 15-13. Regulation of fires.
- Section 15-14. Fishing regulations.
- Section 15-15. Gambling prohibited.
- Section 15-16. Person under the influence of alcohol or drugs.
- Section 15-17. Returning lost property.
- Section 15-18. Abandoned property prohibited; impoundment.
- Section 15-19. Use of audio devices restricted; permits; authorization.
- Section 15-20. Hitchhiking and commercial activities; exceptions.
- Section 15-21. Repealed.
- Section 15-22. Permission required for television and motion pictures.
- Section 15-23. Permission required for installation of commemoratives.
- Section 15-24. Nuisances prohibited.
- Section 15-25. Residence in park area restricted.
- Section 15-26. Vehicles; parking restricted.

Division 2. Recreation and Park Areas.

- Section 15-27. Permission required for advertising and signs in park areas.
- Section 15-28. Prohibited activities in parks areas.
- Section 15-29. Injury or damage report required.
- Section 15-30. Sanitation and refuse regulations.

- Section 15-31. Skating and skateboards restricted.
- Section 15-32. Swimming, bathing, surfing and use of flotation devices.
- Section 15-33. Tampering with vehicle or vessel.
- Section 15-34. Boating in swimming areas prohibited.

Article 3. Public Meetings and Assemblies.

- Section 15-35. Public assembly; permit required; exception.
- Section 15-36. Permits for special events required; conditions.
- Section 15-37. Application for permit; filing.
- Section 15-38. Permit issuance; denial; conditions.

Article 4. Camping.

- Section 15-39. Camping and recreational vehicle or other camping units areas.
- Section 15-40. Maps of camping areas.
- Section 15-41. Director to establish time limits.
- Section 15-42. Regulations governing camping areas.
- Section 15-43. Camping permit required; issuance; denial.
- Section 15-44. Time limits.
- Section 15-45. Assigned camping spaces.
- Section 15-46. Camping permit; minors.
- Section 15-47. Cancellation of permits.
- Section 15-48. Display of permit.

Article 5. Picnics.

- Section 15-49. Director to establish locations and time limit.
- Section 15-50. Picnic permit; reserved spaces.
- Section 15-51. Hours of use.
- Section 15-52. Picnic permit; minors; hours.
- Section 15-53. Display of permit.
- Section 15-54. Use of portable engines or motors restricted.

Article 6. Credit Against User Fees for Private Improvements to Parks and Recreational Facilities.

- Section 15-55. Purpose.
- Section 15-56. Procedure.
- Section 15-57. Duties of director.
- Section 15-58. Limitation on application of credit.
- Section 15-59. Application of credit against user fees.
- Section 15-60. Restoration of credits.

CHAPTER 15**PARKS AND RECREATION****Article 1. General Provisions.****Section 15-1. Purpose of chapter.**

The purposes of this chapter are:

- (1) Preservation of the beauty of Hawai'i, its way of life and its Aloha spirit;
- (2) Moral, physical and economic well-being of the citizens and residents of the County;
- (3) Utilization of land resources in the County in an intelligent and reasonable manner based on the capabilities and characteristics of the soil, its physical surroundings, climate, and the needs of the people in the County together with any other relevant and material considerations;
- (4) Establishment of recreational and cultural facilities that will provide healthful, educational, and aesthetic advantages for the people in the County and its visitors, and for the orderly and progressive development of such facilities to accommodate the expanding and diversified needs of the people; and
- (5) Protection and enhancement of the scenic and historic resources of the area.

(1983 CC, c 15, art 1, sec 15-1.)

Section 15-2. Applicability and scope of chapter.

- (a) This chapter shall apply to all County park areas.
- (b) The provisions in this chapter, including provisions for the imposition upon any person of the penalties by fine or imprisonment for any violation of this chapter, are not to be construed to exclude the operation of applicable State statutes or other County ordinances. In the case of conflict with other County ordinances, the stricter ordinance may apply.
- (c) The director, or the director's authorized representative, shall implement and administer the provisions of this chapter.
- (d) The director or the director's authorized representative, may authorize a temporary or limited term exception from any provision of this chapter when determined to be in the best interest of the department, the County, or the public.

(1983 CC, c 15, art 1, sec 15-2; am 2001, ord 01-3, sec 1; am 2023, ord 23-11, sec 1.)

Section 15-3. Definitions.

As used in this chapter:

"Authorized person" means any person authorized to enforce the provisions of this chapter.

“Beach park” means a park or specific area of a park that has shoreline frontage or is on the water’s edge that supports swimming, fishing, and other beach, shoreline, or ocean-going recreational activities, which may also include camping, picnicking, or events where proximity to the ocean is a primary consideration.

“Camper” means any person with a valid permit who remains, or intends to remain, in a park or recreational facility to use the facility as overnight accommodations.

“Camping” means the act of remaining in any park area outside of the park hours provided in section 15-8.

“Camping units” means any prefabricated or custom-built mobile units that are pulled or transported by other means intended for human habitation or occupancy of any duration including, but not limited to, travel trailers, camper trailers, fifth-wheel trailers, pop-up trailers, or similar.

“Department” means the department of parks and recreation.

“Director” means the director of the department of parks and recreation.

“Park area” means all County-owned or controlled areas administered by the department of parks and recreation.

“Picnicker” means any person on an outing, who consumes or intends to consume foodstuffs while within the boundaries of a public premises under the jurisdiction of the department of parks and recreation, but who does not remain or intend to remain upon the premises past the hour of 11:00 p.m. If any person remains past the hour of 11:00 p.m., the person shall be known as a camper and shall be governed by those provisions relating to camping.

“Picnicking” means an outing by one or more persons who consume or intend to consume food while within the boundaries of a public premises under the jurisdiction of the department of parks and recreation, but who do not remain or intend to remain on the premises past the hour of 11:00 p.m. If the outing is past the hour of 11:00 p.m., it shall be known as camping and shall be governed by those provisions relating to camping.

“Recreational area” means all beach parks, and all other park areas administered by the department primarily for the purpose of public recreation.

“Recreational vehicle” means any prefabricated or custom-built self-propelled unit intended for human habitation or occupancy of any duration including, but not limited to, motorhomes, campervans, coaches, caravans, popup campers, truck campers, or similar vehicles.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon, excepting devices moved solely by human power.

(1983 CC, c 15, art 1, sec 15-3; am 1979, ord 479, sec 1; am 1987, ord 87-130, sec 2; am 2023, ord 23-11, sec 2.)

Section 15-4. Animal or agricultural use of public land restricted.

The running at large, herding, driving across, or grazing of animals of any kind on the public lands of an area, or the use of such lands for agricultural purposes, is permitted only under a valid lease, contract, or special use permit issued by the County or pursuant to law.

(1983 CC, c 15, art 1, sec 15-4.)

Section 15-5. Special rules for Kahału'u Park, North Kona.

Camping and the use of trailers or other camper units are prohibited at Kahału'u Park.

(1983 CC, c 15, art 1, sec 15-5.)

Section 15-6. Repealed.

(1983 CC, c 15, art 1, sec 15-6; am 1978, ord 340, sec 1; am 2001, ord 01-3, sec 2; rep 2023, ord 23-11, sec 3.)

Section 15-7. Penalty.

Any person convicted of violating any provision contained in this chapter shall be punished by a fine not exceeding \$1,000 or by imprisonment not to exceed thirty days, or both, and shall be adjudged to pay all costs of the proceedings. In addition to the penalties provided herein, the County may recover for damages to its property, the measure of which shall be the cost of repairing, replacing, or rebuilding the property injured or destroyed.

(1983 CC, c 15, art 1, sec 15-7; am 1986, ord 86-100, sec 2; am 2007, ord 07-2, sec 2.)

Article 2. Restrictions and Prohibitions.**Division 1. Park Areas.****Section 15-8. Parks and recreation facilities; hours of operation.**

- (a) The director, or the director's authorized representative, may establish different and specific hours of operation for any park or any portion or area of a park, via posting of signage at the respective park or area. The director may also designate any park or any portion or area of a park available for use via use permit or specific approval only.
- (b) All parks, including beach parks, shall be open daily at 7:00 a.m. and closed at 8:00 p.m. for public access and use that is consistent with all applicable rules and regulations.
- (c) All County owned or managed cemeteries, inclusive of veterans cemeteries, shall open daily at 7:00 a.m. and close at 7:00 p.m.

- (d) Recreation facilities shall have opening and closing times posted at each facility as established by the director. Recreation facilities that do not have opening and closing times posted shall be considered closed and available only via a use permit or specific approval issued by the director or the director's authorized representative.
- (e) The director may close or restrict access to any park, recreation facility, or any portion of a park or recreation facility when necessary for the protection of the park, facility, or portion thereof or for the safety and welfare of persons or property via the posting of appropriate signage indicating the extent and scope of each closure.
- (f) All persons shall observe and abide by all officially posted signage and designated hours of operation.

(1983 CC, c 15, art 1, sec 15-8; am 2023, ord 23-11, sec 4.)

Section 15-9. Disorderly conduct prohibited; defined.

- (a) Disorderly conduct is prohibited.
- (b) A person is guilty of disorderly conduct if, with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:
 - (1) Engages in fighting or in threatening, violent, or tumultuous behavior;
 - (2) Makes unreasonable noise or subjects another person to offensively coarse utterances, gestures, displays, or abusive language in a manner which is likely to provoke a violent response; or
 - (3) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(1983 CC, c 15, art 1, sec 15-9; am 2015, ord 15-52, sec 2.)

Section 15-10. Explosives and fireworks prohibited; exception.

- (a) The use or possession of explosives is prohibited except upon written permission of the director. Any authorized use or possession of explosives shall conform with all applicable Federal, State, and County laws.
- (b) The use or possession of fireworks and firecrackers is prohibited, except upon written permission of the director.

(1983 CC, c 15, art 1, sec 15-10.)

Section 15-11. False reports prohibited.

The giving of any false or fictitious report or other information to any authorized person investigating an accident or any violation of law or regulations is prohibited.

(1983 CC, c 15, art 1, sec 15-11.)

PARKS AND RECREATION

This page intentionally left blank.

Section 15-12. Weapons restricted.

In recreational areas the use and possession of all firearms or other implements designed to discharge missiles, which are capable of destroying animal life, shall conform with all applicable Federal, State and County laws. Such firearms or other implements shall not be used in a manner so as to endanger persons or property. The possession of loaded firearms or other implements, except by law enforcement officers, in developed, populated, or concentrated use areas is prohibited.

(1983 CC, c 15, art 2, sec 15-12.)

Section 15-13. Regulation of fires.

(a) The kindling of any fire is permitted only:

- (1) In designated camping and picnicking grounds when the fire is confined in a fireplace provided for the use of visitors, in grills, or in locations marked by the director; or
 - (2) In other locations, including backcountry, wilderness, and remote sections of the park areas when a written permit has been secured from the director;
 - (3) In portions of the park areas designated by the director where fires may be kindled without a written permit. Portions of the park areas so designated shall be marked on a map which shall be available for public inspection in the office of the department of parks and recreation; or
 - (4) In stoves or lanterns using gasoline, propane, butane gas or other fuels.
- (b) Fires must be kindled in such manner that no tree, shrub, grass, or other inflammable or combustible matter will be set on fire or caused to be set on fire.
- (c) When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited.
- (d) Throwing or dropping a lighted cigarette, cigar, pipe heel, match, or other burning material is prohibited.

(1983 CC, c 15, art 2, sec 15-13.)

Section 15-14. Fishing regulations.

- (a) In addition to the restrictions set forth in subsections (b) and (c) herein, fishing shall be in accordance with the laws and regulations of the State, and such laws and regulations which are now or may be in effect are hereby adopted and made a part of this chapter.
- (b) Use of the following are prohibited in the gathering and collection for any purpose of fish, crustaceans or mollusks from any body of water located in any park area owned or controlled by the County, including, but not limited to, the pond at Lili'uokalani Park, Richardson Ocean Park, and Kahalu'u Beach Park:
- (1) Cross nets;
 - (2) Throw nets;
 - (3) Spears;
 - (4) Bows and arrows;
 - (5) Chemicals;

Section 15-26. Vehicles; parking restricted.

- (a) No vehicle shall be driven at, operated upon, or parked within a park or recreational facility except on paved or unpaved roads and parking areas specifically established and provided for park or recreational facility users while they are actively using or seeking to use the park or recreational facility in a manner consistent with all applicable rules and regulations.
- (b) Parking of vehicles shall be within marked stalls or in places designated for such use by appropriate signage as they may be provided or as otherwise permitted by the director.
- (c) Use of electric vehicle charging station parking stalls shall only be allowed for persons with qualified electric vehicles, while they are actively using the park or recreational facility and only while the vehicle is being charged.
- (d) No person shall stop, park, or leave standing any motor vehicle, whether attended or unattended, except in areas lawfully designated for parking. No person shall stop, stand, or park a vehicle on any landscaped or grassed areas; on walkways or trails; in a crosswalk; within any recreational facility; or in any location that obstructs an accessible route, park entrance or exit; road or driveway; fire lane, emergency access route, maintenance access, or in a manner that impedes the operation of a door or gate.
- (e) The director, or the director's authorized representative, may authorize temporary access to and use of any park or recreational facility for vehicle access and parking for specific uses, activities, events, or for construction purposes.
- (f) This section shall not apply to any vehicle that is clearly and officially designated as a County vehicle or vehicles operated by the Hawai'i police department, provided that the operator of the vehicle is on duty.

(1983 CC, c 15, art 2, sec 15-26; am 2023, ord 23-12, sec 1.)

Division 2. Recreation and Park Areas.**Section 15-27. Permission required for advertising and signs in park areas.**

- (a) Commercial notices or advertisements shall not be displayed, posted or distributed on County lands within a park area unless prior written permission has been given by the director. Such permission may be granted by the director under any of the following circumstances:
 - (1) If the notice or advertisement is of goods, services or facilities available within the park area and such notices and advertisements are found by the director to be desirable and necessary for the convenience and guidance of the public; or
 - (2) If a sign is temporary in nature and is exhibited only during the time the event is actually occurring, provided that a payment is made to the County of Hawai'i as established by administrative rules.
- (b) Permanent signs.
 - (1) The Council, by resolution, may allow a permanent sign in a County park which displays the name and/or logo of any company or organization that sponsors, constructs or donates the permanent sign for the purpose of

displaying future and current public events in exchange for the construction of the permanent sign and/or for advertising purposes. The permanent sign shall comply with chapter 3, Hawaii County Code.

- (2) Permanent signs are allowed in the Ho'olulu Complex only.
- (c) Notwithstanding any provision to the contrary, the director may allow any type of commercial advertising on golf scorecards.

(1983 CC, c 15, art 2, sec 15-27; am 1987, ord 87-11, sec 2; am 1995, ord 95-145, sec 1.)

Section 15-28. Prohibited activities in parks areas.

The following activities are prohibited in all park areas, unless authorized by the director or the director's authorized representative:

- (1) The intentional or wanton destruction, defacement or removal of any natural feature or nonrenewable natural resource;
- (2) The intentional or wanton possession, destruction, injury, defacement, removal, or disturbance, in any manner of any public building, sign, equipment, monument, marker, or other structure, or of any relic, artifact, ruin, or historic or prehistoric feature, or of any other similar public property;
- (3) Gathering or collecting for the purpose of sale or commercial use any quantities of natural products of a renewable nature, including, but not limited to flowers, fruits, leaves, berries, wood, driftwood, and marine deposits of natural origin, with the exception of the gathering or collecting of such products in reasonable quantities for personal use except where such activity is expressly prohibited by posted signage;
- (4) The destroying, digging, or removing of any tree, shrub, or other plant; the tying or affixing of ropes, cords, or cables to any plant for the purpose of mounting or securing signs, tents, tarps, shade or wind screens, hammocks or similar items; and inserting spikes, nails, screws, or other foreign objects into any tree or other plant; and
- (5) The gathering or collecting of pebbles or rocks of any size for the purpose of sale. The gathering or collecting of small quantities of pebbles or rock by hand for personal use is permitted.

(1983 CC, c 15, art 2, sec 15-28; am 2023, ord 23-11, sec 5.)

Section 15-29. Injury or damage report required.

All incidents resulting in injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the director. This report does not relieve persons from the responsibility of making any other accident reports which may be required under State or County law.

(1983 CC, c 15, art 2, sec 15-29.)

Section 15-30. Sanitation and refuse regulations.

- (a) All garbage, papers, cans, bottles, waste materials, and rubbish of any kind must be burned in authorized fires or disposed of only at points or places designated for the disposal thereof, or removed from the area. All noncombustible waste materials shall be deposited only in places designated for the disposal of such materials or removed from the area. Removal of refuse or garbage from refuse containers and removal or relocation of such containers, except by authorized persons, are prohibited.
- (b) Draining or dumping refuse or wastes from any trailer or other vehicle except in places or receptacles provided for such use is prohibited.
- (c) Cleaning food or washing clothing or articles of household use is permitted only in designated areas.
- (d) Polluting or contaminating in any manner any watershed, water supplies, or water used for drinking purposes is prohibited.
- (e) Fish entrails or other inedible parts of fish may be disposed of into salt waters except within two hundred feet of boat docks or swimming areas but shall not be thrown into fresh waters or onto park area lands in areas of public concentration.
- (f) Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood, or stone substances in any of the plumbing fixtures in such station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, and orderly manner.
- (g) Urinating or defecating other than at the place provided therefor is prohibited, except in backcountry, wilderness, or other remote areas.
- (h) Using government refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property is prohibited.

(1983 CC, c 15, art 2, sec 15-30.)

Section 15-31. Skating and skateboards restricted.

The use of roller skates and skateboards is prohibited except in locations designated by the director by the posting of appropriate signs.

(1983 CC, c 15, art 2, sec 15-31.)

Section 15-32. Swimming, bathing, surfing and use of flotation devices.

- (a) Swimming and bathing are permitted except in waters and at times where such activities are prohibited in the interest of public health or safety, which excepted waters shall be designated by the posted signs.
- (b) The director may prohibit the use of flotation devices within designated swimming areas by the posting of appropriate signs.
- (c) The use of surfboards and similar devices is prohibited within the limits of designated swimming beaches.

(1983 CC, c 15, art 2, sec 15-32.)

Section 15-33. Tampering with vehicle or vessel.

Tampering or attempting to tamper with any vehicle, vessel, or other equipment which is not lawfully in one's possession or control, or entering or going upon, moving or manipulating any of the parts or components of any vehicle, vessel, or other equipment or starting or setting the same in motion, except under such lawful possession or control is prohibited.

(1983 CC, c 15, art 2, sec 15-33.)

Section 15-34. Boating in swimming areas prohibited.

No vessel, including but not limited to, boat, motorboat, houseboat, rowboat, powerboat, jet boat, sailboat, fishing boat, towboat, scow, flatboat, cruiser, motor vessels, ship barge, tug, floating cabana, party boat, charter boat, ferryboat, canoe, raft or any buoyant device permitting or capable of free flotation, shall be operated or anchored within the swimming areas of all beach parks.

(1983 CC, c 15, art 2, sec 15-34.)

PARKS AND RECREATION

This page intentionally left blank.

Article 3. Public Meetings and Assemblies.**Section 15-35. Public assembly; permit required; exception.**

- (a) As used in this section, “expressive activities” means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of the participation in or attendance at such activity. Expressive activity generally would not include sports events, fundraising events, beauty contests, commercial events, cultural celebrations or other events where the principal purpose is entertainment.
- (b) Public meetings, assemblies, gatherings, demonstrations, parades, and other expressive activities are permitted within park areas on lands which are open to the general public, provided a permit issued by the director shall be required when the public meeting, assembly, gathering, demonstration, parade, or expressive activity involves seventy-five or more persons.
- (c) Exceptions. This section shall not apply:
 - (1) To expressive activities organized or planned fewer than twenty days in advance of such expressive activity in response to news or affairs coming into public knowledge in which case the organizer shall provide written notice to the County as soon as practicable prior to such expressive activity; or
 - (2) To students when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities or to any government agency within the scope of its functions.

(1983 CC, c 15, art 3, sec 15-35; am 2015, ord 15-52, sec 4.)

Section 15-36. Permits for special events required; conditions.

- (a) Sports events, pageants, re-enactments, regattas, entertainments, and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the director. Such permits may be issued only after a finding that the issue of the permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public.
- (b) The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

(1983 CC, c 15, art 3, sec 15-36.)

Section 15-37. Application for permit; filing.

- (a) Applications for a permit shall be filed with the director at least twenty days but not more than one hundred eighty days before the date on which it is proposed to conduct any such activity, provided that this requirement shall not apply to “expressive activity” as defined in section 15-35.

- (b) The application shall state:
- (1) The name of the person or organization proposing to conduct such activity;
 - (2) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of headquarters of the organization, and of the authorized agent of such organization;
 - (3) The name, address, and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;
 - (4) The name, address, and telephone number of the person or organization to whom the permit is to be issued;
 - (5) The date when such activity is to be conducted;
 - (6) The park or portion thereof for which such permit is desired;
 - (7) An estimate of the anticipated attendance;
 - (8) The hours when such activity will start and terminate;
 - (9) If the activity is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the director a communication in writing from the person proposing to hold such activity, authorizing the applicant to apply for the permit on that person's behalf; and
 - (10) A statement of equipment and facilities to be used in connection with the activity.

(1983 CC, c 15, art 3, sec 15-37; am 2015, ord 15-52, sec 5.)

Section 15-38. Permit issuance; denial; conditions.

- (a) The director shall issue a permit on proper application unless:
- (1) A prior application for the same time and place has been made which has been or will be granted;
 - (2) The event will present a clear and present danger to the public health or safety; or
 - (3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for.
- (b) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

(1983 CC, c 15, art 3, sec 15-38.)

Article 4. Camping.

Section 15-39. Camping and recreational vehicle or other camping units areas.

- (a) Camping is only permitted as follows:
- (1) At Laupāhoehoe Beach Park, Kolekole Beach Park, Isaac Kepo‘okalani Hale Beach Park, Punalu‘u Black Sand Beach Park, Whittington Beach Park, Miloli‘i Beach Park, Ho‘okena Beach Park, Mahukona Beach Park, Kapa‘a Beach Park, and Spencer Park at Ōhai‘ula Beach. The camper shall give due regard to the rights and convenience of other users of the park, shall not obstruct any roadway or pathway, and shall not monopolize any facility intended for the use of all users of the park.
 - (2) At Spencer Park at Ōhai‘ula Beach, camping is permitted in two camping areas known as areas “A” and “B.” Area “A” is mauka of the large pavilion between the Hapuna boundary of the park and the outdoor courts. Area “B” is between the north side restroom and the central restroom.
- (b) Use of recreational vehicles or other camper units are only permitted at Whittington Beach Park and Spencer Park at Ōhai‘ula Beach in stalls that have been approved by the director and clearly designated for such use.
- (1983 CC, c 15, art 4, sec 15-39; am 2001, ord 01-3, sec 4; am 2023, ord 23-13, sec 1.)

* **Editor’s Notes:** Samuel Spencer Beach Park was renamed “Spencer Park at Ōhai‘ula Beach” pursuant to Ordinance 03-135. Isaac Hale Memorial Park was renamed “Isaac Kepo‘okalani Hale Beach Park” pursuant to Ordinance 08-35.

Section 15-40. Maps of camping areas.

The areas described in section 15-39 are outlined in red on the maps marked Exhibit A for Samuel Spencer Beach Park,* and by reference made a part of this chapter. Copies of these maps are kept on file and are available for public inspection in the office of the department of parks and recreation.

(1983 CC, c 15, art 4, sec 15-40; am 2001, ord 01-3, sec 5.)

* **Editor’s Note:** Samuel Spencer Beach Park was renamed “Spencer Park at Ōhai‘ula Beach” pursuant to Ordinance 03-135.

Section 15-41. Director to establish time limits.

The director may establish limitations on the length of time persons may camp within a park area, either in a single period or in combined separate periods. Such limitations shall be posted at campgrounds or other appropriate locations.

(1983 CC, c 15, art 4, sec 15-41.)

Section 15-42. Regulations governing camping areas.

- (a) The installation of permanent camping facilities is prohibited.
- (b) The digging or leveling of the ground at any campsite is prohibited, except with the permission of the director.
- (c) Camping equipment must be completely removed and the sites cleaned before departure.

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, and Veterans of Foreign Wars. The committee shall also include eight 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; am 2023, ord 23-19, sec 1.)

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.)

Section 15-68.1. Parks and recreational facility schedule.

PARKS

North Hilo	
Laupāhoehoe Civic Building	3-6-009:031 (Por.)
Laupāhoehoe Playground	3-6-009:033
Laupāhoehoe Point Beach Park	3-6-002:013, 024, 026, 038
Laupāhoehoe Senior Center	3-6-002:031
Laupāhoehoe Swimming Pool	3-5-004: 059 (Por.)
‘Ō‘ōkala Park	3-9-001:011
Pāpa‘aloha Park	3-5-003:088
Waikaumalo Park	3-2-002:062

South Hilo	
Āhualani Park	2-4-063:081
‘Āinakō Park	2-5-018:026
‘Āinaola Park	2-4-041:069
Baker’s Beach	2-1-006:077; 2-1-007:011, 025
Carlsmith Beach Park	2-1-017:019, 021, 022, 051, 058, 059
Clem Akina Park	2-6-007:027; 2-6-008:026 (Por.)
East Hawai‘i Cultural Center	2-3-006:004
Frank M. Santos Park	2-7-004:121
Gilbert Carvalho Park	2-3-026:005, 009; 2-3-025:005 (median)
Hakalau Beach Park	2-9-002:080
Hakalau Gym	2-9-002:091
Hakalau Veterans Park	2-9-002:004
Happiness Gardens	2-1-003:013
Hilo Armory	2-3-004:008
Hilo Bayfront Beach	2-2-001:027; 2-2-002:035; 2-2-002:034; 2-2-003:046; 2-2-004:056
Hilo Bayfront Park	2-2-004:028,035; 2-2-005:002
Hilo Bayfront Soccer Fields	2-2-004:002; 2-2-006:001; 2-2-007:018; 2-2-011:001; 2-2-012:016
Hilo Drag Strip	2-1-013-153
Hilo Municipal Golf Course	2-4-016:001; 2-4-002:001, 129, 130
Hilo Skate Park	2-2-033:013
Hilo Skeet Range	2-1-013:002 (Por.)
Honoli‘i Beach Park	2-6-026:001
Honomū Park	2-8-014:001

PARKS (continued)

South Hilo (continued)	
Ho‘olulu Complex (1) Afook-Chinen Civic Auditorium (2) Aunty Dottie Thompson Hale (3) Aunty Sally Kaleohano’s Lū‘au Hale (4) Charles “Sparky” Kawamoto Swim Stadium (5) Edith Kanaka‘ole Multi-Purpose Stadium (6) Dr. Francis F. C. Wong Stadium (7) Walter C.K. Victor Baseball Complex	2-2-032:031, 035, 084, 094; 2-2-033:001, 016
Hualani Park (1) Princess Abigail Wahīika‘ahu‘ula Kawanānakoā Center (2) Ronald Futoshi “Harpo” Saiki Officials’ Stand	2-1-023:120
James Kealoha Beach Park	2-1-016:003
Kaipalaoa Landing	2-3-004:001
Kaiwiki Park	2-6-010:016
Kalākaua Park (1) War Memorial Pond	2-3-005:001
Kamanā Senior Center	2-4-056:019
Kanakea Pond	2-1-006:010
Kaūmana Caves	2-5-040:012
Kaūmana Lani Park	2-5-060:007
Keikiland Playground	2-2-018:043
Kolekole Gulch Park	2-8-015:015
Kuawa Ballfields	2-2-032:003, 004, 008, 019, 087, 088
Kūhiō Kalaniana‘ole Park	2-1-006:013; 2-1-006:015
Kula‘imano Park	2-8-007:070, 079
Lālākea Pond Beach Park	2-1-017:018
Lehia Beach Park	2-1-013:005; 006
Leleiwi Beach Park	2-1-017:018, 053, 054
Liholiho Garden	2-3-006:003
Lili‘uokalani Gardens	2-1-003:001, 017, 018

PARKS (continued)

South Hilo (continued)	
Lincoln Park (1) Dr. Ruth E. Oda Playground	2-3-010:001
Lincoln Park Tennis Courts	2-3-012:046
Lōkahi Park	2-4-052:020
Machado Acres Park	2-4-060:001; 2-4-029:028
Mālama Park	2-2-056:026
Mohouli Park	2-4-001:161
Moku‘ola Island	2-1-003:019
Mo‘oheau Park	2-3-001:002
NAS Swimming Pool	2-1-012: 149 (Por.)
Onakahakaha Beach Park (1) Uncle David K. Calles, Sr. Horseshoe Courts	2-1-014:013, 035-037, 067
Pana‘ewa Equestrian Center (1) Alvin “Al” Cabral Rodeo Arena Grandstand	2-4-004:144
Pana‘ewa Park	2-2-059:011
Pana‘ewa Rainforest Zoo and Gardens	2-4-004:001
Pauka‘a Park	2-7-040:010
Pepe‘ekeo Community Center	2-8-006:012
Pi‘ihonua School Grounds	2-5-028:017
Reeds Bay Beach Park	2-1-005:001, 028
Richardson Ocean Park	2-1-019:010
University Heights Park	2-4-024:164
Veterans Memorial Park	2-2-013:003 (Por.)
Waiākea Recreation Center	2-2-032:033
Waiākea ‘Uka Park (1) Stanley Costales Waiākea ‘Uka Gym	2-4-035:001, 002, 004
Waiākea Waena Park (1) Andrews Gym	2-2-042: 017 (Por.)
Wainaku Gym	2-6-013:030
Wainaku Playground	2-6-013:025
Wai‘olena Beach Park	2-1-018:026
Wai‘uli Beach Park	2-1-019:009

PARKS (continued)

Hāmākua	
Gilbert Kahele Recreation Area	4-4-016:003 (Por.)
Haina Park	4-5-002:049
Honoka‘a Rodeo Arena (1) Rose Andrade Correia Stadium	4-5-003:018
Honoka‘a Sports Complex (1) Lala Epenesa, Jr. Ballfield	4-5-010:088, 090
Honoka‘a Swimming Pool	4-5-003:020 (Por.)
Honoka‘a Tennis Courts	4-5-010:079
Kukuihaele Park (1) Takashi “Taka” Domingo Pavilion	4-8-006:010
Pa‘auilo Park	4-3-018:054
Waipi‘o Community Park	4-8-004:006
Waipi‘o Lookout	4-8-004:017

Ka‘ū	
Honu‘apo Beach Park	9-5-014:002-007, 027, 052-059
Kahuku Park	9-2-094:036; 9-2-101:032
Kawa Bay	9-5-017:007
Laurence J. Capellas Ballfield	9-6-005:008 (Por.), 039
Nā‘ālehu Park	9-5-021:023
Pāhala Community Center	9-6-023:044
Pāhala Swimming Pool	9-6-005:008 (Por.)
Pāhala Tennis and Basketball Courts	9-6-005:008 (Por.)
Punalu‘u Black Sand Beach Park	9-6-001:006, 011, 012
Representative Robert N. Herkes Gymnasium and Shelter	9-6-005:008 (Por.)
Wai‘ōhinu Park	9-5-001:031
Whittington Beach Park	9-5-014:001, 060 (Por.)

PARKS (continued)

North Kohala	
Kamehameha Park (1) Ikuo Hisaoka Gymnasium (2) Kohala Intergenerational Center (3) Kohala Swimming Pool (4) North Kohala Veteran's Field (5) Shiro Takata Field	5-4-005:016; 5-4-009:004
Kapa'a Beach Park	5-6-001:060
Kēōkea Beach Park	5-2-001:016
Mahukona Beach Park	5-7-003: 013 (Por.)
Mahukona Wharf	5-7-003:004, 018
North Kohala Senior Center	5-4-005:001
North Kohala Senior Programs Center	5-4-005:002, 003

South Kohala	
Ho'oko Park	6-8-002:059
Kamakoa Nui Park	6-8-041:008
Kawaihae Canoe Area	6-1-003:014
Ke Ala Kahawai 'o Waimea	6-5-003:004, 6-6-003:006 (Por.)
Lily Yoshimatsu Senior Center	6-7-002:025
'Ouli Park	6-2-007:001
Pu'u Nui Park	6-8-013:001
Spencer Kalani Schutte District Park	6-7-002:063
Spencer Park at 'Ōhai'ula Beach (1) Samuel Mahuka Spencer Pavilion	6-2-002:008, 011
Waimea Church Row Park	6-5-004:006
Waimea Park	6-5-007:001, 002, 024
Waimea Soccer Fields	6-7-002:011 (Por.)

PARKS (continued)

North Kona	
Ali'i Kai Park	7-6-019:034
Hale Hālāwai	7-5-008:010
Harold H. Higashihara Park	7-8-005:022
Kahalu'u Beach Park	7-8-014:001
Kailua Park (1) Kekuaokalani Gymnasium (2) Kona Community Aquatic Center (3) Nākamalei Playground (4) Old Kona Airport Beach Park	7-5-005:007, 072-074, 079, 082-083
Kailua Playground	7-5-009:032
Kealakehe Regional Park	7-4-020:007
Kipapa Park	7-7-008:100
Kohanaiki Beach Park	7-3-063:012 (Por.), 013; 7-3-064:021-022
Kona Hillcrest Park	7-5-030:026
Kona Imin Center	7-6-003:020
Ku'emanu Heiau	7-8-014:004, 005
La'aloa Park	7-7-010:036
Lokahi Makai Park	7-3-061:050
Magic Sands Beach Park	7-7-008:017, 035, 093-094, 106-107
Pāhoehoe Beach Park	7-7-008:026, 064
Wai'aha Beach Park	7-5-018:020, 088 (Por.)
Walua Trail	7-7-007:
William Charles Lunalilo Playground	7-5-041:052

South Kona	
Arthur L. Greenwell Park (1) Sgt. Rodney J.T. Yano Memorial Hall	8-2-013:005
Clarence Lum Won Park	8-1-024:031; 8-1-036:002
Hōnaunau Boat Ramp	8-4-013:014
Hōnaunau Rodeo Arena	8-4-008:002
Ho'okena Beach Park	8-6-013:020, 021, 029-031, 046-048
Konawaena Swimming Pool	8-1-005:013 (Por.)
Miloli'i Beach Park	8-9-004:001
Napo'opo'o Beach Park	8-2-006:025

PARKS (continued)

Puna	
A.J. Watt Gym	1-8-002:049
Glenwood Park	1-8-009:023
Hawaiian Beaches Park	1-5-067:035; 1-5-083:037
Herbert Shipman Park (1) Buddy Perry Soccer Field (2) Kea'au Armory	1-6-003:007 (Por.), 058, 086
Isaac Kepo'okalani Hale Beach Park	1-3-008:014, 016, 021, 033; 1-4-093:048
Kahakai Park	1-5-063:001
Kea'au Community Center	1-6-143:041
Kurtistown Park	1-7-003:019
Mountain View Park	1-8-004:030
William "Billy" Kenoi District Park (1) Ginny Aste Skate Park (2) Pāhoa Aquatic Center (3) Pāhoa Neighborhood Facility (4) Pāhoa Senior Center	1-5-002:020
Volcano Park	1-9-003:017

CEMETERIES

North Hilo	
Kihalani Cemetery (Laupāhoehoe)	3-5-005:007
Piha Cemetery	3-2-002:030

South Hilo	
‘Alae Cemetery	2-6-012:010, 043, 048
Veterans Cemetery No. 1	2-3-017:010
Veterans Cemetery No. 2	2-3-020:007; 2-3-020:020
Waiākea ‘Uka Cemetery	2-4-003:012

Hāmākua	
Kaapahu Cemetery	4-4-011:065
Kainehe Cemetery (Kūkaiāu)	4-2-004:001
Kukuihaele Cemetery	4-8-006:014
Pa‘alaea Cemetery (Honoka‘a)	4-5-006:002 (Por.)

Ka‘ū	
Nā‘ālehu Cemetery	9-5-008:026
Wai‘ōhinu Cemetery	9-5-003:053

Kohala	
Aamakoa Cemetery	5-2-007:003
Kahei Cemetery (Hāwī)	5-5-011:001
Waimea Cemetery	6-5-004:001, 007

Kona	
Hienaloli Cemetery (Keōpū)	7-5-011:006
West Hawai‘i Veterans Cemetery-Pu‘u Ho‘omaha O Nā Po‘e Koa O Hawai‘i Komohana	7-2-004:021

CEMETERIES (continued)

Puna	
Kaimu Cemetery	1-2-006:036
Kehena Cemetery	1-2-009:023
Malama Cemetery	1-3-007:002, 003

(2000, ord 00-15, sec 2; ord 00-66, sec 2; ord 00-113, secs 1 and 2; am 2002, ord 02-58, sec 2; am 2003, ord 03-99, sec 2; ord 03-135, sec 2; am 2004, ord 04-79, sec 2; am 2005, ord 05-40, sec 2; ord 05-96, sec 2; am 2006, ord 06-127, sec 2; ord 06-149, sec 3; am 2007, ord 07-22, sec 4; am 2008, ord 08-7 sec 5; ord 08-22, sec 2; ord 08-35, sec 2; ord 08-121, sec 2; ord 08-142, sec 2; am 2009, ord 09-32, sec 3; am 2010, ord 10-11, sec 3; am 2011, ord 11-90, sec 3; am 2012, ord 12-164, sec 2; am 2014, ord 14-57, sec 2; am 2015, ord 15-60, sec 4; am 2016, ord 16-111, sec 2; ord 16-112, sec 2; ord. 16-113, sec 4; am 2017, ord 17-61, sec 2; am 2018, ord 18-2, sec 2; ord 18-20, sec 3; ord 18-21, sec 2; ord 18-22, sec 2; ord 18-44, sec 2; ord 18-61, sec 2; ord 18-83, sec 2; am 2019, ord 19-43, sec 2; am 2020, ord 20-59, sec 2; am 2021, ord 21-3, sec 2; am 2022, ord 22-9, sec 3; ord 22-115, sec 3; am 2023, ord 23-14, sec 2.)

HAWAII COUNTY CODE

This page intentionally left blank.

CHAPTER 17

FIRE

Article 1. Hawai'i County Fire Code.

Division 1. General Provisions.

- Section 17-1-1. Title.
- Section 17-1-2. Purpose.
- Section 17-1-3. Scope.
- Section 17-1-4. Definitions.
- Section 17-1-5. Permits.

Division 2. Installation Requirements.

- Section 17-1-21. National Fire Protection Association 1, Fire Code and Hawai'i State Fire Code.

Article 2. Fireworks Code.

Division 1. General Provisions.

- Section 17-2-1. Title.
- Section 17-2-2. Definitions.
- Section 17-2-3. Public information.

Division 2. Prohibitions.

- Section 17-2-21. General prohibitions.
- Section 17-2-22. Minors.
- Section 17-2-23. Liability of parents or guardians.

Division 3. Licenses.

- Section 17-2-31. License required.
- Section 17-2-32. General license provisions.
- Section 17-2-33. License application process.
- Section 17-2-34. Applications to include.
- Section 17-2-35. Application fees.
- Section 17-2-36. Requirements of licensee.
- Section 17-2-37. Compliance and revocation.

Division 4. Permits.

- Section 17-2-41. Permits.
- Section 17-2-42. Firecrackers.
- Section 17-2-43. Consumer fireworks for cultural purposes.
- Section 17-2-44. Aerial devices, display fireworks, and articles pyrotechnic.
- Section 17-2-45. General permit provisions.
- Section 17-2-46. Permit application process.
- Section 17-2-47. Compliance and revocation.

Division 5. Importation and Exportation.

- Section 17-2-51. Licensee's duty of notification.
- Section 17-2-52. Inspection of fireworks.
- Section 17-2-53. Importation and storage.

Division 6. Enforcement and penalties.

- Section 17-2-61. Penalties.

Article 3. Fire board of appeals.

- Section 17-3-1. Definitions.
- Section 17-3-2. Fire board of appeals established; appointment; qualifications.
- Section 17-3-3. Powers; duties; functions.
- Section 17-3-4. Appeals.
- Section 17-3-5. Meetings.
- Section 17-3-6. Records.
- Section 17-3-7. Decisions.

CHAPTER 17**FIRE***

* **Editor's Notes:** Chapter 26, "fire," was repealed by ordinance 23-8, section 4, and replaced with chapter 17.

Article 1. Hawai'i County Fire Code.**Division 1. General Provisions.****Section 17-1-1. Title.**

This article shall be known as the fire code.
(2023, ord 23-8, sec 1.)

Section 17-1-2. Purpose.

The purpose of this article is to adopt the Hawai'i State Fire Code as required by section 107-28, Hawai'i Revised Statutes. This document incorporates, subject to amendment, the 2018 NFPA 1 and the 2018 Hawai'i State Fire Code as adopted in section 12-45.4, Hawai'i Administrative Rule, January 19, 2021. [2018 HSFC: 1]
(2023, ord 23-8, sec 1.)

Section 17-1-3. Scope.

This article sets forth minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. [2018 HSFC: 2]
(2023, ord 23-8, sec 1.)

Section 17-1-4. Definitions.

In this article, unless the context otherwise requires:

"Annex" means the explanatory material attached to the NFPA 1, Fire Code 2018.

"Authority having jurisdiction" or "AHJ" means the Hawai'i fire department.

"Fire chief" means the fire chief of the Hawai'i fire department or the chief's designee.

"Fire department" means the Hawai'i fire department.

"New construction" means the scope of a construction project currently permitted under chapter 5.

"NFPA" means the National Fire Protection Association.

[2018 HSFC: 3]

(2023, ord 23-8, sec 1.)

Section 17-1-5. Permits.

A permit from the AHJ may be required for any area regulated by this article.
 [2018 HSFC: 5]
 (2023, ord 23-8, sec 1.)

Division 2. Installation Requirements.**Section 17-1-21. National Fire Protection Association 1, Fire Code and Hawaii State Fire Code.**

- (a) The National Fire Protection Association (NFPA) 1, Fire Code, 2018 Edition, is adopted and incorporated by reference into this article, subject to the amendments hereinafter set forth. The annexes to the NFPA 1, Fire Code are not adopted except as provided in this article.
- (b) The Hawaii State Fire Code (2018 HSFC) has also been incorporated into this article, subject to amendment. Relevant provisions of the HSFC 2018 are set out in brackets following each installation provision.

[2018 HSFC: 4]

- (1) **Title.** Section 1.1.2 is amended to read as follows:

“1.1.2 **Title.** This chapter shall be known as the fire code, may be cited as such, and will be referred to herein as this code.” [2018 HSFC: 6]

- (2) **Conflicts.** Section 1.3.3.3 is added to read as follows:

“1.3.3.3 When a conflict between this code and the building code, regarding the design and construction of buildings occurs, the building code, chapter 5A, shall apply.

Exception: This code shall not apply to new construction except when this code is specifically referenced in the building code, chapter 5A.”
 [2018 HSFC: 7]

- (3) **Building code.** Section 1.3.6.3 is amended to read as follows:

“1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with chapter 5A, the building code.” [2018 HSFC: 8]

- (4) **Administration and enforcement authority.** Section 1.6 is amended to read as follows:

“1.6 **Administration and Enforcement Authority.** This *Code* shall be administered and enforced by the AHJ.” [2018 HSFC: 9]

- (5) Section **1.7.12.1.1** is added to read as follows:

“**1.7.12.1.1** Pursuant to HRS 132-9, plans or specifications, or both, shall be submitted to the fire chief, when required by chapter 5, the construction administrative code, to show compliance with this code for the following:

- (1) Construction, alteration, rehabilitation, or addition to any building, structure, or facility;
- (2) Changes in the use of a building or structure, or a change in occupancy; and
- (3) Installation or alteration of any procedures, equipment, property, or structure for any life safety or fire protection systems.

No work shall commence without the necessary permits issued by the AHJ.”

- (6) Section **1.7.12.1.2** is added to read as follows:

“**1.7.12.1.2** When plans or specifications are required to be submitted to the AHJ under section 1.7.12.1.1 of this code, an additional fire plan review fee shall be paid at the time of submitting plans and specifications for review.

- (1) The plan review fee shall be in the amount of fifteen percent of the building permit plan review fee assessed pursuant to section 5-7-1(a) and shall accompany the application, plans, and specifications that are filed for review pursuant to section 1.7.12.1.1. Plan review fees shall be assessed in addition to the building permit fees.
- (2) No additional plan review fee will be assessed for a corrected submittal.”

- (7) Section **1.7.17.4** is added to read as follows:

“**1.7.17.4** Standby and fire watch personnel shall keep documentation on an hourly basis or as often as deemed necessary by the fire chief. Documentation shall be available for review upon request by the fire chief.”

- (8) **Fire insurance records and reports.** Section 1.11.5 is added to read as follows:

“1.11.5 Upon the AHJ’s request, every company or agent transacting the business of fire insurance in this State shall be required to file with the AHJ in each county a monthly record of fire losses paid or incurred on forms prescribed, permitted, or furnished by the fire chief. These forms shall contain information on each fire loss such as the name of the insured, name of the adjuster, date and time of fire, construction of building or structure burned, amount of insurance paid, and apportionment of the loss where more than one company insured the risk. Current National Fire Incident Reporting System report forms may be used.” [2018 HSFC: 10]

- (9) **Permits.** Section 1.12.8 and Tables 1.12.8(a), (b), (c), and (d) are deleted in their entirety and replaced with the following:

“1.12.8 Permits required.

Permits shall be required in accordance with Table 1.12.8(a):

**Table 1.12.8(a)
Permit Fees**

Operations and Materials	Permit Required	NFPA 1 Cross Reference Section Number	Assessed Fee
Application of flammable finishes	Annually	43.1.1.4	Annual Permit Fee: \$200 for each 43.1.1.4 permit
Carnivals and fairs	To conduct a carnival or fair. Permit shall be required for each event and valid for the duration of the event.	10.14.1	Permit and Fee: \$200 for each 10.14.1, carnival or fair permit

<p>Farmers markets, open markets, and flea markets</p>	<p>This permit shall apply to the property owner, lessee, or his or her representative of which the event is occurring.</p> <p>Permits shall be good for up to six months after issuance, and shall expire on September 30 or March 31, whichever comes first.</p> <p>Permit shall be kept on site and available for review upon request by the AHJ during normal business hours.</p>	<p>10.14.1</p>	<p>Bi-annual Permit Fee: \$100 for each 10.14.1, Farmers Market, Open Market, and Flea Market permit</p>
<p>Fireworks</p>	<p>Use of fireworks</p>	<p>65.2.3 65.4.2 65.5.2</p>	<p>Permits: Display: \$110 Fireworks: \$25 Cultural: \$25</p>
<p>Fire alarm systems</p>	<p>Acceptance test</p>	<p>13.1.1.1</p>	<p>Initial Inspection Fees: None</p> <p>Subsequent Inspection Fees: 1-100 devices or appliances: \$100 101-250 devices or appliances: \$150 More than 250 devices or appliances: \$200</p>
<p>Automatic fire extinguishing systems for commercial cooking equipment</p>	<p>Installation and/or removal</p>	<p>13.1.1.1 50.4.2</p>	<p>Initial Inspection Fee: None</p> <p>Subsequent Inspection Fee: \$100</p>

<p>Places of assembly</p>	<p>That serve alcohol or have other hazardous conditions.</p> <p>Permit shall be kept on site and available for review by the AHJ during normal business hours.</p>	<p>20.1.1.1</p>	<p>Annual Permit Fee: \$200 for each 20.1.1.1 permit</p>
<p>Storage tanks: above-ground or under-ground</p>	<p>Permit, installation and/or removal of an above-ground storage tank or under-ground storage tank containing flammable or combustible liquids in excess of 60 gallons.</p>	<p>66.1.5</p>	<p>One-time Permit Fee: \$200 for each 66.1.5 permit</p>
<p>Tents, canopies, or temporary structures</p>	<p>Tents, canopies, or temporary structures. A permit shall be required for each event utilizing a tent, canopy, or temporary structure in excess of 700 square feet. Tents greater than 10 feet apart shall be considered to be separate tents.</p> <p>Exception: These permits and fees shall not apply to structures used for camping or private functions on private property or to any section 10.15.1 permit.</p>	<p>25.1.2.</p>	<p>Permit Fee: \$50 for each permit</p>
<p>Water based fire protection systems</p>	<p>Acceptance test for automatic sprinkler system, standpipe system, and private fire hydrants</p>	<p>13.1.1.1</p>	<p>Initial Inspection Fee: None</p> <p>Subsequent Inspection Fee: \$100”</p>

[2018 HSFC: 11]

- (10) **Certificates of fitness authorization. Section 1.13.1** is amended to read as follows:

“**1.13.1** See Hawai'i Administrative Rules (HAR) 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.” [2018 HSFC: 12]

- (11) **Mandatory certificates of fitness. Section 1.13.2** is amended to read as follows:

“**1.13.2** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.” [2018 HSFC: 13]

- (12) **Certification of applicant general. Section 1.13.5.1** is amended to read as follows:

“**1.13.5.1** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.” [2018 HSFC: 14]

- (13) **Section 1.13.6** is amended to read as follows:

“**1.13.6 Certification of applicant transfer.** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.” [2018 HSFC: 15]

- (14) **Certification of applicant issuing period. Section 1.13.7** is amended to read as follows:

“**1.13.7** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.” [2018 HSFC: 16]

- (15) **Revocation or suspension of certificates of fitness conditions.** **Section 1.13.12.1** is amended to read as follows:
- “**1.13.12.1** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.”
[2018 HSFC: 17]
- (16) **Revocation or suspension of certificates of fitness new issuance period.** **Section 1.13.12.1.1** is amended to read as follows:
- “**1.13.12.1.1** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.”
[2018 HSFC: 18]
- (17) **Revocation or suspension of certificates of fitness appeals.** **Section 1.13.12.4** is amended to read as follows:
- “**1.13.12.4** See HAR 12-44.1 Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems.”
[2018 HSFC: 19]
- (18) **Section 1.16.1** is amended to read as follows:
- “**1.16.1 Where required.** Whenever the AHJ determines violations of this *Code*, the AHJ shall issue a written warning notice to confirm such findings.”
- (19) **NFPA publications.** **Section 2.2** is amended by amending the reference to “NFPA 1124” to read as follows:
- “NFPA 1124: *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2013 Edition.”
[2018 HSFC: 20]
- (20) **NFPA official definitions.** **Section 3.2** is amended by adding the following new definitions to read as follows:
- “**3.2.11 Inoperable system sign.** Means a weather resistant sign denoting “Inoperable” having a white background with red letters. The letters shall be a minimum height of three inches and a minimum width of one-fourth of an inch stroke.” [2018 HSFC: 21]

“3.2.12 Water-based fire extinguishing system. Means any class I, II, and III and combined standpipe system, automatic sprinkler system, fire pumps or automatic water spray fixed system utilizing water as an extinguishing agent.” [2018 HSFC: 21]

- (21) **Electrical code. Section 3.3.54.2** is amended to read as follows:

“3.3.54.2 Electrical Code. The electrical code is chapter 5D, the electrical code.” [2018 HSFC: 22]

- (22) **Mechanical code. Section 3.3.54.3** is amended to read as follows:

“3.3.54.3 Mechanical Code. The mechanical code is the mechanical code adopted by the jurisdiction.” [2018 HSFC: 23]

- (23) **Plumbing code. Section 3.3.54.4** is amended to read as follows:

“3.3.54.4 Plumbing Code. The plumbing code is chapter 5F, the plumbing code.” [2018 HSFC: 24]

- (24) **Maintenance, inspection, and testing general requirements. Section 4.5.8.1** is amended to read as follows:

“4.5.8.1 Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or any other feature is required for compliance with the provisions of this *Code*, such device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable NFPA requirements and the building code or requirements developed as part of a performance-based design, or as directed by the AHJ.” [2018 HSFC: 25]

- (25) **Authorization to witness maintenance, inspection, and testing. Section 4.5.8.8** is added to read as follows:

“4.5.8.8 The AHJ is authorized to witness any maintenance, or test of a portable fire extinguisher, fire protection system, and fire alarm system by a certificate of fitness holder to determine if the maintenance or test meets the minimum requirements set forth by this code, applicable rules, and statutes.” [2018 HSFC: 26]

- (26) **Owner/occupant responsibilities of unsafe buildings. Section 10.2.4** is amended by adding the following sentence at the end of the section:

“For abatement of unsafe buildings, see chapter 5, the construction administrative code.” [2018 HSFC: 27]

- (27) **On-premises fire-fighting organization fire reporting. Section 10.6.1.2** is amended to read as follows:

“**10.6.1.2** Facilities that have established on-premises fire-fighting organizations and have coordinated and arranged procedures approved by the AHJ, shall notify the fire department in accordance with the approved plan.” [2018 HSFC: 28]

- (28) **Posting of emergency action plans. Section 10.8.2.1** is amended by amending paragraph (7) to read as follows:

“(7) Posting of emergency evacuation diagrams and other items required by the AHJ.” [2018 HSFC: 29]

- (29) **Open flames, candles, open fires, and incinerators permits. Sections 10.10.1, 10.10.1.1, 10.10.1.2, 10.10.1.3, and 10.10.1.4** are deleted in their entirety and replaced with sections 10.10.1 and 10.10.1.1 to read as follows:

“**10.10.1 Agricultural Burning.** See Department of Health, Clean Air Branch, regulation of fires for agricultural burning.

- (1) Except for closed incinerators approved by the state health department, private incineration is prohibited by state health laws. Clearance by the state health department for, and notification of, all agricultural fires either by telephone or written notice shall be on file with the AHJ before these fires are permitted.
- (2) For fire safety regulations, see county requirements and 10.10.1.1.”

“**10.10.1.1 Open Fires.**

- (1) Planned fires for the cooking of food. Persons responsible for such fires not contained within an appliance, such as an imu or smoke house, shall telephone the fire dispatch center on the non-emergency number at least 15 minutes prior to lighting such fires.
- (2) Fires for recreational, decorative, ceremonial or other purposes shall comply with the following:
 - (a) Obtain written permission from the property owner.

- (b) Submit a letter and site plan to the AHJ for approval at least 14 days prior to the event, that include the:
 - (i) Contact information of the person(s) responsible;
 - (ii) Location or address of the burn site(s);
 - (iii) Date and time of ignition; and
 - (iv) Distances from the burn area to spectators, structures, and vehicles.
- (c) Event site shall be subject to inspection.
- (d) Persons responsible shall telephone the Fire Dispatch Center on the non-emergency number at least 15 minutes prior to lighting such fires.
- (e) Open fire performances before a proximate audience and open fires for recreational, decorative, or ceremonial purposes such as the “lighting of the letters” shall comply with the most current version of NFPA 160.”

[2018 HSFC: 30]

- (30) **Open flames, candles, open fires, and incinerators hazardous conditions.** Section 10.10.2 is amended to read as follows:

“**10.10.2** The AHJ shall have the authority to prohibit or regulate any or all open flames, candles, and open, recreational, and cooking fires or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous. Open flame devices utilizing gas or liquid fuel, such as but not limited to tiki torches, shall keep a minimum of three feet clearance from the flame to combustibles, and shall maintain a vertical height of seven feet from grade to flame. The AHJ is authorized to modify these clearances based on site conditions.” [2018 HSFC: 31]

- (31) **Outdoor fires.** Section 10.10.3.1 is amended to read as follows:

“**10.10.3.1** Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, without approval from the AHJ.” [2018 HSFC: 32]

- (32) **Open fires.** Section 10.10.4.1 is amended to read as follows:

“**10.10.4.1** Open fires shall be located not less than fifty feet (fifteen meters) from structures or as approved by the AHJ.” [2018 HSFC: 33]

- (33) **Cooking equipment on balconies.** Section 10.10.6.2 is deleted in its entirety. [2018 HSFC: 34]

- (34) **Storage of combustible materials.** Section 10.18.1.1 is added to read as follows:

“**10.18.1.1 Signage Posting.** In storage and mercantile occupancies, a sign shall be posted on the automatic sprinkler riser stating the maximum allowable storage height for the design of the sprinkler system as approved by the AHJ.” [2018 HSFC: 35]

- (35) **Elevators, Escalators, and Conveyors.** Section 11.3 is deleted in its entirety. [2018 HSFC: 36]

- (36) **Waste chutes, incinerators, and laundry chutes installation and maintenance.** Section 11.6.2 is amended to read as follows:

“**11.6.2 Waste Chutes, Incinerators, and Laundry Chutes Maintenance Standards.** Waste chutes, laundry chutes, and incinerators shall be maintained in accordance with NFPA 82, unless such installations are approved existing installations, which shall be permitted to be continued in service.” [2018 HSFC: 37]

- (37) **Emergency command center.** Section 11.9.5 is amended by adding paragraphs 12, 13, and 14 at the end of the section, to read as follows:

“(12) The room shall be accessible from the exterior of the building.

(13) Control panels in the emergency command center shall be permanently identified as to its function.

(14) Alarm, supervisory and trouble signals shall be annunciated in compliance with the fire code in the emergency command center by means of an audible and visual indicator.”

[2018 HSFC: 38]

- (38) **Roof access for one- and two-family dwellings and townhouses.** Section 11.12.2.2.2 is amended to read as follows:

“**11.12.2.2.2 Roof Access for One- and Two-Family Dwellings and Townhouses for Photo-voltaic Systems.** One- and two-family dwellings need not comply with this section.” [2018 HSFC: 39]

- (39) **Fire door identification.** Section 12.4.7 is added to read as follows:

“**12.4.7 Fire Door Identification.** When required by the AHJ, a sign shall be displayed permanently near or on each required fire door in letters not less than one inch high. The wording of the required sign can only be modified with prior written approval of the AHJ. The sign shall read as follows:

**FIRE DOOR
DO NOT OBSTRUCT
KEEP CLOSED”**

[2018 HSFC: 40]

- (40) **Fire protection systems general.** Section 13.1 is amended to read as follows:

“**13.1 Fire Protection Systems General.** Fire protection systems general. The provisions of this chapter for new construction do not apply. For new construction see the building code. Existing buildings shall be maintained to the requirements to which it was built unless specifically indicated it applies to existing facilities.

Exception: When the building code does not require fire alarm systems, fire alarm systems shall be required according to Section 13.7. When the building code does require a fire alarm system, the requirements of the building code shall apply.”

[2018 HSFC: 41]

- (41) **Fire protection systems hose connection.** Section 13.1.5.2 is added to read as follows:

“**13.1.5.2** Fire department hose connections serving standpipe and sprinkler systems shall be located within twenty feet of a fire apparatus access road, not less than eighteen inches and not more than four feet above grade, or as approved by the AHJ. Appropriate identification signs shall be provided as required by the AHJ.” [2018 HSFC: 42]

- (42) **Fire protection systems records.** Section 13.1.6 is amended to read as follows:

“**13.1.6** Detailed records documenting all systems and equipment inspections, testing, and maintenance shall be kept by the property owner and shall be made available upon request for review by the AHJ.”

[2018 HSFC: 43]

- (43) **Fire protection systems authority having jurisdiction (AHJ) reports.** Section 13.1.6.1 is added to read as follows:

“**13.1.6.1** A copy of a system’s unsatisfactory inspection and maintenance test report shall be submitted to the AHJ by the testing company within five working days after the completion of the test.”
[2018 HSFC: 44]

- (44) **Fire protection systems out of service.** Section 13.1.10 is amended to read as follows:

“**13.1.10.** The AHJ shall be verbally notified immediately when any fire protection system is out of service and on restoration of service.”
[2018 HSFC: 45]

- (45) **Fire protection systems advanced notification.** Sections 13.1.10.1, 13.1.10.2, and 13.1.10.3 are added to read as follows:

“**13.1.10.1** The county fire department shall be given a seventy-two hour notification prior to a scheduled inspection, testing, maintenance, or retesting of any fire protection system (including class I, II, and III, and combined systems, automatic fire sprinkler systems, and other fire extinguishing systems) and fire alarm systems within their respective jurisdiction in the State.” [2018 HSFC: 46]

“**13.1.10.2** Failure to comply with the requirements of this section may result in the county fire department deeming it an invalid test. A retest may be required to be performed at the testing company’s expense.”
[2018 HSFC: 46]

“**13.1.10.3** The certificate of fitness holder shall immediately notify the county fire department of any system inspection, testing or maintenance cancellations or changes to the scheduled date and time.”
[2018 HSFC: 46]

- (46) **Fire protection systems inspection, testing, and maintenance labeling.** Sections 13.2.3.3.1, 13.2.3.3.2, 13.2.3.3.2.1, 13.2.3.3.3, 13.2.3.3.3.1, 13.2.3.3.4, 13.2.3.3.4.1, 13.2.3.3.5, 13.2.3.3.5.1, and 13.2.3.3.5.2 are added to read as follows:

“**13.2.3.3.1 Inspection Label and Collar.** An approved label and verification collar signifying successful passing of the system shall be provided when inspecting, testing, or maintaining any class I, II, III, and combined standpipe fire extinguishing system.” [2018 HSFC: 47]

“13.2.3.3.2 Five Year Inspection Label.

13.2.3.3.2.1 Class I, II, and III, and combined standpipe fire extinguishing systems passing a five-year inspection (annual inspection for class II hoses) shall have an approved, weatherproof, inspection label affixed to the fire department connection. If the system does not have a fire department connection, labels shall be affixed to hose cabinets located on the ground floor and the top-most floor.

- (1) The label shall indicate the type of system, month and year the system was inspected, tested, and maintained; the certificate of fitness holder’s name and certificate number; and the company name, address, and contact information.
- (2) The label shall be yellow, at least two and one-fourth inches in width and three and one-fourth of an inch in length, and clearly visible without obstructing the operation of the fire extinguishing system.
- (3) The label shall be constructed of a durable material approved by the AHJ.
- (4) The label shall be punched with no more than one year and one month.”

[2018 HSFC: 47]

“13.2.3.3.3 Verification Service Collar.

13.2.3.3.3.1 The verification of service collar shall be a circular, solid of continuous plastic with at least a three inch diameter hole in the center and shall slide onto each hose length approximately midway from the male and female couplings after the physical inspection has been completed and deemed satisfactory. The verification service collar shall:

- (1) Indicate the month and year the hose was inspected; the certificate of fitness holder’s name and number; and company name, address and contact information; and
- (2) Be constructed of other suitable materials when approved by the AHJ.”

[2018 HSFC: 47]

“13.2.3.3.4 Inoperable System Sign.

13.2.3.3.4.1 Systems that cannot be utilized for firefighting operations shall have an inoperable system sign affixed to the fire department connection.

- (1) The sign shall have a white background with red lettering and be constructed of wood, metal, or plastic.

- (2) The letters shall be a minimum height of three inches and a minimum width of one-fourth of an inch stroke.
- (3) If the system does not have a fire department connection, inoperable system signs shall be affixed to hose cabinets located on the ground floor and the top-most floor.
- (4) The sign shall remain in place until all repairs have been made and a satisfactory system test is completed.”

[2018 HSFC: 47]

“13.2.3.3.5 Inspection, Testing, and Maintenance Report.

13.2.3.3.5.1 An inspection, testing, and maintenance report entitled “Standpipe and Hose Systems” available on the State Fire Council’s website and at each county fire department’s fire prevention branch, or a similar report approved by the AHJ, shall be provided to the property owner or agent within fourteen days after the inspection, testing, and maintenance date.” [2018 HSFC: 47]

“13.2.3.3.5.2 An electronic copy of the unsatisfactory test report shall be submitted to the AHJ within five working days of the inspection, testing, and maintenance date. Submittals of satisfactory inspection, testing, and maintenance report shall be determined by the AHJ.”

[2018 HSFC: 47]

- (47) **Fire protection systems reference dates table. Sections 13.2.3.4.3 and 13.2.3.4.4** are added to read as follows:

“13.2.3.4.3 Table 13.2.3.4.3A entitled “Fire Protection Systems Reference Dates” dated 7/18/2019 may be used as a reference for applicable codes and standards in effect when the building was permitted.” [2018 HSFC: 48]

“13.2.3.4.4 Fire department connection gaskets shall be replaced with new gaskets during the required inspection, testing and maintenance of the system.” [2018 HSFC: 48]

**“Table 13.2.3.4.3A Fire Protection Systems Reference Dates
(7/18/2019)”**

Building Permit Date	Codes	NFPA References
All buildings with building permit dates up to January 2012	1988 Uniform Fire Code Appendix III-C and referenced NFPA standards	<p style="text-align: center;">Water-Based Systems</p> <ol style="list-style-type: none"> 1. 1988 Uniform Fire Code - Appendix III-C (Testing Fire-Extinguishing Systems, Standpipes and Combination Systems). 2. NFPA 13A – Recommended Practice for the Care and Maintenance of Sprinkler Systems - 1978 Edition. As referenced by 1985 UFC Standards, Appendix B. 3. NFPA 15 - Water Spray Fixed Systems - 1988 UFC Standards (Volume II) which references NFPA 15, 1979 Edition with amendments. NOTE: The 1988 NFC references the 1985 Edition.
		<p style="text-align: center;">Other Systems</p> <ol style="list-style-type: none"> 1. NFPA 11 - Foam Extinguishing Systems - 1988 UFC Standards (Volume II) which references NFPA 11, 1978 Edition with amendments. 2. NFPA 11A - Medium and High-Expansion Foam Systems - 1988 Edition. 3. NFPA 12 - Carbon dioxide Extinguishing Systems - 1985 Edition. 4. NFPA 12A - Halon 1301 Fire Extinguishing Systems - 1987 Edition. 5. NFPA 17 - Dry Chemical Extinguishing Systems - 1985 Edition. 6. NFPA 17A - Wet Chemical Extinguishing Systems - 1986 Edition. 7. NFPA 96 - Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment - 1987 Edition.

Building Permit Date	Codes	NFPA References
January 2012 to August 2016	Hawaii State Fire Code (NFPA 1, 2006 Edition) and referenced NFPA standards	<p>Water-Based Systems</p> <ol style="list-style-type: none"> 1. NFPA 15 – Standard for Water Spray Fixed Systems for Fire Protection, 2001 Edition. 2. NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2002 Edition.
		<p>Other Systems</p> <ol style="list-style-type: none"> 1. NFPA 11 – Standard for Low-, Medium-, and High-Expansion Foam - 2005 Edition. 2. NFPA 12 – Standard on Carbon Dioxide Extinguishing Systems, 2005 Edition. 3. NFPA 12A – Standard on Halon 1301 Fire Extinguishing Systems, 2004 Edition. 4. NFPA 17 – Standard for Dry Chemical Extinguishing Systems, 2002 Edition. 5. NFPA 17A - Standard for Wet Chemical Extinguishing Systems, 2002 Edition. 6. NFPA 96 - Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2004 Edition. 7. NFPA 2001 - Standard on Clean Agent Fire Extinguishing Systems, 2004 Edition.
		<p>Fire Alarm Systems</p> <ol style="list-style-type: none"> 1. NFPA 72 – National Fire Alarm Code, 2002 Edition.

Building Permit Date	Codes	NFPA References
August 2016 to present	Hawai'i State Fire Code (NFPA 1, 2012 Edition) and referenced NFPA standards	<p>Water-Based Systems</p> <ol style="list-style-type: none"> 1. NFPA 15 – Standard for Water Spray Fixed Systems for Fire Protection, 2012 Edition. 2. NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2011 Edition.
		<p>Other Systems</p> <ol style="list-style-type: none"> 1. NFPA 11 – Standard for Low-, Medium-, and High-Expansion Foam - 2010 Edition. 2. NFPA 12 – Standard on Carbon Dioxide Extinguishing Systems, 2011 Edition. 3. NFPA 12A – Standard on Halon 1301 Fire Extinguishing Systems, 2009 Edition. 4. NFPA 17 – Standard for Dry Chemical Extinguishing Systems, 2009 Edition. 5. NFPA 17A - Standard for Wet Chemical Extinguishing Systems, 2009 Edition. 6. NFPA 96 - Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2011 Edition. 7. NFPA 2001 - Standard on Clean Agent Fire Extinguishing Systems, 2012 Edition.
		<p>Fire Alarm Systems</p> <ol style="list-style-type: none"> 1. NFPA 72 – National Fire Alarm Code, 2010 Edition.”

[2018 HSFC: 48]

(48) **Fire protection systems existing assembly occupancies. Section 13.3.2.8** is deleted in its entirety. [2018 HSFC: 49]

- (49) **Fire protection systems existing educational occupancies.** Section 13.3.2.10 is deleted in its entirety. [2018 HSFC: 50]
- (50) **Fire protection systems existing health care occupancies.** Section 13.3.2.12 is deleted in its entirety. [2018 HSFC: 51]
- (51) **Fire protection systems existing detention and correctional facilities.** Section 13.3.2.14 is deleted in its entirety. [2018 HSFC: 52]
- (52) **Fire protection systems existing hotels and dormitories.** Section 13.3.2.16 is deleted in its entirety. [2018 HSFC: 53]
- (53) **Fire protection systems existing residential board and care facilities.** Section 13.3.2.22 is deleted in its entirety. [2018 HSFC: 54]
- (54) **Fire protection systems existing mercantile occupancies.** Section 13.3.2.24 is deleted in its entirety. [2018 HSFC: 55]
- (55) **Fire protection systems high-rise buildings.** Section 13.3.2.26 is deleted in its entirety. [2018 HSFC: 56]
- (56) **Fire protection systems table.** Sections 13.3.3.2.1, 13.3.3.2.2, 13.3.3.2.3, 13.3.3.2.4, 13.3.3.2.5, and 13.3.3.2.6 are added to read as follows:

“13.3.3.2.1 Table 13.2.3.4.3A entitled “Fire Protection Systems Reference Dates” dated 7/18/2019 may be used as a reference for applicable codes and standards in effect when the building was permitted.” [2018 HSFC: 57]

“13.3.3.2.2 **Pretest.** The following requirements apply to all pretesting procedures:

- (1) An air test shall be conducted on the piping between the fire department connection and the sprinkler riser.
- (2) The piping shall be filled with twenty-five psi of air and held for fifteen minutes. No drop in pressure is allowed.
- (3) An air test need not be conducted when the piping is above ground and less than five feet in length.
- (4) Automatic fire sprinkler system without a fire department connection does not require an air test.”

[2018 HSFC: 57]

“13.3.3.2.3 Inspection, Testing, and Maintenance Label. It shall be unlawful to inspect, test, or maintain any automatic fire sprinkler system without providing an approved label signifying successful testing of the system.

- (1) An approved inspection, testing, and maintenance label affixed to the fire department connection and the sprinkler riser. Automatic fire sprinkler systems that do not have a fire department connection shall have the label affixed to the riser.
- (2) The label shall indicate the type of system, month and year the system was tested; certificate of fitness holder’s name and number; and company’s name, address and contact information.
- (3) The label shall be clearly visible and punched with no more than one year and one month.”

[2018 HSFC: 57]

“13.3.3.2.4 The fire department shall be verbally notified immediately of any system determined to be out of service. Systems that cannot be utilized for firefighting operations shall have an inoperable system sign affixed to the fire department connection. The sign shall remain in place until all repairs have been made and a satisfactory inspection, test, and maintenance system test is completed.” [2018 HSFC: 57]

“13.3.3.2.5 Inspection, Testing, and Maintenance Report. An inspection, testing, and maintenance report entitled “Automatic Sprinkler Systems” available on the State Fire Council’s website and at each county fire department’s fire prevention branch or a similar report approved by the AHJ, shall be provided to the property owner or agent within fourteen days after the test.” [2018 HSFC: 57]

“13.3.3.2.6 An electronic copy of the unsatisfactory report shall be submitted to the AHJ within five working days. Submittal of a satisfactory inspection, testing, and maintenance report will be determined by the AHJ.” [2018 HSFC: 57]

- (57) **Stationary fire pump inspection, testing, and maintenance.**
Sections 13.4.8.1 and 13.4.8.2 are added to read as follows:

“13.4.8.1 Inspection, Testing, and Maintenance Label. Satisfactory inspection, testing, and maintenance system’s tests shall have an approved inspection label affixed to the fire pump controller. The label shall follow the guidelines found in the water-based fire extinguishing systems inspection labels, tags, and collars.”

[2018 HSFC: 58]

“13.4.8.2 Inspection, Testing, and Maintenance Report. An inspection, testing, and maintenance report entitled “Fire Pumps” available on the State Fire Council’s website and at each county fire department’s fire prevention branch, or a similar report approved by the AHJ shall be provided to the property owner or agent within fourteen days after the test.” [2018 HSFC: 58]

- (58) **Private fire service mains inspection, testing, and maintenance.** Section 13.5.4.2 is amended to read as follows:

“13.5.4.2 A private fire service main installed in accordance with this code or the AHJ’s water department shall be inspected, tested, and maintained in accordance with NFPA 25 or the AHJ’s water department’s inspection, testing, and maintenance standards.” [2018 HSFC: 59]

- (59) **Private service mains inspection, testing, and maintenance schedule.** Sections 13.5.4.3, 13.5.4.4, 13.5.4.5, 13.5.4.6, and 13.5.4.7 are added to read as follows:

“13.5.4.3 Testing. An annual inspection, testing, and maintenance shall be conducted by the certificate of fitness holder. If, during use, the hydrant does not perform adequately, it shall be tested and, if needed, restored to its proper operation by a licensed certificate of fitness holder.” [2018 HSFC: 60]

“13.5.4.4 Fire hydrants that fail the inspection, test, and maintenance shall have a readily visible, attached “OUT OF SERVICE” sign. The sign shall have a yellow background with black letters and be constructed of wood, metal, or plastic. The letters shall be a minimum height of three inches and a minimum width of one-fourth of an inch stroke. The sign shall remain in place until all repairs have been made and a satisfactory hydrant inspection, test and maintenance is completed.” [2018 HSFC: 60]

“13.5.4.5 The fire department shall be verbally notified immediately of any fire hydrant determined to be out of service. Fire hydrants deemed to be permanently inoperable or unusable shall be replaced.” [2018 HSFC: 60]

“13.5.4.6 Inspection, test, and maintenance report. An inspection, testing, and maintenance report entitled “Private Fire Service Mains” available on the State Fire Council’s website and at each county fire department’s fire prevention branch, or a similar report approved by the AHJ, shall be provided to the property owner or agent within fourteen days after the test.” [2018 HSFC: 60]

“13.5.4.7 An electronic copy of the unsatisfactory test report shall be submitted to the AHJ within five working days of the test. The AHJ shall determine if the submittal of a satisfactory inspection, test, and maintenance report will be required.” [2018 HSFC: 60]

- (60) **Annual maintenance record keeping.** Section 13.6.4.3.4.1.1 is amended to read as follows:

“13.6.4.3.4.1.1 The tag or label, as a minimum, shall entail the following:

- (1) Removing the previous tag or label;
- (2) Indicating the month and year the maintenance was performed;
- (3) Type of portable fire extinguisher tested;
- (4) Certificate of fitness holder’s name and number;
- (5) Certificate of fitness holder’s company name, address, and contact information;
- (6) Be yellow, at least two and one-fourth of an inch in width, three and one-fourth of an inch in length, and clearly visible without opening any cabinets;
- (7) Be constructed of a durable material approved by the AHJ;
- (8) Be punched with no more than one year and one month of the date of service; and
- (9) Not obstruct the portable fire extinguisher classification or instructions for use.”

[2018 HSFC: 61]

- (61) **Extinguisher maintenance six-year internal examination label.** Section 13.6.4.3.6.5.3 is amended to read as follows:

“13.6.4.3.6.5.3 The 6-year internal examination label, as a minimum shall, entail the following:

- (1) Removing the previous six-year internal examination label;
- (2) Indicating the month and year the six-year internal examination was performed;
- (3) Certificate of fitness holder’s name and number;
- (4) Certificate of fitness holder’s company name, address, and contact information;

- (5) Type of portable fire extinguisher tested;
- (6) Be silver or white and at least two and one fourth of an inch in width and three and one-fourth of an inch in length; and
- (7) Not obstruct the portable fire extinguisher classification, instructions for portable fire extinguisher use, or manufacturer's labels."

[2018 HSFC: 62]

- (62) **Extinguisher maintenance service collar information. Section 13.6.4.11.3** is amended to read as follows:

"**13.6.4.11.3** The verification-of-service collar shall, at a minimum:

- (1) Indicate the month and year the examination was performed;
- (2) Display the certificate of fitness holder's name and number;
- (3) Display the certificate of fitness holder's company name, address and contact information;
- (4) Be a single circular piece of uninterrupted material forming a hole of a size that does not permit the collar assembly to move over the neck of the container unless the valve is completely removed; and
- (5) Not interfere with the operation of the fire extinguisher."

[2018 HSFC: 63]

- (63) **Positive alarm sequence occupant notification. Section 13.7.1.9.4** is amended to read as follows:

"**13.7.1.9.4** Where permitted by Chapter 11 through Chapter 43 of NFPA 101, a positive alarm sequence shall be permitted, provided that it is in accordance with NFPA 72. The following additional requirements shall also apply:

- (1) An automatic fire sprinkler system installed in conformance with the building code shall be provided throughout the building or facility;
- (2) Written fire emergency procedures and an evacuation plan for the building or facility shall be reviewed by the AHJ prior to approval testing. The procedures and plan shall include, but not be limited to immediate notification to the fire department, use of primary and secondary exits, use of fire protection appliances for the building(s) or facility(ies);
- (3) Trained personnel shall respond to emergencies on a twenty-four hour basis. The staff shall be instructed in fire emergency procedures and the use and operation of in-house fire appliances. Documentation of such training shall be maintained and filed on the premises;

- (4) Immediate notification of the fire department shall take place upon activation of any fire alarm initiating device;
 - (5) The AHJ shall conduct a test of the positive alarm sequence prior to implementation; and
 - (6) The AHJ may disapprove or rescind approval of the positive alarm sequence of the fire alarm system if all of the above requirements are not met and shall require the fire alarm system to be reprogrammed to meet a general alarm notification at the owner's expense.”
[2018 HSFC: 64]
- (64) **New and existing lodging and rooming houses. Sections 13.7.2.14.1, 13.7.2.14.2, 13.7.2.14.3, and 13.7.2.14.4** are deleted in their entirety. [2018 HSFC: 65]
- (65) **Existing apartment buildings. Sections 13.7.2.18.1, 13.7.2.18.2, 13.7.2.18.3, and 13.7.2.18.4** are deleted in their entirety. [2018 HSFC: 66]
- (66) **Existing mercantile occupancies. Section 13.7.2.24** is deleted in its entirety. [2018 HSFC: 67]
- (67) **Existing business occupancies. Section 13.7.2.26** is deleted in its entirety. [2018 HSFC: 68]
- (68) **Existing day-care and health care occupancies. Sections 13.7.2.6 and 13.7.2.8** are deleted in their entirety. [2018 HSFC: 69]
- (69) **Fire alarm systems inspection, testing, and maintenance notification. Section 13.7.3.2.4.1.1** is added to read as follows:
- “**13.7.3.2.4.1.1** The county fire department shall be given a seventy-two hour notification prior to a scheduled inspection, testing, maintenance or retesting of any fire alarm systems within their respective jurisdiction.”
[2018 HSFC: 70]
- (70) **Fire alarm systems inspection, testing, and maintenance labels. Sections 13.7.3.2.4.4.1, 13.7.3.2.4.4.2, 13.7.3.2.4.4.3, and 13.7.3.2.4.4.4** are added to read as follows:
- “**13.7.3.2.4.4.1 Labels.** Fire alarm systems passing an annual inspection, testing, and maintenance test shall have an approved label affixed to the annunciator panel or, if not present, the fire alarm system control panel in accordance with section 13.7.3.2. Information on the label, at a minimum shall, entail the following:
- (1) Removal of the previous label;
 - (2) Indicate the month and year the satisfactory test was performed;

- (3) Certificate of fitness holder’s name and number;
- (4) Certificate of fitness holder’s company name, address, and contact information;
- (5) Be yellow, at least two and one-fourth of an inch in width, and three and one-fourth of an inch in length;
- (6) Be clearly visible without obstructing the visibility or operation of the annunciator panel or, if not present, fire alarm system control panel; and
- (7) The label shall be clearly visible and punched with no more than one year and one month.”

[2018 HSFC: 71]

“**13.7.3.2.4.4.2** Fire alarm systems failing an annual inspection, test, and maintenance test shall leave the expired inspection tag or label in place on the annunciator panel or, if not present, the fire alarm system control panel until the system is repaired.” [2018 HSFC: 71]

“**13.7.3.2.4.4.3** The AHJ and the building owner shall be verbally notified immediately when a fire alarm system becomes inoperable. Alternative notification and response plans shall be implemented after approved by the AHJ until the fire alarm system is fully operational.” [2018 HSFC: 71]

“**13.7.3.2.4.4.4** An inspection, testing, and maintenance report entitled “System Record of Inspection and Testing”, “Notification Appliance Supplementary Record of Inspection and Testing”, “Initiating Device Supplementary Record of Inspection and Testing”, “Mass Notification System Supplementary Record of Inspection and Testing”, “Emergency Communications Systems Supplementary Record of Inspection and Testing”, “Interface Component Supplementary Record of Inspection and Testing”, available on the State Fire Council’s website and at each county fire department’s fire prevention branch, or a similar report approved by the AHJ shall be provided to the property owner or agent within fourteen days after a satisfactory test.” [2018 HSFC: 71]

- (71) **Fire alarm systems inspection, testing, and maintenance tag. Section 13.7.3.2.4.7** is added to read as follows:

“**13.7.3.2.4.7 Tag.** A tag shall be placed on the fire alarm panel when tested in accordance with NFPA 72. Information on the tag shall include the date of testing, testing company and contact information, technician performing the test and certificate of fitness number, and that the test was satisfactory.” [2018 HSFC: 72]

- (72) **Fire alarm systems manually activated alarm-initiating devices.** **Section 13.7.3.3.8.4** is amended to add a new sentence at the end to read as follows:

“The location of manual fire alarm boxes may be modified by the AHJ.”
[2018 HSFC: 73]

- (73) **Other fire protection systems compliance.** **Section 13.8** is amended to read as follows:

“**13.8 Other Fire Protection Systems.** Where other fire protection systems are required to be installed by the provisions of this *Code*, or are installed with the approval of the AHJ as an alternative or equivalency, the design and installation of the system shall comply with the appropriate standards listed in Table 13.8. The systems shall be inspected, tested, and maintained in accordance with the appropriate NFPA standard.” [2018 HSFC: 74]

- (74) **Other fire protection systems inspection, testing, and maintenance label.** **Sections 13.8.1, 13.8.2, 13.8.3, 13.8.4, 13.8.5, 13.8.6, and 13.8.7** are added to read as follows:

“**13.8.1 Inspection, Testing, and Maintenance Label.** Other fire protection systems satisfactorily passing an inspection, testing, and maintenance test shall have an approved label affixed to the manual activation device or, if not present, actuator valve to the extinguishing agent. The label shall, as a minimum, entail the following:

- (1) Removal of the previous label;
- (2) Indicate the type of system, month and year the system was tested;
- (3) Certificate of fitness holder’s name and number;
- (4) Certificate of fitness holder’s company name, address and contact information;
- (5) Be yellow, at least two and one-fourth of an inch in width, and three and one-fourth of an inch in length;
- (6) Be constructed of a durable material approved by the AHJ;
- (7) Be clearly visible without obstructing the visibility or operation of the system; and
- (8) Be punched with no more than one year and one month.”

[2018 HSFC: 75]

“**13.8.2 Hydrostatic Testing.** Every twelve years from the date of manufacture, stored pressure extinguishing agent cylinders shall be hydrostatically tested.” [2018 HSFC: 75]

“13.8.3 Hydrostatic Testing Label. Stored pressure extinguishing agent cylinders satisfactorily passing a twelve-year hydrostatic test shall, as a minimum, have a label attached to the cylinder as follows:

- (1) Removal of the previous label.
- (2) Indicate the type of system, and month and year the system was tested.
- (3) Certificate of fitness holder’s name and number.
- (4) Certificate of fitness holder’s company name, address, and contact information.
- (5) Be yellow, at least two and one-fourth of an inch in width, and three and one-fourth of an inch in length.
- (6) Be constructed of a durable material approved by the AHJ.
- (7) Be clearly visible without obstructing the visibility or operation of the system.
- (8) Be punched with no more than one year and one month.”

[2018 HSFC: 75]

“13.8.4 The fire department shall be verbally notified immediately of any systems determined to be out of service. Systems that cannot be utilized for firefighting operations shall have an inoperable system sign affixed to the manual activation device. The sign shall remain in place until all repairs have been made and a satisfactory system test is completed.” [2018 HSFC: 75]

“13.8.5 Inspection, Testing, and Maintenance Report. An inspection, testing, and maintenance report entitled “Foam Water Sprinkler System”, “Other Fire Protection Systems” available on the State Fire Council’s website and at each county fire department’s fire prevention branch, or a similar report approved by the AHJ shall be provided to the property owner or agent within fourteen days after the test.” [2018 HSFC: 75]

“13.8.6 Inspection Report. An electronic copy of the unsatisfactory test report shall be submitted to the AHJ within five working days. The AHJ shall determine if the submittal of a satisfactory test report will be required.” [2018 HSFC: 75]

“13.8.7 Table 13.2.3.4.3A entitled **“Fire Protection Systems Reference Dates”** may be used as a reference for applicable codes and standards in effect when the building was permitted.” [2018 HSFC: 75]

- (75) **Means of egress application.** Section 14.1 is amended to read as follows:

“14.1 Means of Egress Application. Means of egress in existing buildings shall comply with this Code and NFPA 101, Life Safety Code. The provisions of this chapter do not apply for new construction. For new construction see the building code. Existing buildings shall be maintained to meet the requirements of the building code at the time the structure was built, unless specifically indicated for existing facilities. Provisions in this chapter are provided for maintenance purposes.

Exception: Stairway marking requirements set forth in Section 10.12.3 shall apply to new and existing construction.” [2018 HSFC: 76]

- (76) **Screen door assemblies and storm door assemblies.** Section 14.5.1.4 is amended by adding an exception at the end to read as follows:

“Exception: Double-acting screen doors used in conjunction with exit doors having panic hardware in school cafeteriums do not need to comply with this provision.” [2018 HSFC: 77]

- (77) **Locks, latches, and alarm devices.** Section 14.5.2.13 is added to read as follows:

“14.5.2.13 In accordance with the building code, security gates may be permitted across corridors or passageways in school buildings if there is a readily visible durable sign on or adjacent to the gate, stating ‘THIS GATE IS TO REMAIN SECURED IN THE OPEN POSITION WHENEVER THIS BUILDING IS IN USE’. The sign shall be in letters not less than one inch high on a contrasting background. The use of this exception may be revoked by the building official for due cause.” [2018 HSFC: 78]

- (78) **Allowable occupant load increases.** Section 14.8.1.3.1 is amended to read as follows:

“14.8.1.3.1 The occupant load in any building or portion thereof shall be allowed to be increased from the occupant load established for the given use in accordance with the building code where all other requirements of this *Code* are also met, based on such increased occupant load. Occupant load increases shall be approved by the AHJ. The fire department shall be notified of any increase in occupant load.” [2018 HSFC: 79]

- (79) **Egress capacity. Section 14.8.3.1** is amended to read as follows:

“**14.8.3.1** Egress capacity for approved components of means of egress shall be based on the capacity factors shown in the building code.”
[2018 HSFC: 80]

- (80) **Special signs at elevators. Section 14.14.8.4** is added to read as follows:

“**14.14.8.4** At all elevator locations on each floor level above and below the floor of exit discharge, there shall be displayed in a conspicuous location a sign reading: “IN CASE OF FIRE USE EXIT STAIRWAYS. DO NOT USE ELEVATORS”. Lettering shall be not less than 5/8-inch high.

Exception: Signs at least 2-3/4-inches X 2-1/4-inches in overall size with legible wording and approved by the AHJ, may be used as an alternate and shall be affixed at each elevator call button assembly.

Elevator service companies shall have their name and telephone number in the elevator key box.” [2018 HSFC: 81]

- (81) **Water supply during construction. Section 16.4.3.1.1** is amended to read as follows:

“**16.4.3.1.1** A water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material is present.” [2018 HSFC: 82]

- (82) **Required access. Section 18.2.3.1.3** is amended to read as follows:

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

- (1) Not more than two one- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1;
- (2) Not more than two existing one- and two-family dwellings;
- (3) Private garages having an area not exceeding 1000 ft²;
- (4) Carports having an area not exceeding 1000 ft²;
- (5) Agricultural buildings having an area not exceeding 1000 ft²; and
- (6) Sheds and other detached buildings having an area not exceeding 1000 ft².”

[2018 HSFC: 83]

- (83) **Fire department access road widths.** Section 18.2.3.5.1.1 is amended to read as follows:

“18.2.3.5.1.1 Fire department access roads shall have an unobstructed width of not less than twenty feet (6.1 meters) or as approved by the AHJ.” [2018 HSFC: 84]

- (84) **Fire department access road vertical clearance.** Section 18.2.3.5.1.2 is amended to read as follows:

“18.2.3.5.1.2 Fire department access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (4.1 meters) or as approved by the AHJ.” [2018 HSFC: 85]

- (85) **Fire department access roads (FDAR)-turning radius.** Section 18.2.3.5.3.1 is amended to read as follows:

“18.2.3.5.3.1 Fire department access roads shall have a minimum inside turning radius of thirty feet, and a minimum outside turning radius of fifty feet.”

- (86) **Fire department access roads bridges or culverts.** Section 18.2.3.5.5.1 is amended to read as follows:

“18.2.3.5.5.1 When a bridge or culvert is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with county requirements.” [2018 HSFC: 86]

- (87) **Fire department access roads bridges or culverts live loads.** Section 18.2.3.5.5.2 is amended to read as follows:

“18.2.3.5.5.2 The bridge or culvert shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.” [2018 HSFC: 87]

- (88) **Water supply fire flow.** Section 18.3.1 is amended to read as follows:

“18.3.1 An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction. The approved water supply shall be in accordance with Section 18.4.” [2018 HSFC: 88]

- (89) **Alternative water supply.** 18.3.1.1.1 is added to read as follows:

“18.3.1.1.1 NFPA 1141 and 1142 shall serve as references for additional water supply and flow information.”

- (90) **Minimum number of fire hydrants for fire flow.** Section 18.5.4.1 is amended to read as follows:

“18.5.4.1. The minimum number of fire hydrants needed to deliver the required fire flow for new buildings in accordance with Section 18.4 shall be determined in accordance with Section 18.5.4 or as approved by the AHJ.” [2018 HSFC: 89]

- (91) **Hydrants out of service.** Section 18.5.9.1 is added to read as follows:

“18.5.9.1. The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance. Records shall be made available for review by the AHJ upon request.” [2018 HSFC: 90]

- (92) **Nonmetallic containers.** Section 19.2.1.2.1 is amended by adding an exception at the end to read as follows:

“Exception: Containers used by one- and two-family dwellings for refuse pickup.” [2018 HSFC: 91]

- (93) **Flame-retardant requirements.** Section 20.1.2.1 is amended by adding a new sentence at the end to read as follows:

“A record of fire-resistant treatment shall be kept on the premises for review by the AHJ.” [2018 HSFC: 92]

- (94) **Means of egress floor plan.** Section 20.1.5.1.4. is added to read as follows:

“20.1.5.1.4 A floor plan indicating the seating arrangements, and location and width of exit ways and aisles shall be submitted to the AHJ for review for places of assembly with an occupant load of three hundred or more persons. A copy of the plan shall be kept on display on the premises. An exit plan shall also be posted in a conspicuous location near the main entrance and shall be maintained in a legible condition by the building owner or agent. The building owner or agent shall be responsible for the inspection before each show or event of all required means of egress from each part of the building, including stairways, egress doors and any panic hardware installed thereon, aisles, and corridors. Passageways and similar elements of the means of egress shall be available for immediate use and free of all obstructions before each show or event. The building owner or agent shall inform all patrons of all required exit locations before each show or event in places of assembly with an occupant load of three hundred or more persons.” [2018 HSFC: 93]

- (95) **Means of egress inspection overcrowding.** Section 20.1.5.1.5 is added to read as follows:

“**20.1.5.1.5 Authority to Stop Performance.** Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The AHJ, upon finding overcrowding conditions or obstructions in aisles, passageways, or other means of egress, or upon finding a condition which constitutes an imminent danger, is authorized to cause the performance, presentation, spectacle, or entertainment to be stopped until such conditions or obstruction is corrected.” [2018 HSFC: 94]

- (96) **Assembly open flame devices and pyrotechnics general.** Section 20.1.5.3 is amended by amending paragraph (1), to read as follows:

“(1) Pyrotechnic special effect devices shall be permitted to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance, provided that all of the following criteria are met:

- (a) Precautions satisfactory to the AHJ are taken to prevent ignition of any combustible material;
- (b) Use of the pyrotechnic device complies with Section 65.3;
- (c) Use of pyrotechnic devices indoors shall only be allowed in buildings protected throughout with automatic fire sprinklers; and
- (d) Use of pyrotechnic devices indoors shall only be allowed in buildings where all fire and life safety systems are deemed appropriate as determined by the AHJ.”

[2018 HSFC: 95]

- (97) **Open flame devices and pyrotechnics fire prevention.** Section 20.1.5.3 is amended by adding paragraphs (7) and (8) to read as follows:

“(7) When approved by the AHJ, open-flame devices may be used by performers, provided adequate precautions are taken to prevent ignition of combustible materials. Such devices shall not be used except in areas protected by an automatic sprinkler system. In addition, a minimum 20 foot clearance to the viewing audience shall be provided, or an approved barrier shall be erected to prevent accidental release onto the viewing audience. Performances with fire shall provide a plan approved by the AHJ. The plan shall address fuel use and storage, device ignition, device usage, and extinguishment procedures. [2018 HSFC: 96]

- (8) Portable heating equipment, not flue-connected, shall be allowed only as follows: Equipment fueled by small heat sources which can be readily extinguished by water, such as candles or alcohol-burning equipment (including solid alcohol) may be used provided adequate precautions approved by the AHJ are taken to prevent ignition of any combustible materials.”

[2018 HSFC: 96]

- (98) **Occupant load sign for assemblies.** Section 20.1.5.10.4.1 is amended to read as follows:

“20.1.5.10.4.1 Any room or area constituting an assembly, regardless of seating arrangements, shall have a permanent occupant load sign posted in a conspicuous place near the main exit from the room.”

- (99) **Use of school facilities for sleeping.** Section 20.2.2.6 is added to read as follows:

“20.2.2.6 **Use of Educational Facilities for Sleeping.** Educational occupancies that allow sleeping on a temporary basis shall:

- (1) Have the sleeping location approved by the AHJ;
- (2) Notify the AHJ no less than five (5) days prior to the event; and
- (3) Prohibit smoking and open flames and shall provide one of the following:
 - (a) Smoke alarms in the designated sleeping area. When the facility is provided with a fire alarm system, the smoke alarms shall be connected to the fire alarm system; and
 - (b) A fire watch approved by the AHJ.”

[2018 HSFC: 97]

- (100) **Emergency egress drills in schools.** Section 20.2.4.2.3, paragraph (1) is amended by adding a new exception at the end to read as follows:

“Exception: Fire drills at high schools, middle schools, and intermediate schools shall be conducted at least quarterly during school sessions.”

[2018 HSFC: 98]

- (101) **Manufactured housing.** Section 20.11.5 is deleted in its entirety.

[2018 HSFC: 99]

- (102) **Tents and temporary membrane structures.** Section 25.1.1 is amended by adding an exception at the end to read as follows:

“Exception: The provisions of this section do not apply to tents and temporary membrane structures having an area seven hundred square feet or less.” [2018 HSFC: 100]

- (103) **Physical protection for all outside aboveground tanks.** Section 42.3.3.7.2 is amended to read as follows:

“42.3.3.7.2 Guard posts or other approved means shall be provided to protect tanks and appurtenances that are subject to vehicular damage in accordance with section 60.5.1.9.” [2018 HSFC: 101]

- (104) **Emergency electrical disconnect signs.** Section 42.5.7 is amended by adding the following sentences at the end, to read as follows:

“Such devices shall be distinctly labeled as “EMERGENCY FUEL SHUTOFF DEVICE”. Signs shall be provided in approved locations. The signs shall be in red letters on a white background, not less than two inches high, with a one-fourth inch stroke.” [2018 HSFC: 102]

- (105) **Fuel dispensing age limitation.** Section 42.7.1.1 is added to read as follows:

“42.7.1.1 Age Limitation. Persons under the eligible age to obtain a driver’s license are prohibited from dispensing fuel.” [2018 HSFC: 103]

- (106) **Fuel dispensing prohibition of foreign objects.** Section 42.7.1.2 is added to read as follows:

“42.7.1.2 Foreign Objects. The placement of a foreign object(s), that allows the fuel dispensing lever to remain in the open position, is prohibited at all times.” [2018 HSFC: 104]

(107) **Fuel dispensing signs.** Section 42.7.2.6.4 is amended to read as follows:

“**42.7.2.6.4 Signs.** Warning signs shall be conspicuously posted in the dispensing area and shall incorporate the following or equivalent wording:

WARNING:

It is unlawful and dangerous to dispense gasoline into unapproved containers.

No smoking.

Stop motor.

No filling of portable containers in or on a motor vehicle.

Place container on ground before filling.

Discharge your static electricity before fueling by touching a metal surface away from the nozzle.

Do not re-enter your vehicle while gasoline is pumping.

If a fire starts, **do not** remove nozzle — back away immediately.

Do not allow individuals under licensed age to use the pump.

The placement of a foreign object(s), that allows the fuel dispensing lever to remain in the open position, is prohibited at all times.”

[2018 HSFC: 105]

(108) **Attended self-service fuel dispensing prohibition of foreign objects.** Section 42.7.4.3.2 is added to read as follows:

“**42.7.4.3.2.** The placement of a foreign object, that allows the fuel dispensing lever to remain in the open position, is prohibited at all times.” [2018 HSFC: 106]

(109) **Unattended self-service fuel dispensing prohibition of foreign objects.** Section 42.7.5.4.1 is added to read as follows:

“**42.7.5.4.1.** The placement of a foreign object, that allows the fuel dispensing lever to remain in the open position, is prohibited at all times.” [2018 HSFC: 107]

(110) **Flammable finish spray booth inspection, testing, and maintenance.** Sections 43.1.7.1.4, 43.1.7.1.5, and 43.1.7.1.6 are added to read as follows:

“**43.1.7.1.4.** Flammable finishing spray booth and spray room installed in accordance with this code shall be inspected, tested, and maintained in accordance with NFPA 17, 25, 33, 34 and 2001.” [2018 HSFC: 108]

“43.1.7.1.5. Inspection Tag, Label, and Collar. Refer to the chapter on automatic fire sprinklers and other fire protection systems.”
[2018 HSFC: 108]

“43.1.7.1.6 Inspection Report. Refer to the chapter on automatic fire sprinklers and other fire protection systems for requirements.”
[2018 HSFC: 108]

- (111) **Commercial cooking extinguishing system acceptance test. Section 50.4.3.4** is added to read as follows:

“50.4.3.4. Prior to the commencement of initial cooking operations, a satisfactory acceptance test of the system shall be made in accordance with the manufacturer’s instructions. The acceptance test shall be of an approved method and witnessed by the AHJ.” [2018 HSFC: 109]

- (112) **Inoperable commercial cooking extinguishing or exhaust system. Section 50.5.1.6.1** is amended to read as follows:

“50.5.1.6.1 Where the fire extinguishing system or exhaust system is inoperable the AHJ shall be verbally notified immediately. Where the systems are tested as unsatisfactory, the system owner or owner’s representative shall be notified in writing of the impairment.”
[2018 HSFC: 110]

- (113) **Commercial cooking inspection, testing, and maintenance reference table. Section 50.5.2.2.1** is added to read as follows:

“50.5.2.2.1 A list of the appropriate commercial cooking extinguishing systems are found in Table 13.2.3.4.3.A entitled “Fire Protection Systems Reference Dates.” Other systems shall be approved by the AHJ.” [2018 HSFC: 111]

- (114) **Commercial cooking extinguishing system inspection, testing, and maintenance reports. Sections 50.5.2.8.2 and 50.5.2.8.3** are added to read as follows:

“50.5.2.8.2. An inspection, test, and maintenance report entitled “Commercial Cooking Extinguishing System Inspection, Testing and Maintenance Report” or similar report available on the State Fire Council’s website and approved by the AHJ shall be provided to the property owner or agent within fourteen days after the test.” [2018 HSFC: 112]

“**50.5.2.8.3.** An electronic copy of the unsatisfactory test report shall be submitted to the AHJ within five working days. The AHJ shall determine if the submittal of a satisfactory test report will be required.”
[2018 HSFC: 112]

- (115) **Commercial cooking extinguishing system inspection, testing, and maintenance tag.** Section 50.5.3.3.3 is added to read as follows:

“**50.5.3.3.3 Inspection Tag.** Commercial cooking extinguishing systems passing an inspection shall have an approved tag affixed to the hood’s extinguishing system piping near the manual activation device. The tag or label, as a minimum, shall entail the following:

- (1) Removal of the previous label;
- (2) Type of system tested;
- (3) Month and year the system was tested;
- (4) Certificate of fitness holder’s name and number;
- (5) Certificate of fitness holder’s company name, address and contact information;
- (6) Be yellow, at least two and one-fourth of an inch in width, and three and one-fourth of an inch in length without any visual obstructions;
- (7) Be constructed of a durable material approved by the AHJ; and
- (8) Be punched with no more than one year and one month.”

[2018 HSFC: 113]

- (116) **Hazardous materials management plan (HMMP) on-site.** Section 60.1.6.4 is added to read as follows:

“**60.1.6.4** The HMMP shall be made available on site.”
[2018 HSFC: 114]

- (117) **Hazardous materials protection from vehicles.** Section 60.5.1.9.2, item (2) is amended to read as follows:

“(2) They shall be spaced not more than three feet between posts on center.” [2018 HSFC: 115]

- (118) **Fireworks removal.** Section 65.1.3 is added to read as follows:

“**65.1.3.** The AHJ is authorized to require the owner to remove at the expense of the owner, all fireworks offered for sale, stored, or possessed in violation of Chapter 65, or other applicable state or county laws or rules.” [2018 HSFC: 116]

- (119) **Fireworks regulation. Section 65.1.4** is added to read as follows:
- “**65.1.4.** Importation, storage, possession, sale, purchase, transfer, public displays and discharge of fireworks shall be in accordance with chapter 132D, HRS.” [2018 HSFC: 117]
- (120) **Fireworks permits. Section 65.9.2.2** is deleted in its entirety.
[2018 HSFC: 118]
- (121) **Consumer fireworks retail sales. Section 65.10** is added to read as follows:
- “**65.10** Retail sales of consumer fireworks in both new and existing buildings, structures, and facilities shall comply with the requirements of Chapter 6 and 7 of NFPA 1124, 2013 Edition.” [2018 HSFC: 119]
- (122) **Flammable and combustible liquid tank permits. Section 66.1.5** is amended to read as follows:
- “**66.1.5 Permits and Plans.** Permits, where required, shall comply with Section 1.12 and applications for permits shall be submitted with a proposed site plan.” [2018 HSFC: 120]
- (123) **Unpermitted flammable and combustible liquid tank prohibition. Section 66.1.5.1** is added to read as follows:
- “**66.1.5.1 Filling Unpermitted Tanks Prohibited.** No fuel supplier shall fill or cause to be filled, an unpermitted storage tank. It is the supplier’s responsibility to request and be presented with a copy of the approved permit issued by the AHJ.” [2018 HSFC: 121]
- (124) **Underground flammable and combustible liquid tank closure in place. Section 66.21.7.4.3.3** is amended to read as follows:
- “**66.21.7.4.3.3 Underground Tanks Permanently Closed in Place.** Underground tanks may be permanently closed in place only if a certified structural engineer confirms that the removal of the tank will jeopardize the structural integrity of the existing building. An affidavit attesting to this determination shall be submitted to the AHJ prior to taking permanent closure measures. Tanks permanently closed in place shall meet all the following requirements:
- (1) All applicable AHJs shall be notified;
 - (2) A safe workplace shall be maintained throughout the prescribed activities;

- (3) All flammable and combustible liquids and residues shall be removed from the tank, appurtenances, and piping and shall be disposed of in accordance with regulatory requirements and industry practices, using a written procedure;
 - (4) The tank, appurtenances, and piping shall be made safe by either purging them of flammable vapors or inerting the potential explosive atmosphere. Confirmation that the atmosphere in the tank is safe shall be by testing of the atmosphere using a combustible gas indicator if purging, or an oxygen meter if inerting, at intervals in accordance with written procedures;
 - (5) Access to the tank shall be made by careful excavation to the top of the tank;
 - (6) All exposed piping, gauging and tank fixtures, and other appurtenances, except the vent, shall be disconnected and removed;
 - (7) The tank shall be completely filled with an inert solid material;
 - (8) The tank vent and remaining underground piping shall be capped or removed;
 - (9) The tank excavation shall be backfilled; and
 - (10) A record of tank size, location and date of permanent closure shall be retained by the owner and a copy submitted to the AHJ.”
- [2018 HSFC: 122]

(125) **Unpermitted liquefied petroleum gases and natural gases tank prohibition.** Section 69.1.2.1 is added to read as follows:

“**69.1.2.1 Filling Unpermitted Tanks Prohibited.** No fuel supplier shall fill or cause to be filled, an unpermitted storage tank. It is the supplier’s responsibility to request and be presented with a copy of the approved permit issued by the AHJ.” [2018 HSFC: 123]

(126) **LPG-enclosures.** Sections 69.3.5.1.4 through 69.3.5.1.6 are added to read as follows:

“**69.3.5.1.4** Containers shall not be within enclosures that would cause the build-up of flammable gasses in the event of a leak.”

“**69.3.5.1.5** Enclosures shall not be within three feet of the tank.”

“**69.3.5.1.6** Enclosures shall not impede access to fire suppression activities.”

(127) **Section 69.3.8.1.2.1** is added to read:

“69.3.8.1.2.1 Vehicular Protection. When Bollards or Guard posts are installed, they shall meet the requirements of Section 60.5.1.9.2 of this code.”

(128) **LPG-cooking inside of vehicles. Sections 69.3.12.8.5 and 69.3.12.8.6** are added to read as follows:

“69.3.12.8.5 LPG-cooking inside of vehicles. Portable LPG cylinders greater than 2.7 lb. capacity shall not be used or stored in an area that will obstruct or impede the egress in the case of an emergency. Not more than 12 LPG cylinders of 2.7 lb capacity or less shall be kept, used, or stored in any vehicle. LPG cylinders of 5 gallon capacity or greater shall not be used within any vehicle. All LPG appliance and equipment shall be listed for that use.”

“69.3.12.8.6 Portable fire extinguishers shall be provided as required in NFPA 10.”

(129) **Section 69.3.15.3.13.1** is amended to read as follows:

“69.3.15.3.13.1 Vehicle Fuel Dispenser and Dispensing Systems General Installation Provisions. Concrete filled guard posts constructed of steel not less than four inches in diameter, with the following characteristics:

- (1) Spaced not more than three feet between posts on center.
- (2) Set not less than three feet deep in concrete footing of not less than fifteen-inches diameter.
- (3) Set with the top of the posts not less than three feet above ground.
- (4) Located not less than three feet from the protected installation.”

(130) **Section 69.4.2.2.14.1** is added to read as follows:

“69.4.2.2.14.1 Fuel Supplier Responsibility. No fuel supplier shall fill or cause to be filled, any unpermitted fuel storage tank that should otherwise be permitted.”

(2023, ord 23-8, sec 1.)

Article 2. Fireworks Code.**Division 1. General Provisions.****Section 17-2-1. Title.**

This article shall be known as the fireworks code and shall apply to the importation, storage, possession, sale, purchase, transfer, and discharge of fireworks within the County.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-2. Definitions.

Whenever used in this article, unless the context otherwise requires:

“Aerial device” means any fireworks:

- (1) Containing one hundred thirty milligrams or less of explosive materials that produces an audible or visible effect and is designed to rise higher than twelve feet into the air and explode or detonate in the air, or to fly about above the ground;
- (2) That are prohibited for use by any person who does not have a display permit issued by the County under section 132D-16, Hawai‘i Revised Statutes; and
- (3) Including firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, roman candles, flying pigs, jumping jacks that move about the ground farther than a circle with a radius of twelve feet as measured from the point where the item was placed and ignited, aerial shells, and mines.

“Articles pyrotechnic” means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 by the United States Department of Transportation.

“Consumer fireworks” means any fireworks designed primarily for retail sale to the public during authorized dates and times, that produces visible or audible effects by combustion, and that is designed to remain on or near the ground and, while stationary or spinning rapidly on or near the ground, emits smoke, a shower of colored sparks, whistling effects, flitter sparks, or balls of colored sparks, and includes combination items that contain one or more of these effects. “Consumer fireworks” shall comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as set forth in Title 16 Code of Federal Regulations and fireworks classified as UN0336 and UN0337 by the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations.

“Consumer fireworks” include firework items commonly known as: firecrackers; snakes; sparklers; fountains; and cylindrical or cone fountains that emit effects up to a height

not greater than twelve feet above the ground; illuminating torches; bamboo cannons; whistles; toy smoke devices; wheels; and ground spinners that when ignited remain within a circle with a radius of twelve feet as measured from the point where the item was placed and ignited; novelty or trick items; combination items; and other fireworks of like construction that are designed to produce the same or similar effects.

“County building code” means chapters 5, 5A, 5B, and 5C of this Code.

“County fire code” means chapter 17, article 1, of this Code.

“Cultural” means relating to the arts, customs, traditions, mores, and history of all of the various ethnic groups of Hawai‘i.

“Department” means the Hawai‘i fire department.

“Display” means the use of aerial devices, display fireworks, or articles pyrotechnic for any activity, including such activities as movie or television production.

“Display fireworks” means any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than two grains (one hundred and thirty milligrams) of explosive materials, aerial shells containing more than forty-grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks.” This term also includes fused set pieces containing components, which together exceed fifty milligrams of salute power.

“Fire chief” means the chief of the Hawai‘i fire department or the chief’s duly authorized representative.

“Firecrackers” mean single paper cylinders not exceeding one and one-half inches in length excluding the fuse and one-quarter of an inch in diameter that contain a charge of not more than fifty milligrams of pyrotechnic composition.

“Fireworks” means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and that meets the definition of aerial device or consumer or display fireworks as defined by this section and contained in the regulations of the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations. The term “fireworks” shall not include any explosives or pyrotechnics regulated under chapter 396, Hawai‘i Revised Statutes, or automotive safety flares, nor shall the term be construed to include toy pistols, toy cannons, toy guns, party poppers, pop-its, or other devices which contain twenty-five hundredths of a grain or less of explosive substance.

“Import” (and any nounal, verbal, adjectival, adverbial, and other equivalent form of the term used interchangeably in this article) means to bring or attempt to bring fireworks or articles pyrotechnic into the County or to cause fireworks or articles pyrotechnic to be brought into the County.

“License” means a nontransferable, formal authorization, valid for a period from April 1 of the year in which the license was issued to March 31 of the following year and which the department is hereby authorized to issue under chapter 132D, Hawai‘i Revised Statutes, to engage in the act or acts specifically designated therein.

“Movie” or “television production” means a series of activities that are directly related to the creation of visual and cinematic imagery to be delivered via film, videotape, or digital media and are to be sold, distributed, or displayed as entertainment or the advertisement of products for mass public consumption, including scripting, casting, set design and construction, transportation, videography, photography, sound recording, interactive game design, and post production.

“Permanent” means the state of one object being affixed to another object by glue or other means in a manner that the affixed object is intended to not be easily removable.

“Permanent fireworks storage building or structure” means a building or structure affixed to a foundation on a site and having fixed utility connections, which is intended to remain on the site for more than one hundred eighty consecutive calendar days in a twelve-month period for the purpose of receiving, storing, or shipping fireworks, but in which no manufacturing of fireworks is performed.

“Permit” means a nontransferable, formal authorization, valid for a period not to exceed one calendar year from the date of issuance and which the department is authorized to issue under chapter 132D, Hawai‘i Revised Statutes, to engage in the act or acts specifically designated therein.

“Pyrotechnic composition” or “pyrotechnic contents” means the combustible or explosive component of fireworks.

“Red flag warning” means a weather forecast issued by the National Weather Service indicating that weather conditions associated with the outbreak of wildfire may occur.

“Redistribution” means the receiving, separating, consolidating or delivery of fireworks to wholesale, retail, or storage locations.

“Shipper” means an entity or person, including a freight forwarder, that is hired for the transport of aerial devices, articles pyrotechnic, consumer fireworks, display fireworks, or fireworks.

“State Fire Code” means the current State Fire Code as adopted by the State of Hawai‘i pursuant to chapter 132, Hawai‘i Revised Statutes.

“Store” means to have or keep in reserve for future distribution or delivery.

“Temporary fireworks storage building or structure” means a building or structure that is used for fireworks storage for one hundred eighty days or less in a twelve-month period.

“Unit” means one individual firecracker.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-3. Public information.

- (a) The public may obtain information about matters within the jurisdiction of the department by inquiring at the office of the Hawai'i fire department. Inquiries may be made in person at the department's office during regular business hours, or by submitting a request for information in writing to the fire chief.
- (b) Department records which are subject to inspection by the public pursuant to chapters 92 and 92F, Hawai'i Revised Statutes:
 - (1) May be examined upon request; and
 - (2) Are available upon payment of the fees established by statute or County ordinance.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Division 2. Prohibitions.**Section 17-2-21. General prohibitions.**

- (a) Fireworks, including aerial devices, consumer fireworks, display fireworks, and articles pyrotechnic shall not be imported, possessed, stored, offered for sale, sold, transferred, purchased, set off, ignited, discharged, thrown, used, or otherwise caused to explode within the County unless licensed, permitted, or otherwise allowed by this article.
- (b) It shall be unlawful for any person to:
 - (1) Remove or extract the pyrotechnic contents from any fireworks or articles pyrotechnic;
 - (2) Remove or extract the pyrotechnic contents from any fireworks or articles pyrotechnic and use the contents to construct fireworks, articles pyrotechnic, or a fireworks or articles pyrotechnic related device;
 - (3) Throw any fireworks or articles pyrotechnic from a vehicle;
 - (4) Set off, ignite, discharge, or otherwise cause to explode any fireworks or articles pyrotechnic:
 - (A) At any time not within the periods for use prescribed in section 17-2-41(b), unless permitted pursuant to division 4 of this article;
 - (B) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, animal shelter, or animal hospital;
 - (C) Within three hundred feet of any consumer fireworks retail sales facility;
 - (D) In any school building, or on any school grounds or yards on any occasion; and
 - (E) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; or within one thousand feet of any building used for public worship during the periods when services are held; except as may be permitted pursuant to division 4 of this article;

(5) Set off, ignite, discharge, or otherwise cause to explode any display fireworks, articles pyrotechnic, or aerial devices within areas zoned residential or agricultural; and

(6) It shall be unlawful to violate any of the provisions of this article.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-22. Minors.

It shall be unlawful for any person to offer for sale, sell, or give any fireworks or articles pyrotechnic to minors, and for any minor to possess, purchase, sell, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, except as provided in section 17-2-23.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-23. Liability of parents or guardians.

(a) The parents, guardian, and other persons having the custody or control of any minor, who knowingly permit the minor to possess, purchase, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, shall be deemed to be in violation of this article and shall be subject to the penalties thereunder; except that the parents or guardian may allow the minor to use consumer fireworks while under the immediate supervision and control of the parent or guardian, or under the supervision and control of another adult.

(b) The parents, guardian, and other persons having the custody or control of any minor, may be subject to civil and criminal penalties should it be found that negligence on their part caused loss of life, injury, or property damage from fireworks or articles pyrotechnic being ignited by such minors.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Division 3. Licenses.

Section 17-2-31. License required.

(a) Any person desiring to store, offer to sell, or sell, at wholesale or retail, aerial devices, consumer fireworks, display fireworks, or articles pyrotechnic or to possess aerial devices, display fireworks, or articles pyrotechnic within the County shall obtain a license issued by the department.

(b) Any person desiring to import aerial devices, consumer fireworks, display fireworks, or articles pyrotechnic into the County shall obtain a license issued by the department.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-32. General license provisions.

(a) A license may only be issued to a person eighteen years of age or older.

(b) Licenses are nontransferable.

- (c) Licenses are valid for a period beginning on April 1 of the year in which the license was issued and ending on March 31 of the following year. The date of issuance or effect and the date of expiration shall be noted on the license.
- (d) Licenses shall be prominently displayed in public view and secured at the location for which the license has been issued.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-33. License application process.

- (a) Applications for licenses to import, store, offer to sell, or sell, at wholesale or retail, aerial devices, consumer fireworks, display fireworks, or articles pyrotechnic, or applications for licenses to possess aerial devices, display fireworks, or articles pyrotechnic within the County may be obtained at the department.
- (b) Completed applications for licenses may be delivered during business hours from 8:00 a.m. to 4:00 p.m. or mailed to the department.
- (c) Applications for all licenses shall be submitted to the department at least forty-five calendar days from the date on which importing, storage, wholesaling or retailing activities would begin.
- (d) The department may deny an application for a license if the applicant is not in compliance with the requirements of this article or chapter 132D, Hawai'i Revised Statutes or if the proposed use or activity presents a substantial inconvenience to the public or an unreasonable fire or safety hazard. Licenses or denials of license applications will be mailed to the applicant by the department.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-34. Applications to include.

- (a) Applications for all licenses shall be in writing, signed by the applicant and shall include:
 - (1) The date of the application;
 - (2) The name of the applicant as follows:
 - (A) If the applicant is a sole proprietor, the name of the proprietor;
 - (B) If the applicant is a partnership, the name of the partnership and the names of all partners; and
 - (C) If the applicant is a corporation, the name of the corporation and the names and titles of its officers;
 - (3) The address, telephone number, and age of the applicant; and
 - (4) A self-addressed envelope of adequate size and sufficient postage.
- (b) If the license is to import consumer fireworks, the application shall also include:
 - (1) The address of the importer;
 - (2) The date upon which importation will begin;
 - (3) Class and estimated quantity of fireworks to be imported; and
 - (4) The physical address where the fireworks will be stored.
- (c) If the license is to import aerial devices, display fireworks, or articles pyrotechnic, the application shall also include:
 - (1) The address of the importer;

- (2) The date upon which importation will begin;
 - (3) Class and estimated quantity of fireworks to be imported;
 - (4) The physical address where the fireworks will be stored; and
 - (5) Written documentation regarding the proposed display event and related contact information, in a form prescribed by the department, to allow the department to validate the importation of the inventory.
- (d) If the license is to store, offer to sell, or to sell fireworks, the application shall also include:
- (1) The date upon which the storage, sale, or offers for sale will begin;
 - (2) The address of the location of the licensee;
 - (3) The address where the fireworks will be stored, and the address where the sales or offers to sell will occur;
 - (4) The name of the proprietor; or
 - (5) If a partnership, the name of the partnership and the names of all partners; or
 - (6) If a corporation, the name of the corporation and the names of its officers.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-35. Application fees.

- (a) Licensees that plan to conduct business in the County shall pay the following fees for each license, pursuant to section 17-2-31:
- (1) \$3,000 for each importer per year;
 - (2) \$2,000 for each wholesaler's site per year;
 - (3) \$1,000 for each permanent or temporary storage site per year; and
 - (4) \$500 for each retailer's site per year.
- (b) As used in this section, the term "year" shall pertain to the period beginning on April 1 of the year in which the license was issued to March 31 of the following year.
- (c) The nonrefundable fee for each license shall be made payable to the director of finance and shall be submitted to the department with the application.
- (d) The department shall provide an exemption from license fees to nonprofit community groups for importation and storage of fireworks or articles pyrotechnic for displays once a year.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-36. Requirements of licensee.

- (a) Sale or transfer.
- (1) It shall be unlawful for any person, other than a wholesaler who is selling or transferring fireworks to a licensed retailer, to sell or offer to sell, exchange for consideration, give, transfer, or donate any fireworks, or articles pyrotechnic at any time to any person who does not present a permit duly issued as required by division 4 (Permits).
 - (2) The permit shall be signed by the seller or transferor at the time of sale or transfer of the fireworks, and the seller or transferor shall indicate on the permit the amount and type of fireworks sold or transferred.

- (3) No fireworks shall be sold or delivered to any permittee in any amount in excess of the amount specified in the permit.
 - (4) No fireworks shall be sold to a permittee holding a permit issued for purposes of sections 17-2-42 through 17-2-44, more than five calendar days prior to the designated periods for use as set forth in sections 17-2-42 through 17-2-44.
- (b) Structures, buildings, and facilities.
Structures, buildings, and facilities where fireworks are stored or redistribution activities are performed shall comply with County, State, and National building and fire codes.
- (c) Reporting.
Any person who has obtained a license pursuant to section 17-2-31 shall comply with the following reporting requirements regarding fireworks and articles pyrotechnic:
- (1) Importers shall submit to the department an inventory list of the contents of each shipment received that specifies the name of the fireworks or articles pyrotechnic, “ex” number, and quantity of each item received within ten working days of receiving the product.
 - (2) Wholesalers shall submit to the department within three working days after the product is shipped: copies of sales invoices or packing lists, or both, that indicate the date of shipment; customer’s name; type of fireworks or articles pyrotechnic shipped; and the amount delivered.
 - (3) Storage facilities shall:
 - (A) Provide written notification to the department whenever fireworks or articles pyrotechnic are moved from the facility, within three working days after the product is moved;
 - (B) Maintain a report which contains a listing of all fireworks and articles pyrotechnic brought into the facility, moved from the facility, and current inventory, including dates of activity and destinations of all product moved from the facility; and
 - (C) Provide the report to the department for inspection, upon request.
 - (4) Retailers shall submit to the department:
 - (A) An inventory list of the contents of each shipment received that specifies the name of the fireworks or articles pyrotechnic, “ex” number, and quantity of each item received within ten working days of receiving the product; and
 - (B) An ending inventory of all remaining product and the location of the storage facility where the product is being stored.
- (d) Posting notice.
Each licensed retail outlet shall post adequate notice that clearly cautions each person purchasing fireworks of the prohibitions, liabilities, and penalties incorporated in sections 17-2-22 (Minors), 17-2-23 (Liability of parents), 17-2-61 (Penalties).

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-37. Compliance and revocation.

- (a) Prior to or following the issuance of a license the department may at its discretion, inspect the proposed location where the fireworks will be stored or sold, at wholesale or retail, to ensure that the applicant is in compliance with the County fire code, State fire code, and County building code.
 - (b) Persons to whom licenses are issued shall comply with the provisions of: the license; this article; chapter 132D, Hawai'i Revised Statutes; and all applicable County, State, and Federal laws.
 - (c) If a licensee fails to comply with the provisions of the license, this article, chapter 132D, Hawai'i Revised Statutes, or applicable County, State, or Federal laws, or if the department determines that the licensee stores or handles the fireworks in such a manner as to present an unreasonable safety hazard the department may immediately revoke the license; and
 - (d) If the department discovers at a later date that a licensee has been convicted of a felony under this article or chapter 132D, Hawai'i Revised Statutes, the department shall revoke the licensee's license and no new license shall be issued to the licensee for a period of two years from the date of the license revocation.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Division 4. Permits.**Section 17-2-41. Permits.**

- (a) The following types of fireworks permits are available to the public:
 - (1) Consumer fireworks.
 - (A) Permits for the purchase and use of firecrackers, during designated periods, on New Year's Eve to New Year's Day; Chinese New Year's Day, and the Fourth of July, pursuant to section 17-2-42.
 - (B) Permits for the purchase and use of consumer fireworks for cultural purposes, other than during designated periods on New Year's Eve to New Year's Day, Chinese New Year's Day, and the Fourth of July, pursuant to section 17-2-43.
 - (2) Aerial devices, display fireworks, and articles pyrotechnic.
Permits to purchase, set off, ignite, discharge, or otherwise cause to explode aerial devices, display fireworks, and articles pyrotechnic, pursuant to section 17-2-44.
 - (b) Permits not required.
Consumer fireworks other than firecrackers may be set off, ignited, discharged, or otherwise caused to explode within the County without a permit during the following periods:
 - (1) 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day;
 - (2) 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; and
 - (3) 1:00 p.m. to 9:00 p.m. on the Fourth of July.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-42. Firecrackers.

- (a) Firecrackers may be purchased and used within the County with a permit from:
 - (1) 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day;
 - (2) 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; and
 - (3) 1:00 p.m. to 9:00 p.m. on the Fourth of July.
 - (b) Not more than five thousand individual firecrackers shall be allowed per each permit.
 - (c) Applications for permits to purchase and use firecrackers during the periods prescribed in subsection (a) shall be in writing, signed by the applicant and shall include:
 - (1) Name, age, telephone number, and address of the applicant and the person who will control the firing of fireworks, if different;
 - (2) Date of the permitted activity;
 - (3) Location where the permitted activity is to occur; and
 - (4) Estimated quantity of firecrackers to be used under the permit, but not exceeding five thousand units.
 - (d) The nonrefundable fee for this permit shall be \$25, payable to the director of finance, and must be submitted at the time of the application.
 - (e) Firecrackers with a permit issued pursuant to this section may not be purchased more than five calendar days prior to the designated periods for use set forth in subsection (a).
 - (f) Each permit issued pursuant to this section shall not allow purchase of firecrackers for more than one event as set forth in subsection (a).
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-43. Consumer fireworks for cultural purposes.

- (a) Consumer fireworks, including firecrackers, may be used for cultural purposes with a permit during any time not specified in subsection 17-2-41(b).
- (b) A permit issued pursuant to this section shall authorize purchase and use of consumer fireworks from 9:00 a.m. to 9:00 p.m. on the date for which the permit was issued, provided that not more than five thousand individual firecrackers shall be allowed per each permit.
- (c) Applications for permits to purchase and use consumer fireworks for cultural purposes pursuant to this section shall be in writing, signed by the applicant and shall include:
 - (1) Name, age, telephone number, and address of the applicant and the person who will control the firing of fireworks, if different;
 - (2) Name of the organization's, corporation's, club's, establishment's, or other entity's proprietor, partner or officer and verification that the person making the application is the authorized agent of the entity;
 - (3) Estimated quantity of consumer fireworks to be used under the permit, but not exceeding five thousand units; and
 - (4) Date, time period, and description of the proposed cultural use of the consumer fireworks.

- (d) A person, including the proprietor, partner, corporate officer or duly authorized agent of any temple, cemetery, or any cultural association, lion dance club, or other similar organization desiring to purchase, discharge, fire, or explode consumer fireworks for cultural purposes or occasions, or desiring to provide for the discharging, firing, or exploding of consumer fireworks by members of their organizations, clients, patrons, or customers, for cultural purposes or occasions may obtain a permit pursuant to this subsection.
 - (1) The nonrefundable fee for this permit shall be \$25, payable to the director of finance, and must be submitted at the time of the application.
 - (2) A permit issued pursuant to this subsection shall not allow purchase of consumer fireworks for more than one event.
 - (e) A permit may be issued to an establishment for the use of consumer fireworks at the establishment during the period of the permit. Such permit may allow the establishment to purchase consumer fireworks for cultural purposes specified in the permit.
 - (1) The nonrefundable fee for this permit shall be \$25, payable to the director of finance, and must be submitted at the time of the application.
 - (2) The time period of a permit for an establishment shall not exceed six months.
 - (f) Consumer fireworks, with a permit issued pursuant to this section, may not be purchased more than five calendar days prior to the designated periods for use as set forth in subsection 17-2-41(b), and as stated on the permit.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-44. Aerial devices, display fireworks, and articles pyrotechnic.

- (a) Aerial devices, display fireworks, and articles pyrotechnic may be purchased, set off, ignited, discharged, or otherwise caused to explode only for display and if permitted in writing pursuant to this section.
- (b) Aerial devices, display fireworks, and articles pyrotechnic shall be set off, ignited, discharged, or otherwise caused to explode only from 9:00 a.m. to 9:00 p.m. The fire chief may extend this time period for special events. Applicants shall submit requests for extension of the time period in writing, stating the reason for the extension, and the length of extension requested. The time restriction established in this subsection shall not apply to aerial devices, display fireworks, and articles pyrotechnic set off, ignited, discharged, or otherwise caused to explode within the County solely as part of a movie or television production.
- (c) No aerial devices, display fireworks, or articles pyrotechnic shall be set off, ignited, discharged or otherwise caused to explode within areas zoned residential or agricultural.
- (d) Display permit applications shall be in writing, signed by the applicant and include the following:
 - (1) The name, age, and address of the applicant;
 - (2) The name, age, and address of the person who will operate the display, and a current photo copy of pyrotechnic operator's certificate of fitness, issued by the State of Hawai'i;

- (3) The time, date, physical address, and plot plan of the display site, of the display including distances between the location where the display will take place and buildings, spectators, roadways, and special hazards;
 - (4) A complete inventory of the type and quantity of aerial devices, display fireworks, and articles pyrotechnic to be purchased, set off, ignited, discharged, or otherwise caused to be exploded, including product size, type, and amount;
 - (5) The purpose or occasion for the display;
 - (6) Letter of approval from the property owner of the physical address where the display will take place that authorizes the discharge of aerial devices, display fireworks, or articles pyrotechnics for display on this property;
 - (7) Copy of applicant's insurance policy or surety bond as required in subsection (e); and
 - (8) Approved permits from the following agencies if applicable:
 - (A) Department of land and natural resources land division;
 - (B) Department of land and natural resources boating and ocean recreation division;
 - (C) United States Coast Guard; and
 - (D) Federal Aviation Agency.
- (e) No display permit shall be issued unless the applicant presents, at the applicant's option, either:
- (1) A written certificate of an insurance carrier or a policy, which has been issued to or for the benefit of the applicant, providing for the payment of damages in the amount of not less than \$250,000 for injury to, or death of, any one person, and subject to the foregoing limitation for one person; in the amount of not less than \$500,000 for injury to, or death of, two or more persons; and in the amount of not less than \$100,000 for damage to property, caused by reason of the authorized display and arising from any tortious acts or negligence of the permittee, the permittee's agents, employees, or subcontractors. The certificate shall state that the policy is in full force and effect and will continue to be in full force and effect for not less than ten days after the date of the display. The County of Hawai'i, its officers, agents, employees, and affiliates, shall be listed as an additional insured on the insurance certificate; or
 - (2) The bond of a surety company duly authorized to transact business within the State, or a bond with not less than two individual sureties who together have assets in the State equal in value to not less than twice the amount of the bond, or a deposit of cash, in the amount of not less than \$500,000 conditioned upon the payment of all damages that may be caused to any person or property by reason of the authorized display and arising from any tortious acts or negligence of the permittee, the permittee's agents, employees, or subcontractors. The security shall continue to be in full force and effect for not less than ten days after the date of the display.

- (f) The department may require coverage in amounts greater than the minimum amounts set forth in subsection (e) of this section if deemed necessary or desirable in consideration of such factors as:
 - (1) Location and scale of the display;
 - (2) Type of aerial devices, display fireworks, or articles pyrotechnic to be used; and
 - (3) Number of spectators expected.
- (g) The nonrefundable fee for this permit shall be \$110 for each event, payable to the director of finance, and must be submitted with the application.
- (h) An application for a display permit shall be submitted to the department not less than twenty calendar days before the proposed date of the display. All items required to be included with the permit application shall accompany the application at time of submittal.
- (i) Prior to the issuance of a display permit and at the discretion of the department, an inspection of the proposed firing area may be required. Inspections, when conducted, shall ascertain compliance with National Fire Protection Association Standards 1123 entitled "Outdoor Display of Fireworks" or 1126 entitled, "Pyrotechnics Before a Proximate Audience," 2011 Edition, which are incorporated herein by reference.
- (j) A site inspection fee of \$200 shall be assessed for each display event. For multi-day events, each day shall constitute a separate event and require payment of a separate site inspection fee.
- (k) A display permit or a request for an extension of the time period for a display permit may be issued by the department if the requirements imposed by this article and chapter 132D, Hawai'i Revised Statutes are met. The permit shall authorize the holder to display aerial devices, display fireworks, or articles pyrotechnic only at the place and during the time set forth therein, and to acquire and possess the specified aerial devices, display fireworks, or articles pyrotechnic between the date of the issuance of the permit and the time during which the display of those aerial devices, display fireworks, or articles pyrotechnic is authorized.
- (l) The applicant shall be notified in writing whether the display permit has been approved or denied within ten working days after receipt of application.
- (m) If required by the department, written notification of an upcoming display shall be given to all area residents within one thousand feet of the firing site. The display operator shall be responsible for issuing the notification.
- (n) Notwithstanding the foregoing, any display permit issued by the department may be revoked or suspended immediately by the department for the following reasons:
 - (1) The climatic, atmospheric, or other conditions on the date of the proposed firing may reasonably be believed to make the use of aerial devices, display fireworks, or articles pyrotechnic hazardous to persons or property;
 - (2) A Red Flag Warning that affects the location of the display has been issued by the National Weather Service; or

- (3) Any requirement imposed by this article or chapter 132D, Hawai'i Revised Statutes, or any condition of the permit necessary to minimize the danger to persons or property is not met.
 - (o) A post-display report shall be submitted to the department within five days after the display.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-45. General permit provisions.

- (a) A permit may only be issued to a person eighteen years of age or older.
 - (b) Permits are nontransferable.
 - (c) Permits are valid for a period beginning on January 1 and ending December 31. In no case shall the period of a permit exceed one year. The date of issuance or effect and the date of expiration shall be noted on the permit.
 - (d) Permits are valid only when the fireworks are used at the site, on the date, and during the time indicated on the permit.
 - (e) Permits shall be prominently displayed in public view at the location, on the date, and time indicated on the permit.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-46. Permit application process.

- (a) Applications for permits may be obtained at the department or at locations designated by the department.
 - (b) Completed applications for permits may be delivered during business hours from 8:00 a.m. to 4:00 p.m. or mailed to the department.
 - (c) The department may deny an application for a permit if the applicant is not in compliance with the requirements of this article or chapter 132D, Hawai'i Revised Statutes or if the proposed use presents a substantial inconvenience to the public or an unreasonable fire or safety hazard. Permits or denials of permit applications shall be mailed to the applicant by the department.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-47. Compliance and revocation.

- (a) Permittees shall comply with the provisions of: permits issued pursuant to this article; chapter 132D, Hawai'i Revised Statutes; and all applicable County, State, and Federal laws.
 - (b) If a permittee fails to comply with the provisions of this permit this article, chapter 132D, Hawai'i Revised Statutes, or applicable County, State, or Federal laws, or if the department determines that the permittee handles or uses fireworks in such a manner as to present an unreasonable safety hazard, the department may immediately revoke the permit.
- (2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Division 5. Importation and Exportation.**Section 17-2-51. Licensee's duty of notification.**

Any person who has obtained a license pursuant to this article, and ships fireworks or articles pyrotechnic into or out of the County shall:

- (1) Clearly designate the types of fireworks or articles pyrotechnic in each shipment on the bill of lading or shipping manifest;
- (2) Declare on the bill of lading or shipping manifest the gross weight of fireworks or articles pyrotechnic to be imported or exported in each shipment;
- (3) Declare on the bill of lading or shipping manifest, the location of the storage facility, if applicable, in which the fireworks or articles pyrotechnic are to be stored;
- (4) Prior to shipment, notify the department regarding whether the shipment will be distributed from:
 - (A) Pier to pier;
 - (B) Pier to warehouse or storage facility; or
 - (C) Pier to redistribution;
- (5) When a shipment is booked, the importer, shipper, or consignee shall notify the department in writing of the expected shipment's landing date; and
- (6) Upon receipt of any shipment, provide the department with copies of sales invoices or packing slips, or both, that clearly indicate:
 - (A) Name, address, phone number of seller;
 - (B) Name and description of the product; and
 - (C) Quantity received.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-52. Inspection of fireworks.

The department shall be allowed to inspect, if it chooses, any shipment declared on the shipping manifest as fireworks or articles pyrotechnic when a shipment of fireworks has landed and becomes subject to the jurisdiction of the department or before a shipment leaves the jurisdiction.

(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Section 17-2-53. Importation and storage.

- (a) The facility in which fireworks or articles pyrotechnic are to be stored must:
 - (1) Obtain the approval of the department fifteen calendar days prior to the shipment's arrival; and
 - (2) Satisfy the requirements of the State fire code, County fire code, and County building code.

- (b) Aerial devices, display fireworks, or articles pyrotechnic, shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory; provided that if a licensee provides aerial devices, display fireworks, or articles pyrotechnic for displays as allowed pursuant to this article more than once a month, the licensee may import or store, if necessary, sufficient aerial devices, display fireworks, or articles pyrotechnic, for a six-month inventory.
(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Division 6. Enforcement and penalties.

Section 17-2-61. Penalties.

- (a) Any person who imports fireworks or articles pyrotechnic without having a valid license pursuant to this article shall be guilty of:
- (1) A class C felony for shipments of up to and including ten thousand pounds gross weight; and
 - (2) A class B felony for shipments of more than ten thousand pounds gross weight.
- (b) Any person who purchases, possesses, sets-off, or discharges fireworks or articles pyrotechnic without a valid permit or who stores, sells, or possesses fireworks or articles pyrotechnic without a valid license pursuant to this article shall be guilty of:
- (1) A class C felony if the total weight of the fireworks or articles pyrotechnic is twenty-five pounds or more; or
 - (2) A misdemeanor if the total weight of the fireworks or articles pyrotechnic is less than twenty-five pounds.
- (c) Any person who transfers or sells fireworks or articles pyrotechnic to a person who does not have a valid permit pursuant to this article, shall be guilty of a class C felony.
- (d) Any person who commits the following acts shall be guilty of a misdemeanor:
- (1) Removes or extracts the pyrotechnic contents from any fireworks or articles pyrotechnic; or
 - (2) Removes or extracts the pyrotechnic contents from any fireworks or articles pyrotechnic and uses the contents to construct fireworks, articles pyrotechnic, or a fireworks or articles pyrotechnic related device.
- (e) Except as provided in subsection (a), or as otherwise specifically provided for in this article or chapter 132D, Hawai'i Revised Statutes, any person violating any other provision of this article or chapter 132D, Hawai'i Revised Statutes, shall be fined not more than \$2,000 for each violation.
- (f) Notwithstanding any penalty set forth herein, violations of paragraphs 17-2-61(a)(1) or 17-2-61(a)(2) may be subject to nuisance abatement proceedings provided in chapter 712, part V, Hawai'i Revised Statutes.
(2016, ord 16-107, sec 3; am 2023, ord 23-8, sec 2.)

Article 3. Fire board of appeals.**Section 17-3-1. Definitions.**

Whenever used in this article, unless the context otherwise requires:

“Board” means the fire board of appeals.

“County fire code” means chapter 17, article 1, of this Code.

“Fire chief” means the chief of the Hawai‘i fire department or the chief’s designated representative.

“Fireworks code” means chapter 17, article 2, of this Code.

(2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

Section 17-3-2. Fire board of appeals established; appointment; qualifications.

(a) There shall be a fire board of appeals consisting of five members who shall be appointed by the mayor and confirmed by the council in the manner prescribed by section 13-4 of the Charter. Three voting members of the board shall constitute a quorum.

(b) Upon the initial appointment of members pursuant to this division, one shall be appointed for a term of one year, two for terms of two years, and two for terms of three years. Thereafter, board members shall serve three year terms pursuant to this section.

(c) Members shall be residents of the County of Hawai‘i who possess education, experience, and knowledge in one or more of the following fields or professions:

- (1) Engineering or architectural design;
- (2) General contracting;
- (3) Fire protection contracting;
- (4) Fire department operations or fire code enforcement;
- (5) Building code enforcement; or
- (6) Legal.

(d) Members shall not be employees, agents, or officers of the County.

(2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

Section 17-3-3. Powers; duties; functions.

(a) The fire board of appeals shall hear and issue rulings on appeals from final decisions of the fire chief relating to article 1, the County fire code and article 2, the fireworks code.

(b) Rulings of the board shall interpret and be consistent with the County fire code and the fireworks code. In the event that any provision of the code is found to be ambiguous, the board shall interpret the intent of the code in a manner that affords due consideration for the safety of the public and firefighters.

- (c) The board may grant alternatives or modifications to the provisions or requirements of the County fire code and the fireworks code, provided the following requirements are met:
- (1) Equivalencies.
Systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by the County fire code and the fireworks code, may be allowed, provided technical documentation is submitted to the fire chief that demonstrates equivalency and that the system, method, or device is approved for the intended purpose.
 - (2) Alternatives.
The requirements of the County fire code and fireworks code may be altered by the fire chief to allow alternative methods that secure equivalent fire safety. In no case shall the alternative afford less fire safety than, in the judgement of the fire chief, would be provided by compliance with the provisions contained in the County fire code and fireworks code.
 - (3) Modifications.
The requirements of the County fire code and fireworks code may be modified by the fire chief upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in carrying out the provisions of the County fire code or fireworks code, provided that the intent of the Code is complied with, public safety secured, and substantial justice done.
- (d) The board may not waive the requirements of the County fire code or the fireworks code.
- (e) Board decisions shall not be precedent setting.
- (f) The board may adopt rules for the conduct of its business that are consistent with the County fire code and the fireworks code.
- (2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

Section 17-3-4. Appeals.

- (a) Any person directly affected by a decision of the fire chief relating to the administration of the County fire code or the fireworks code shall have standing to file an appeal of such decision with the fire board of appeals when it is asserted that one or more of the following conditions exists:
- (1) The true intent of the County fire code or fireworks code has been incorrectly interpreted;
 - (2) The provisions of the County fire code or fireworks code do not fully apply; or
 - (3) A decision was unreasonable or arbitrary when applied to alternatives or new materials.
- (b) An appeal shall be submitted to the fire chief in writing within thirty calendar days of the notification of violation. The appeal shall outline all of the following:
- (1) The County fire code or fireworks code provision or provisions from which relief is sought;
 - (2) A statement indicating which provisions of subsection (a) apply;

- (3) Justification indicating why the provision of subsection (a) applies;
 - (4) A requested remedy; and
 - (5) Justification stating specifically how the requested remedy complies with the County fire code or fireworks code, secures public safety, and secures fire fighter safety.
- (c) Documentation supporting an appeal shall be submitted to the fire chief at least seven calendar days prior to the fire board of appeals hearing on the matter.
(2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

Section 17-3-5. Meetings.

- (a) The board shall select one of its members to serve as chairperson and one member to serve as vice chairperson.
- (b) Meetings of the board shall be held at the call of the chairperson, at other times the board determines necessary, and within thirty calendar days of the filing of a notice of appeal.
- (c) All hearings before the board shall be conducted pursuant to chapter 92, Hawai'i Revised Statutes, relating to public agency meetings and records.
(2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

Section 17-3-6. Records.

- (a) The board shall keep minutes of its proceedings. These minutes shall include every decision of the board and the vote of each member. A member's absence or failure to vote on a question shall also be recorded in the minutes.
- (b) The board shall keep records of its examinations and other official actions.
- (c) Minutes and records of the board shall be public records, pursuant to chapter 92, Hawai'i Revised Statutes.
(2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

Section 17-3-7. Decisions.

- (a) To vary the application of any provision of the County fire code or fireworks code, or modify an order of the fire chief made pursuant to these codes, at least three affirmative votes shall be required.
- (b) Decisions of the board to modify an order of the fire chief shall:
 - (1) Be in writing; and
 - (2) Specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification for the modification linked to specific code sections.
- (c) Every decision of the board shall be timely filed in the fire chief's office and be open to public inspection, pursuant to chapter 92, Hawai'i Revised Statutes.
- (d) A certified copy of a decision of the board shall be sent by mail or delivered in person to the appellant and a copy shall be publicly posted in the office of the fire chief for two weeks after filing.

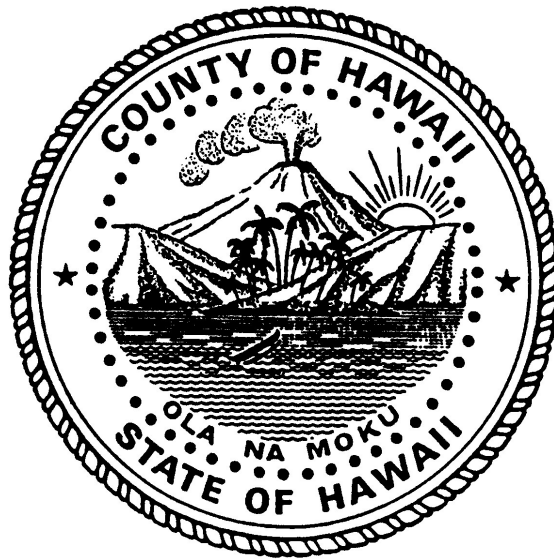
- (e) A decision of the fire board of appeals shall be final. A party may obtain judicial review of the fire board of appeals final decision in the manner set forth in section 91-14, Hawai'i Revised Statutes.
 - (f) If a decision of the board reverses or modifies a refusal, order, or disallowance of the fire chief, or varies the application of any provision of the County fire code or fireworks code, the fire chief shall take action promptly in accordance with such decision.
 - (g) No member of the board shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case.
- (2018, ord 18-15, sec 2; am 2023, ord 23-8, sec 3.)

This page intentionally left blank.

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 14 (7-2023)
Contains ordinances effective through: 06-30-23



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	Disaster and Emergency Management
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	Fire
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 Reserved
- 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.

- (c) A claimant may file a claim for exemption even though there is on file and in effect a claim covering the same premises, or a claim previously filed and disallowed or otherwise voided. However, no such claim shall be filed if it is identical with one already on file and having continuing effect. The report required by subsection (d) may be accompanied by or combined with a new claim.
- (d) Any person who has been allowed an exemption under sections 19-71, 19-73 to 19-78, 19-89.2 or 19-89.5 has a duty to report to the assessor within thirty days after that person ceases to qualify for such an exemption for one of, but not limited to, the following reasons:
 - (1) That person ceases to be the owner, lessee, or purchaser of the exempt premises;
 - (2) A change in the facts previously reported has occurred concerning the occupation, use, or renting of the premises, buildings or other improvements thereon; or
 - (3) Some other change in status has occurred which affects the exemption.

Such report shall have the effect of voiding the claim for exemption previously filed, as provided in subsection (b)(4). The report shall be sufficient if it identifies the property involved, states the change in facts or status, and requests that the claim for exemption previously filed be voided.

In the event the property comes into the hands of a fiduciary who is answerable as provided for by this chapter, the fiduciary shall make the report required by this subsection within thirty days after the fiduciary's assumption of fiduciary duties or within the time otherwise required, whichever is later.

Any person who has a duty of making a report as required by this subsection, who within the time required fails to make a report, shall be liable for a civil penalty. The amount of the penalty shall be \$100. The penalty shall be recovered as provided for by ordinance. In addition to this penalty, the taxes due on the property plus any additional penalties and interest thereon shall be collected as property taxes and shall be a lien on the property as provided for by ordinance.

- (e) In addition to any penalty set forth in article 10, any individual who files a fraudulent claim for exemption or attests to any false statement, with the intent to defraud or to evade the payment of taxes or any part thereof, or who in any manner intentionally deceives or attempts to deceive the department of finance, shall be fined \$1,000. This fine shall attach as a paramount lien against the property for which the claim for exemption is filed.
- (f) If the assessor is of the view that, for any tax year, the exemption should not be allowed, in whole or in part, the assessor may at any time within two years of January 1 of that year disallow the exemption for that year, in whole or in part, and may add to the assessment list for that year the amount of value involved, in the manner provided for by ordinance for the assessment of omitted property;

provided, that if an assessment or addition under this subsection is made after April 9 preceding the tax year, the taxes on the amount of value involved in the assessment or addition so made shall be made a lien as provided for by this chapter by recording a certificate setting forth the amount of tax involved, penalties, and interest.

- (g) In any case of recordation of a certificate for the amount of the civil penalty under subsection (d), or for the amount of tax, penalties, and interest assessed or added under subsection (f), a person shall be deemed to have an interest arising before the recordation of the certificate only if and to the extent that a person acquired the interest in good faith and for a valuable consideration without notice of a violation of the requirements of subsection (d) having occurred.

(1983 CC, c 19, art 10, sec 19-68; am 1987, ord 87-116, sec 2; am 1990, ord 90-138, sec 4; am 1994, ord 94-24, sec 1; am 1995, ord 95-83, sec 2; am 1997, ord 97-84, sec 1; am 2004, ord 04-123, sec 2; am 2008, ord 08-11, secs 3 and 4.)

Section 19-69. Repealed.

(1983 CC, c 19, art 10, sec 19-69; rep 1997, ord 97-84, sec 1.)

Section 19-70. Assignment of partial exemptions.

Unless otherwise specifically provided, allowable exemptions shall be applied first to the value of the buildings on the land and the remainder of the unused exemption, if any, to the value of the land.

(1983 CC, c 19, art 10, sec 19-70; am 1997, ord 97-84, sec 1.)

Section 19-71. Homes.

- (a) Real property owned and occupied as a principal home shall be exempt to the following extent from property taxes:

- (1) Totally exempt where the value of the property is not in excess of \$50,000;
- (2) Where the value of the property is in excess of \$50,000, the exemption shall be the amount of \$50,000.

Provided that:

- (A) No such exemption shall be allowed to any corporation, co-partnership, or company;
- (B) The exemption shall not be allowed on more than one home for any one taxpayer and that such taxpayer shall certify under penalty of perjury that such taxpayer has no other home exemption in any other jurisdiction;
- (C) The taxpayer has acquired said home by a recorded deed;
- (D) A husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case they shall be entitled to one exemption, to be apportioned equally between each of their respective homes;

- (E) A person living on premises, a portion of which is used for commercial purposes, except as provided in subsection (b) or which is legally permitted as a home occupation in accordance with the zoning code, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home;
 - (F) A person living on the premises, a portion of which is used as residential housing rental for a term of not less than six months and legally permitted by all codes, shall be entitled to an exemption, except as provided in subsection (b); and
 - (G) In the case of a lease of Hawaiian homestead lands, where either a husband or wife is of non-Hawaiian descent, either spouse shall be entitled to the home exemption in the same manner as if either spouse was considered the owner thereof, provided proof of marriage is submitted to the director of finance.
- (b) The use of a portion of any real property, building or structure for the purpose of any agricultural use permitted pursuant to section 205-2(d) or 205-4.5, Hawai'i Revised Statutes, shall not affect the exemptions provided for by this section.
 - (c) Where two or more individuals by life estate and remainder, jointly, by the entirety, or in common own or lease land on which their homes are located, each home, if otherwise qualified for the exemption granted by this section, shall receive the exemption. If a portion of land held by life estate and remainder, jointly, by the entirety, or in common by two or more individuals is not qualified to receive an exemption, such disqualification shall not affect the eligibility for an exemption or exemptions of the remaining portion.
 - (d) A taxpayer who is sixty years of age or over and who qualifies under subsection (a) shall be entitled to one of the following home exemptions:

Age of Taxpayer	Exemption Amount
60 years of age or over but not 65 years of age or over	\$85,000
65 years of age or over but not 70 years of age or over	\$90,000
70 years of age or over but not 75 years of age or over	\$105,000
75 years of age or over	\$110,000

For the purpose of this subsection, a husband and wife who own property by life estate and remainder, jointly, by the entirety, or in common, on which a home exemption under the provisions of subsection (a) has been granted shall be entitled to the applicable home exemption set forth above when at least one of the spouses qualifies each year for the applicable home exemption.

- (e) For purposes of this section, the term “real property owned and occupied as a principal home” is defined as the place where an individual has a true, fixed, permanent home and principal establishment, and to which place the individual has, whenever absent, the intention of returning. It is the place in which an individual has voluntarily fixed habitation, not for mere special, temporary, or vacation purpose, but with the intention of making a permanent home.
- (1) Four elements are necessary for real property to be considered a “principal home.”
- (A) The owner has no other home exemption or principal home in any other jurisdiction;
 - (B) The owner maintains the principal home residence within the County;
 - (C) The owner’s actual physical occupancy of the principal home within the County; and
 - (D) The owner has filed a Hawai‘i state income tax return as a full time resident for each fiscal year that the exemption is sought, or:
 - (i) In the case of an owner who has not earned sufficient income to require the filing of a Hawai‘i state income tax return, the owner may seek a conditional waiver of this requirement from the director by certifying that the only reason the waiver is sought is insufficient income to require the filing of a Hawai‘i state income tax return, and by providing evidence to the satisfaction of the director that the owner is a full time resident; or
 - (ii) In the case of an owner who relocated to the County of Hawai‘i and has not yet had the opportunity to file a Hawai‘i state income tax return, but intends to file a Hawai‘i state income tax return at the next tax return filing deadline, that owner may seek from the director a conditional waiver of this requirement by certifying that the owner shall file a Hawai‘i state income tax return within the next twelve months. In the event the owner does not file a Hawai‘i state income tax return within the twelve month period, the owner shall be charged the amount of tax that was exempted and shall not be eligible to apply for the exemption under this section for one year.
- (2) Maintaining a principal residence may be evidenced by one or more of the following:
- (A) Occupancy of the home in the County for more than two hundred calendar days of the calendar year for which the exemption is sought;
 - (B) Registering to vote in the County;
 - (C) Being stationed in the County under military orders of the United States and must claim residency only in Hawai‘i; or
 - (D) Possession of any of the following with a reported address within the County of Hawai‘i:
 - (i) Valid Hawai‘i driver’s license.
 - (ii) Hawai‘i state identification card.
 - (iii) Resident aliens possessing a valid resident alien card (“green card”) must claim residency only in Hawai‘i.

- (iv) Completed and signed copy of the owner's Hawai'i County voter registration application, with only the last four digits of the owner's social security number visible.
- (v) U.S. Internal Revenue Service tax return with only the last four digits of the social security number visible.

The director of finance may require documentation of the above or additional evidence of residence in the County from a property owner applying for an exemption or from an owner as evidence of continued qualification for an exemption. Failure to respond fully to the director's request, or in the event the director receives satisfactory evidence that a claimant occupies a permanent home outside the County or there is documented evidence the claimant resides outside of the County for more than one hundred sixty-five calendar days, shall be deemed grounds for denying a claim for exemption or disallowing an existing exemption.

- (f) Real property qualifying under subsection (a) shall be entitled to an additional exemption of twenty percent of the assessed value of the property not to exceed an additional \$100,000.

(1983 CC, c 19, art 10, sec 19-71; am 1990, ord 90-138, sec 5; am 1997, ord 97-84, sec 1; am 2004, ord 04-123, sec 3; am 2006, ord 06-147, sec 3; am 2014, ord 14-135, sec 2; am 2022, ord 22-90, secs 2-4.)

Section 19-72. Home, lease, lessees defined.

For the purpose of section 19-71 the word "home" includes:

- (1) The entire homestead when it is occupied by the taxpayer as such;
- (2) A residential building on land held by the lessee or the lessee's successor in interest under a lease for a term of ten years or more for residential purposes and owned and used as a residence by the lessee or the lessee's successor in interest, where the lease and any extension, renewal, assignment, or agreement to assign the lease, have been duly entered into and recorded by the respective date set forth in subsection 19-68(a)(3), and whereby the lessee agrees to pay all taxes during the term of the lease;
- (3) An apartment which is a living unit (held under a proprietary lease by the tenant thereof) in a multi-unit residential building on land held by a cooperative apartment corporation (of which the proprietary lessee of such living unit is a stockholder) under a lease for a term of ten years or more for residential purposes and which apartment is used as a residence by the lessee-stockholder, where the lease and any extension or renewal have been duly entered into and recorded by the respective date set forth in subsection 19-68(a)(3), and whereby the lessee-stockholder agrees to pay all taxes during the term of the lease;
- (4) An apartment in a multi-unit apartment building which is occupied by the owner of the entire apartment building as the owner's residence;

- (5) That portion of a residential duplex and that portion of land appurtenant to the duplex which are occupied by the owner of the duplex and land as the owner's residence;
- (6) An apartment which is a living unit (held under a lease by the tenant thereof) in a multi-unit residential building used for retirement purposes under a lease for a term to last during the lifetime of the lessee and the lessee's surviving spouse and which apartment is used as a residence by the lessee and the lessee's surviving spouse, and where the apartment unit reverts back to the lessor upon the death of the lessee and the lessee's surviving spouse, and where the lease has been duly entered into and recorded by the respective date set forth in subsection 19-68(a)(3), and whereby the lessee agrees to pay all taxes during the term of the lease.

As used in section 19-71, in the first paragraph of section 19-48 and in section 19-68, the word "lease" shall be deemed to include a sublease, and the word "lessee" shall be deemed to include a sublessee.

(1983 CC, c 19, art 10, sec 19-72; am 1997, ord 97-84, sec 1; am 2004, ord 04-123, sec 4.)

Section 19-73. Homes of disabled or unemployable veterans.

- (a) Real Property owned and occupied as a home by any person who is 100 percent disabled or 100 percent unemployable, or both, due to injuries received while on duty with the armed forces of the United States, or owned by any such person together with such person's spouse and occupied by either or both spouses as a home, or owned or occupied by a widow or widower of such veteran who shall remain unmarried and who shall continue to own and occupy the premises as a home, is hereby exempted except for fifty percent of the minimum tax from property taxes, other than special assessments, provided:
 - (1) That such disability or unemployable status is the result of injuries incurred while on duty as a member of the armed forces of the United States, and that the department of finance may require proof of disability or unemployable status;
 - (2) That the home exemption shall be granted only as long as the veteran claiming exemption remains 100 percent disabled or 100 percent unemployable, or both; and
 - (3) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion used exclusively as a home; provided, that this exemption shall not apply to any structure, including the land thereunder, which is used for commercial purposes.

- (b) If any portion of the property which might otherwise be exempted under this section is used for commercial or other purposes not within the conditions necessary for exemption (including any use the primary purpose of which is to produce income even though such income is to be used for or in furtherance of the exempt purposes) that portion of the premises shall not be exempt but the remaining portion of the premises shall not be deprived of the exemption if the remaining portion is used exclusively for purposes within the conditions necessary for exemption. In the event of an exemption of a portion of a building, the tax shall be assessed upon so much of the value of the building (including the land thereunder and the appurtenant premises) as the proportion of the floor space of the nonexempt portion bears to the total floor space of the building.

(1987, ord 87-116, sec 4; am 1997, ord 97-84, sec 1.)

Section 19-89.3. Exemptions for enterprise zones.

Buildings or other like structures which are built as a result of new construction by a qualified business within an enterprise zone shall be exempt except for the minimum tax from real property taxes for a period of three years. A qualified business in an enterprise zone must satisfy the requirements of chapter 31 of this code and section 209E, Hawai'i Revised Statutes, as amended.

(1995, ord 95-14, sec 2; am 1997, ord 97-84, sec 1.)

Section 19-89.4. Hawai'i Island housing trust exemption.

There shall be exempt, except for the minimum tax from real property taxes, those properties held by the Hawai'i Island housing trust and its nonprofit special purpose entities, until such time as the properties are leased to individual homeowners.

(2006, ord 06-111, sec 2.)

Section 19-89.5. Kuleana land exemption.*

- (a) For the purposes of this section, "kuleana land" means those lands granted to native tenants pursuant to L. 1850, p. 202, entitled "An Act Confirming Certain Resolutions of the King and Privy Council, Passed on the 21st Day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges," as amended by L. 1851, p.98, entitled "An Act to Amend an Act Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges" and as further amended by subsequent legislation.
- (b) Those portions of real property in residential use, agricultural use or vacant land and designated as kuleana land, shall pay the minimum real property tax set forth in subsection 19-90(e) as long as the real property is owned in whole or in part by:
- (1) A lineal descendant of the person(s) that received the original title to the kuleana land; or

- (2) An applicant who seeks the kuleana land exemption who is a family member of the person(s) who received the original title to the kuleana land where such original title holder was previously granted a kuleana exemption for the subject property.

Residential use shall not include vacation rental use.

- (c) The initial and subsequent applications for this exemption shall be filed with the director on forms prescribed by the director. The application shall include documents verifying ownership of the portion of the parcel and that the condition set forth in subsection (b) has been satisfied. Verification of the condition set forth in subsection (b) shall be satisfied by:
- (1) Genealogy verification by the Office of Hawaiian Affairs;
 - (2) By court order stating that the applicant is a lineal descendant of the person(s) that received the original title to the kuleana land; or
 - (3) Documentation demonstrating that the applicant is a family member of the person(s) who received the original title to the kuleana land where such original title holder was previously granted a kuleana exemption for the subject property pursuant to this section.

The applicant/landowner shall be responsible for all costs.

- (d) As used in this section, “family member” means a person who is related by blood or legal adoption to a person who previously received a kuleana exemption for the subject property, and is: a child; descendant of a child; sibling; or a descendant of a sibling. Someone who is considered to be hanai or a corporation, limited liability company, partnership, or other business entities shall not be considered “family member,” for purposes of this section.

(2008, ord 08-11, sec 2; am 2009, ord 09-27, sec 4; am 2013, ord 13-78, sec 2; am 2022, ord 22-91, sec 2.)

* **Editor’s Note:** Section 19-89.5 shall apply to the tax year beginning July 1, 2009 and the tax years thereafter.

Article 11. Determination of Rates.

Section 19-90. Real property tax; determination of rates.

- (a) Unless a different meaning is clearly indicated by the context, as used in this section:
- (1) “Net taxable lands” means all other real property exclusive of buildings.
 - (2) “Net taxable real property” or “net taxable buildings” or “net taxable lands” means, as indicated by the context, the percentage of the market value of property determined under section 19-46 which the director of finance certifies as the tax base as provided by this chapter, less exemptions as provided by this chapter and, in all cases where appeals from the director’s assessment are then unsettled, less fifty percent of the value in dispute.

- (b) The council may increase or decrease the tax rate for buildings and for all other real property, exclusive of buildings for net taxable land and net taxable buildings of each class of property established in accordance with section 19-53(e) of this chapter. A resolution setting the tax rates shall be adopted on or before June 20 preceding the tax year for which property tax revenues are to be raised according to the following procedures:
- (1) The council shall advertise its intention to increase or decrease tax rates and the date, time, and place of a public hearing in two newspapers of general circulation. The public hearing notice shall set forth the tax rates or range of tax rates to be considered by the council.
 - (2) The resolution to set the real property tax rates shall disclose the approximate amount of revenue to be raised for net taxable lands and net taxable buildings within each class of property, the approximate percentage of revenue from net taxable lands and net taxable buildings within each class of property, and shall set the real property tax rate to be assessed, expressed in terms of tax per \$1,000 of net taxable lands and net taxable buildings within each class of property computed to the nearest cent.
 - (3) After the adoption of the resolution setting the real property tax rates, the council shall publish the adopted tax rates in two newspapers of general circulation.
 - (4) If no action is taken by the council to increase or decrease the tax rates, then the tax rates as previously set shall be applicable to the subsequent tax year.
- (c) If the tax rates for the tax year are increased or decreased the council shall notify the director of finance of the increased or decreased rates, and the director shall employ such rates in the levying of property taxes as provided by this chapter.
- (d) The director of finance shall on or before May 1 preceding the tax year furnish the council with a calculation certified by the director as being as nearly accurate as may be, of the net taxable real property within the County, separately stated for each class established in accordance with section 19-53(e) of this chapter for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary.
- (e) Notwithstanding any provision to the contrary, there shall be levied upon each individual parcel of real property taxable under this chapter, a minimum real property tax of \$200 per year, except under the following conditions:
- (1) If the property owner receives a home exemption or totally disabled veteran exemption resulting in the minimum tax, and the assessed value of improvements is less than or equal to \$75,000, then, the minimum tax for this property shall be as follows:
 - (i) Property with improvements assessed at \$50,001 to \$75,000 the minimum tax shall be \$150.
 - (ii) Property with improvements assessed at \$25,001 to \$50,000 the minimum tax shall be \$100.
 - (iii) Property with improvements assessed up to \$25,000 the minimum tax shall be \$50.

- (2) If the property is assessed at a market value of less than or equal to \$500, no tax shall be applied.
- (f) Residential tax rate tiers.
 - (1) Notwithstanding any provision to the contrary, the council shall establish a separate tax rate each for the residential tier one property and residential tier two property, as defined below. The tax rates shall be applied as follows:
 - (A) The tax rate established for the residential tier one property shall be applied to the net taxable real property value under \$2,000,000.
 - (B) The tax rate established for the residential tier two property shall be applied to the net taxable real property value of \$2,000,000 or more.
 - (2) For the purposes of this section, “residential tier one property” shall mean all property, or portions thereof, other than a residential tier two property, within the residential class. “Residential tier two property” shall mean a property, or portion thereof, which:
 - (A) Is improved with one or more dwelling units, has a net taxable real property value of \$2,000,000 or more, does not have a home exemption, and is classified as residential in consideration of the highest and best use of the land;
 - (B) Is vacant land that has a net taxable real property value of \$2,000,000 or more, and is classified as residential in consideration of the highest and best use of the land; or
 - (C) Is a condominium property regime that has a net taxable real property value of \$2,000,000 or more, does not have a home exemption, and is classified as residential in consideration of the highest and best use of the land.
 - (3) The respective tax rate to be applied to any property within the residential class shall be applied only to the portion used exclusively as residential, provided the highest and best use of the land is residential.
 - (4) No less than seventy-five percent of the revenue collected annually pursuant to this subsection, calculated as the difference in revenue from the residential tier one property tax rate to the residential tier two property tax rate, shall be appropriated each fiscal year to County-sponsored programs designed to address housing and homelessness. This requirement shall not extend beyond June 30, 2027, unless otherwise amended by ordinance.

(1983 CC, c 19, art 11, sec 19-90; am 1990, ord 90-138, sec 6; am 1997, ord 97-84, sec 1; am 2002, ord 02-01, sec 2; ord 02-102, sec 2; am 2009, ord 09-27, sec 2; am 2017, ord 17-41, sec 2; am 2020, ord 20-39, sec 2; am 2022, ord 22-26, sec 1.)

Article 12. Appeals.**Section 19-91. Appeals.**

Any taxpayer, aggrieved by an assessment made by the director or by the director's refusal to allow any exemption, may appeal from the assessment or from such refusal to the board of review or the tax appeal court pursuant to section 232-16, Hawai'i Revised Statutes, on or before April 9 preceding the tax year, as provided in this chapter. Where such an appeal is based upon the ground that the assessed value of the real property for tax purposes is excessive, the valuation claimed by the taxpayer in the appeal shall be admissible in evidence, in any subsequent condemnation action involving the property, as an admission that the market value of the real property as of the date of assessment is no more than the value arrived at when the assessed value from which the taxpayer appealed is adjusted to one hundred percent market value; provided, that such evidence shall not in any way affect the right of the taxpayer to any severance damages to which the taxpayer may be entitled.

(1983 CC, c 19, art 12, sec 19-91; am 1997, ord 97-84, sec 1; am 2000, ord 00-28, sec 1.)

Section 19-92. Appeals by persons under contractual obligations.

Whenever any person is under a contractual obligation to pay a tax assessed against another, the person shall have the same rights of appeal to the board of review and the tax appeal court and the supreme court, in the person's own name, as if the tax were assessed against said person. The person against whom the tax is assessed shall also have a right to appeal and be heard on any such application or appeal.

(1983 CC, c 19, art 12, sec 19-92; am 1997, ord 97-84, sec 1.)

Section 19-93. Grounds of appeal, real property taxes.

In the case of a real property tax appeal, no taxpayer shall be deemed aggrieved by an assessment, nor shall an assessment be lowered or an exemption allowed, unless there is shown (1) assessment of the property exceeds by more than twenty percent the assessment of market value used by the director, or (2) lack of uniformity or inequality, brought about by illegality of the methods used or error in the application of the methods to the property involved, or (3) denial of an exemption to which the taxpayer is entitled and for which the taxpayer has qualified, or (4) illegality, on any ground arising under the Constitution or laws of the United States or the laws of the State or the ordinances of the County in addition to the ground of illegality of the methods used, mentioned in clause (2).

(1983 CC, c 19, art 12, sec 19-93; am 1997, ord 97-84, sec 1.)

Section 19-94. Second appeal.

In every case in which a taxpayer appeals a real property tax assessment to the board of review or to a tax appeal court and there is pending an appeal of the assessment, the taxpayer shall not be required to file a notice of the second appeal; provided the first appeal has not been decided prior to April 9 preceding the tax year of the second appeal; and provided further the director gives notice that the tax assessment has not been changed from the assessment which is the subject of the appeal.

(1983 CC, c 19, art 12, sec 19-94; am 1997, ord 97-84, sec 1.)

Section 19-95. Small claims.

Any protesting taxpayer who would incur a total tax liability, not including penalties and interest, of less than \$1,000 by reason of the protested assessment on payment in question, may elect to employ the small claims procedures of the tax appeal court as set out in section 232-5, Hawaii Revised Statutes.

(1983 CC, c 19, art 12, sec 19-95; am 1997, ord 97-84, sec 1.)

Section 19-96. Appointment, removal, compensation.

There is created a board of review for the County which shall consist of five members who shall be citizens of the State and residents of the County, shall have resided at the time of appointment for at least three years in the State, and shall be appointed by the mayor and confirmed by the council as provided by Charter. A chairman shall be elected annually by members of the board. The vice-chairman shall

Section 25-2-43. Amendments initiated by the council and director.

- (a) Any amendment initiated by the director shall be reviewed by the commission.
- (1) The amendment shall be submitted to the commission with the director's justification and recommendation on the amendment.
 - (2) Upon receipt of a proposed amendment from the director, the commission shall hold at least one public hearing. Notice of the hearing by the publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
 - (3) Within sixty days after receipt of the amendment from the director, the commission shall transmit the proposed amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the sixty-day period, such inaction shall be considered as unfavorable recommendation by the commission, and the amendment shall then be submitted through the mayor to the council with such recommendation.
- (b) The council shall refer any proposed council-initiated amendment to this chapter to the director and the commission with requests for their respective comments and recommendations thereon, prior to the first reading of any such amendment. The director and the commission shall each submit comments and recommendations on the proposed amendment to the council within one hundred twenty days from the date that the amendment is transmitted by the council to the director and the commission.
- (1) The director shall submit comments and any recommendations to both the commission and the council within the one-hundred-twenty-day review period.
 - (2) The commission shall hold at least one public hearing on the proposed amendment. Notice of the hearing by publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
 - (3) The commission shall transmit the amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the one-hundred-twenty-day review period, such inaction shall be considered as an unfavorable recommendation by the commission.
 - (4) After the one-hundred-twenty-day review period has expired, the council may proceed to act on the proposed amendment as it deems appropriate.

- (c) Notice by mail to surrounding owners and lessees of record of properties within the boundaries established by section 25-2-4, shall not be required for any amendment initiated by the council or the director. In lieu of mailing written notice to surrounding property owners and lessees of record, the director shall publish notice of the commission's public hearing in at least two newspapers of general circulation in the County, once a week for three consecutive weeks, with the last notice to be at least ten days prior to the hearing. The notice shall specify the time, date and place of the hearing, its purpose and a description of any property which may be involved.
 - (d) Notice to owners of any properties specifically subject to the proposed amendment shall be provided by mail from the director, no later than thirty days prior to the commission's public hearing on the amendment.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-2-44. Conditions on change of zone.

- (a) Within any ordinance for a change of zone, the council may impose conditions on the applicant's use of the property subject to the change of zone provided that the council finds that the conditions are:
 - (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- (b) Requests to change or alter the conditions of any change of zone ordinance shall be processed in the same manner as a zone change, unless the council authorizes the changes or alterations to be made by the director.
- (c) A condition granting an administrative time extension by the director shall not be included in any change of zone ordinance. However, an initial time extension for the performance of conditions within a change of zone ordinance may be granted by the council via resolution upon a finding that the following circumstances exist:
 - (1) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant and that are not the result of the applicant's fault or negligence;
 - (2) Granting of the time extension would not be contrary to the general plan or this chapter;
 - (3) Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone;
 - (4) The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and

- (5) The request for the time extension is submitted to the director prior to the expiration of time for the performance of conditions included in the original change of zone ordinance.

When a request for initial time extension is received by the director, the director shall recommend approval or denial and submit a notice to council through the mayor. In the case of a recommended approval, the director shall also submit a resolution to council through the mayor for consideration and action.

If an applicant should require an additional time extension beyond the time extension provided via council resolution, the request shall be processed pursuant to section 25-2-42.

- (d) A request for any time extension, change, or alteration of conditions shall be submitted in writing to the director, in lieu of the application required for an applicant-initiated change of zone. Requests for initial time extensions shall be forwarded to the council for its consideration. All requests, excluding requests for initial time extensions via council resolution, shall be accompanied by a filing fee of \$500.
- (e) If the applicant fails to fulfill any conditions of the zone change within the specified time limitations, the director or council may initiate the process for enactment of an ordinance reverting the affected property back to its original zoning designation or a more appropriate zoning designation in accordance with section 25-2-43.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2023, ord 23-38, sec 1.)

Section 25-2-45. Nonsignificant zoning changes.

- (a) The director may administratively grant any nonsignificant zoning change. A nonsignificant zoning change must comply with the designations for the property set forth in the general plan and any development plan adopted by ordinance, and not result in an increase or decrease in any zoning designation affecting more than five percent of the area, or one acre, of any lot, whichever is less.
- (b) The applicant for a nonsignificant zoning change shall give notice to surrounding owners and lessees of record, pursuant to section 25-2-4, and shall post a sign for public notification as provided by section 25-2-12.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-48, sec 2.)

HAWAII COUNTY CODE

This page intentionally left blank.

Section 25-2-46. Concurrency requirements.

- (a) Purpose. In addition to requirements otherwise imposed, this section creates concurrency standards for roads, water supply, and civil defense sirens.
- (b) Applicability. This section applies to any zoning amendment application, or for an application for extension of time to perform a condition of zoning amendment received by the planning department after the effective date of this ordinance.
- (c) Definitions. As used in this section:

“Acceptable level of service” means that the level of service of a transportation facility at the a.m. and p.m. peak hour is “D” or better.

“Approved development” means development for which zoning has been granted by the County.

“Civil Defense siren” means a noisemaking mechanical or electronic device, generating sound to provide warning of approaching danger. The siren is one type of tsunami warning system and is linked to the Hawai'i State Civil Defense Outdoor Siren Warning System, activated by the County's civil defense system or by neighboring tsunami warning centers, in case of a potential life-threatening tsunami or other natural disaster.

“Critical road area” means a geographical area where any of the transportation facilities serving the area have been determined by the council to be worse than the acceptable level of service.

“Immediate vicinity of a project” means the area in which transportation facilities will be required to mitigate impacts caused primarily by the project.

“Level of service, or LOS” means a qualitative measure describing operational conditions within a traffic stream, and shall be determined using the procedures in the latest edition of the Highway Capacity Manual, Transportation Research Board.

“Mitigation” means specific actions to reduce traffic congestion. Mitigation is of two types: “local mitigation” which consists of improvements to roads and intersections that are in the immediate vicinity of a project, including channelization of intersections, turn lanes into a project and similar improvements. “Area mitigation” consists of improvements which increase the capacity of an arterial or other major road, such as additional lanes, in the general region containing the project, or construction of a new arterial or collector road in the general area containing the project, or improvements to public transportation such as buses or park and ride facilities, sufficient to offset the traffic demand generated by the project.

“Occupancy” means (1) the issuance of a certificate of occupancy for a commercial, multifamily, industrial building, hotel or other structure requiring a certificate of occupancy; (2) the issuance of a building permit for residential buildings that do not require a certificate of occupancy; or (3) final subdivision approval for subdivisions where dwellings are allowed, but dwellings are not being constructed before sale of any lot.

“Project area” means the area in which the project is expected to have an impact on the level of service of transportation facilities.

“Reasonable assumptions” means the percentage of full build-out that is expected to occur during the twenty-year period after the date of the application, as determined by the planning director.

“Transportation facilities” means State and County highways, roads, and public transportation facilities.

“Worse than the acceptable level of service” means that the level of service at the a.m. or p.m. peak is “E” or “F”.

(d) Traffic impact analysis report required.

- (1) A traffic impact analysis report (TIAR), prepared or updated within six months before the submission of the application, shall be included with the application for any zoning amendment that can generate fifty or more peak hour trips. The determination of peak hour trips shall be based on the Institute of Transportation Engineers, “Trip Generation Handbook”, or any other nationally recognized source. When the number of trips depends upon the exact future uses of the site, and those are unknown at the time of zoning amendment (for example, the types of commercial uses), the determination shall be based upon a typical mix of uses found in that zoning type in the community. The TIAR shall be certified as having been conducted in accordance with best practices by a professional engineer licensed in the State of Hawai‘i.
- (2) The TIAR shall assess impacts to transportation facilities in the immediate vicinity and general area of the project, and to the transportation facilities serving the project area.
- (3) The TIAR shall include projections for future growth in traffic, for a minimum of five, ten, and twenty years, and shall include other approved or proposed development that is expected to impact the project area, with reasonable assumptions about the build-out of such development.
- (4) The TIAR shall present an assessment of the impacts of the project on LOS and an evaluation of alternative plans for mitigating those impacts. The evaluation shall include budgetary cost estimates for the capital and operating costs of promising alternative plans.

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(54)	02-45	4-2-2002	Kaloko, North Kona	7-3-24:1 and 2	A-20a	FA-5a	
(55)	02-105	9-12-2002	Kaloko, North Kona	7-3-24:11	A-20a	FA-3a	
(56)	02-106	9-12-2002	Pu'uuanahulu Homesteads, North Kona	7-1-05:9, 10, 22, 26, 28-34, 39, 40, 41, 58 and 59	(Amends Ord. 01-64) (Effective Date 7-16-01)		
(57)	04-13	2-11-2004	Kaloko, North Kona	7-3-26:16	A-20a	A-10a	
(58)	04-14	2-11-2004	Kaloko, North Kona	7-3-27:10	A-20a	A-10a	
(59)	04-63	6-14-2004	Kaloko, North Kona	7-3-25:8	A-20a	A-5a	
(60)	04-89	8-12-2004	Kaloko, North Kona	7-3-26:15	A-20a	A-10a	
(61)	04-146	12-8-2004	Kaloko, North Kona	7-3-27:21	A-20a	A-10a	
(62)	04-147	12-8-2004	Kaloko, North Kona	7-3-25:7	A-20a	FA-3a	
(63)	05-65	5-16-2005	Kaloko, North Kona	7-3-26:11	A-20a	A-10a	
(64)	05-66	5-16-2005	Kaloko, North Kona	7-3-27:7	A-20a	A-10a	
(65)	05-67	5-16-2005	Kaloko, North Kona	7-3-27:6	A-20a	A-10a	
(66)	06-04	1-13-2006	Kaloko, North Kona	7-3-26:14	A-20a	A-10a	
(67)	06-58	5-12-2006	Kaloko, North Kona	7-3-26:13	A-20a	A-10a	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(68)	06-59	5-12-2006	Kaloko, North Kona	7-3-25:9	A-20a	A-5a	
(69)	06-82	6-16-2006	Kaloko, North Kona	7-3-24:8	A-20a	FA-3a	
(70)	06-110	7-27-2006	Kaloko, North Kona	7-3-048:005	A-20a	A-10a	
(71)	07-46	4-4-2007	Pu'uuanahulu, North Kona	7-1-5:9 and 7-1-7:44-47	A-1a	O	
(72)	09-05	2-9-2009	Kaloko, North Kona	7-3-27:14	A-20a	A-10a	
(73)	09-06	2-9-2009	Kaloko, North Kona	7-3-026:017	A-20a	A-10a	
(74)	15-105	11-20-2015	Kaloko, North Kona	7-3-026:003	A-20a	A-7a	
(75)	16-79	7-25-2016	Kūki'o 2nd and Manini'owali, North Kona	7-2-004:027	A-5a	FA-2a	
(76)	16-99	10-24-2016	Kaloko, North Kona	7-3-048:001	A-20a	A-10a	
(77)	19-4	01-25-19	Kaloko, North Kona	7-3-027:007	(Amends Ord. 05-66) (Effective Date 05-16-05)		
(78)	20-34	05-01-20	Kaloko, North Kona	7-3-025:002	A-20a	A-5a	
(79)	22-87	08-03-22	Kaloko, North Kona	7-3-024:008	(Amends Ord. 06-82) (Effective Date 06-16-06)		
(80)	23-52	06-21-23	Kaloko, North Kona	7-3-027:003	A-20a	A-10a	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(27)	874	4-26-1983	Holualoa 1st and 2nd, North Kona	7-6-17:19 and 79	RD-3.75	RM-2.5	7.05(bb)
(28)	875	4-26-1983	Kawanui 1st, North Kona	7-9-14:Por. 3	RS-15	CV-7.5	7.05(cc)
(29)	85-05	2-19-1985	Kahaluu, Keauhou 1 and Keauhou 2, North Kona	7-8-10:Por. 30, 50, 51, 77, 79, 82, 84, 7-8-	RS-15, RM3, RM-	RM-3.5, O, U	
(30)	85-81	10-22-1985	Lehuula 2nd, North Kona	7-9-07:64 and 70	RS-7.5	CV-7.5	
(31)	89-76	6-13-1989	Honuaino 3rd, North Kona	7-9-07:53	RS-10	CV-7.5	
(32)	89-78	6-13-1989	Kahaluu, North Kona	7-8-14:90, 91 and 92	RS-7.5	RM-1	
(33)	89-112	8-24-1989	Honuaino 3rd, North Kona	7-9-07:Por. 30	RS-10	CV-7.5	
(34)	89-154	12-11-1989	Holuloa 4th, North Kona	7-7-03:Por. 40	RA-.5a	RS-15	
(35)	90-130	10-20-1990	Holualoa 1st and 2nd, North Kona	7-6-17:19 and 79	RM-2.5	RD-3.75	
(36)	92-25	3-11-1992	Honuaino 3rd, North Kona	7-9-07:Por. 30	(Amends Ord. 89-112) (Effective Date 8-24-1989)		
(37)	93-67	7-26-1993	Kahaluu, North Kona	7-8-14:90, 91 and 92	(Amends Ord. 89-78) (Effective Date 6-13-1989)		
(38)	94-124	12-7-1994	Pahoehoe 2nd, North Kona	7-7-08:21 and 23	U, V-1.25	RM-3.5, RS	
(39)	96-50	5-2-1996	Keauhou 2nd, North Kona	7-8-10:Por. 58	RM-2	CV-10	
(40)	96-104	9-19-1996	Kahaluu, North Kona	7-8-14:90	(Amends Ord. 89-78, 6-13-89 and Ord. 93-67, 7-26-93)		

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(41)	00-103	9-18-2000	Kahaluu, North Kona	7-8-14:90	(Amends Ord. 96-104) (Effective Date 9-19-1996)		
(42)	05-103	6-17-2005	Nānāwale Homesteads, Puna	1-5-11:10	RS-10	CV-10	
(43)	23-23	3-8-2023	Keauhou, North Kona	7-7-008:062	A-5a	FA-1a	

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(102)	08-179	12-31-2008	Waikā, North Kohala	5-9-007:003	(Amends Ord. 95-119) (Effective Date 10-12-95)		
(103)	09-129	10-20-09	Kahuā and Waikā, North Kohala	5-9-005:004 and 005	A-20a	FA-3a	
(104)	10-99	10-22-10	Kapu 'a and Pūehuehu	5-4-008:001	A-20a	FA-2a	
(105)	10-101	10-22-10	Pahoa, North Kohala	5-5-019:025 and 027 (portions)	A-20a, RS-7.5	RS-15, RS-10, RS-7.5, Open	
(106)	13-28	3-13-2013	Waikoloa, South Kohala	6-8-002:Por. 021	A-5a	CV-20	
(107)	13-29	3-13-2013	Waikoloa, South Kohala	6-8-002:Por. 016	(Amends Ord. 07-127, that amended Ord. 05-157, Ord. 95-51, and 90-160 – Effective Date 9-20-2007)		
(108)	13-30	3-13-2013	Kahuā 1st, North Kohala	5-9-007:007	(Amends Ord. 07-106, which amended Ord. 02-21, Ord. 98-87, and Ord. 90-08 -- Effective Date 8-14-2007)		
(109)	15-72	7-20-2015	Ouli, Waimea, South Kohala	6-2-005:008	A-3A	RA-1.5a	
(110)	15-18	3-16-2016	Kānehoea Subdivision, South Kohala	6-2-009:013	A-5a	RA-2a	
(111)	20-25	4-20-2020	Kahuā 1st, North Kohala	5-9-001:008	RS-15	RA-5a	
(112)	22-66	6-15-2022	Waimea, South Kohala	6-5-007:045-0001 and 0002	A-1a	RS-15	
(113)	23-2	1-03-2023	Kawaihae, South Kohala	6-2-009:015	A-5a	RA-2a	

ZONING MAP (‘Upolu Point-Ka‘auhuhu Homesteads)

§ 25-8-8

Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(1)	167	11-20-1968	Kaaupuu Homesteads, North Kohala	5-5-01:25	A-20a	A-3a	7.06(b)
(2)	298	1-28-1970	Kahei Homesteads, North Kohala	5-5-01:56	A-20a	A-1a	7.06(d)
(3)	571	4-13-1973	Kaaupuu Homesteads, Kaaupuu, North Kohala	5-5-01:Por. 22, 41 and 69	A-20a	A-3a	7.06(j)
(4)	131	7-14-1975	Kokoiki, North Kohala	5-5-04:20	A-20a	A-1a	7.06(m)
(5)	247	2-9-1977	Kahei Homesteads, North Kohala	5-5-01:53 and 55	A-20a	A-5a	7.06(q)
(6)	437	5-31-1979	Kaaupuu, Mahukona 1st and Niunulunii,	5-5-01:Por. 5	A-20a	A-10a	7.06(t)
(7)	619	9-11-1980	Kaaupuu, North Kohala	5-5-01:29	A-20a	A-5a	7.06(v)
(8)	815	8-24-1982	Kaaupuu Homesteads, North Kohala	5-5-01:22	A-20a	A-5a	7.06(w)
(9)	865	3-24-1983	Mahukona 2nd and Puuokumau, North Kohala	5-4-01:10 and 11, 5-7-02:13	A-20a	A-3a, A-10a	7.06(x-1 to x-3)
(10)	867	3-24-1983	Kaaupuu Homesteads 2nd, North Kohala	5-5-02:10	A-20a	A-3a	7.06(z)
(11)	83-15 (Am. Ord. 865)	9-14-1983	Puuokumau, North Kohala	5-4-01:11	A-20a	A-10a	
(12)	83-40	10-26-1983	Kahei, North Kohala	5-5-07:Por. 10	A-20a	A-5a	

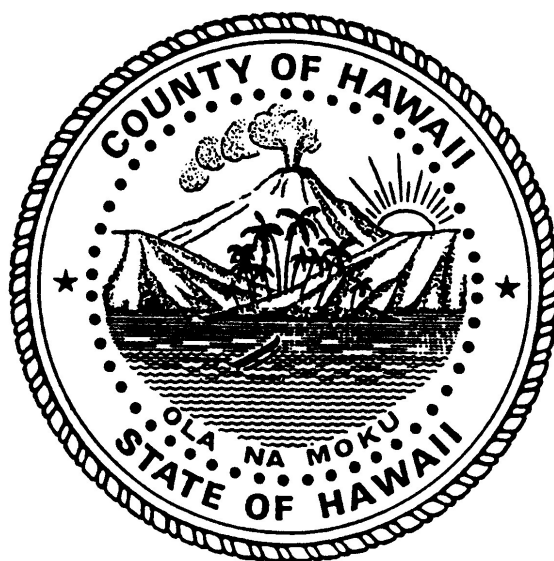
Para-graph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(424)	19-17	02-20-19	Waiākea, South Hilo	2-4-057:029; Por. 030 & Por. 031 (Formerly 2-4-057:001)	(Amends Ord. 07-26) (Effective Date 3-20-07)		
(425)	19-26	03-25-19	Waiākea, South Hilo	2-2-023:012	(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)		
(443)	22-1	01-11-22	Waiākea, South Hilo	2-2-035:049, and 096	RS-10	MCX-20	
(444)	22-2	01-11-22	Waiākea, South Hilo	2-2-038:028	(Amends Ord. 12-33) (Effective Date 3-6-12)		
(445)	22-14	02-24-22	Waiākea, South Hilo	2-2-032:023, 101, 102, 103 and 104	(Amends Ord. 97-106) (Effective Date 8-13-97)		
(446)	22-98	10-04-22	Waiākea, South Hilo	2-2-040:004	(Repeals Ord. 17-7) (Effective Date 01-20-17)		
(447)	22-101	10-04-22	Waiākea, South Hilo	2-2-044:031, 032, 035, and 037	(Amends Ord. 17-24, that amended Ord. 12-111, 99-116, and 96-159) (Effective Date 4-20-17)		
(448)	23-34	04-03-23	Hilo, South Hilo	2-4-003:035	A-3a	RS-15	

THE HAWAI‘I COUNTY CODE

1983 (2016 Edition, as amended)

Update to include: Supplement 14 (7-2023)
Contains ordinances effective through: 06-30-23



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	Disaster and Emergency Management
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	Fire
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 Reserved
- 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

**Chapter 26. Fire. Repealed.
(Rep 2023, ord 23-8, sec 4.)**

Editor's Note: For present provisions, see chapter 17.

This page intentionally left blank.

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
1	General Provisions								
2	Administration	23-33A (Eff: 7-1-23)							
3	Signs								
4	Animals	23-33A (Eff: 7-1-23)							
5	Construction Administrative Code								
5A	Building Code								
5B	Residential Building Code								
5C	Existing Building Code								
5D	Electrical Code								
5E	Energy Conservation Code								
5F	Plumbing Code								

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
6	Businesses	23-29A							
7	Disaster and Emergency Management								
8	Dedication of Land								
9	Reserved								
10	Erosion and Sedimentation Control								
11	Housing	23-20A							
12	Improvements by Assessments								
13	Minors								
14	General Welfare								
15	Parks and Recreation	23-11A, 23-12A, 23-13A, 23-14A, 23-19A							
16	Planning								
17	Fire	23-8C							
18	Public Transportation								

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
19	Real Property Taxes		23-28A (Eff: 1-1-24)						
20	Integrated Solid Waste Management								
21	Sewers								
22	County Streets								
23	Subdivisions								
24	Vehicles and Traffic								
24	Traffic Schedules								

Intentionally left blank.

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
25	Zoning	23-38A							
25	Zoning Annex	23-2A, 23-23A, 23-34A, 23-52A							
26	Reserved	23-8R							

Intentionally left blank.

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
27	Flood Control								
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								

This page intentionally left blank.

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
22-96	09-19-22	Operating budget	--
22-97	09-19-22	Operating budget	--
22-98	10-04-22	City of Hilo Zone Map	ZA
22-99	10-04-22	Operating budget	--
22-100	10-04-22	South Hilo Zone Map	ZA
22-101	10-04-22	City of Hilo Zone Map	ZA
22-102	10-14-22	Operating budget	--
22-103	10-27-22	Renames Chapter from “Civil Defense” to “Disaster and Emergency Management”	Renames and amends chapter 7
22-104	10-27-22	Vehicle disposal	Repeals 20-03-03 and adds new article 7
22-105	10-27-22	Traffic Schedules	24-293
22-106	10-27-22	Puna District Zone Map	ZA
22-107	10-27-22	Operating budget	--
22-108	11-04-22	Kealahou, South Kona	SLUB
22-109	11-04-22	South Kona Zone Map	ZA
22-110	11-04-22	Operating budget	--
22-111	11-04-22	Operating budget	--
22-112	11-04-22	Capital improvements budget	--
22-113	11-04-22	Operating budget	--
22-114	11-17-22	Hāmākua District Zone Map	ZA
22-115	11-17-22	Renames the Pāhoa District Park to the “William “Billy” Kenoi Park”	15-68.1
22-116	11-17-22	Operating budget	--
22-117	11-17-22	Operating budget	--
22-118	11-17-22	Operating budget	--
22-119	11-17-22	Operating budget	--
22-120	11-17-22	Operating budget	--
22-121	11-17-22	Capital improvements budget	--
22-122	12-05-22	North Hilo Zone Map	ZA
22-123	12-05-22	Capital improvements budget	--
22-124	12-05-22	Capital improvements budget	--
22-125	12-05-22	General Obligation Bond (\$17,000,000 – Hilo Wastewater Treatment Plant)	--
22-126	12-05-22	Operating budget	--

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
22-127	07-01-23	Real property solar water heater tax credit	19-104
22-128	12-05-22	Operating budget	--
22-129	12-05-22	Capital improvements budget	--
22-130	12-09-22	Licenses to carry concealed and unconcealed firearms within the County	14-115 to 14-119.3 (new article)
22-131	12-27-22	Operating budget	--

2023

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
23-1	01-03-23	Kawaihae, South Kohala	SLUB
23-2	01-03-23	North and South Kohala Zone Map	ZA
23-3	01-03-23	Operating budget	--
23-4	01-03-23	Operating budget	--
23-5	01-03-23	Operating budget	--
23-6	01-03-23	Operating budget	--
23-7	01-03-23	Operating budget	--
23-8	01-13-23	Fire	Repeals existing chapter 26 and creates new chapter 17.
23-9	01-13-23	Operating budget	--
23-10	01-13-23	Operating budget	--
23-11	02-22-23	Operation of parks and recreational areas	15-2, 15-3, 15-6, 15-8, 15-28
23-12	02-22-23	Use of vehicles and parking restrictions at County parks and recreational facilities	15-26
23-13	02-22-23	Camping and recreational vehicle areas	15-39
23-14	02-22-23	Parks and recreational facility schedule	15-68.1
23-15	02-22-23	Capital improvements budget	--
23-16	02-22-23	Capital improvements budget	--
23-17	02-22-23	Capital improvements budget	--
23-18	02-22-23	Capital improvements budget	--
23-19	02-22-23	Membership of the veterans advisory committee	15-62

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
23-20	02-23-23	Reports by housing administrator relating to affordable housing	11-19
23-21	02-22-23	Operating budget	--
23-22	02-22-23	Operating budget	--
23-23	03-08-23	Kailua-Honalo Urban Zone Map	ZA
23-24	03-08-23	Operating budget	--
23-25	03-08-23	Capital improvements budget	--
23-26	03-08-23	Capital improvements budget	--
23-27	03-08-23	Operating budget	--
23-28	01-01-24	Real property tax appeals	19-100, 19-101
23-29	03-30-23	Dance halls	Repeals chapter 6, article 2
23-30	03-30-23	Operating budget	--
23-31	03-30-23	General Obligation Bonds (\$127,500,000 – Various public improvement projects)	--
23-32	03-30-23	Capital improvements budget	--
23-33	07-01-23	Creates an animal control and protection agency	2-7, adds new article 41, and 4-2-1 to 4-2-10, 4-3-3, 4-4-21, 4-4-22, 4-9-2
23-34	04-03-23	City of Hilo Zone Map	ZA
23-35	04-03-23	Operating budget	--
23-36	04-03-23	Operating budget	--
23-37	04-17-23	Capital improvements budget	--
23-38	04-19-23	Conditions on change of zone	25-2-44
23-39	05-07-23	Operating budget	--
23-40	05-07-23	General Obligation Bond (Amends Ord. No. 22-125: \$17,000,000 – Hilo wastewater treatment plant)	--
23-41	05-07-23	Operating budget	--
23-42	05-07-23	Operating budget	--
23-43	05-07-23	Capital improvements budget	--
23-44	05-15-23	Operating budget	--
23-45	05-15-23	Operating budget	--
23-46	07-01-23	Salary Ordinance of 2023	--
23-47	05-26-23	Operating budget	--
23-48	05-31-23	Operating budget	--
23-49	05-31-23	Capital improvements budget	--
23-50	07-01-23	Operating budget FY 2023-2024	--
23-51	07-01-23	Capital improvements budget FY 2023-2024	--

ORD. NO.	EFFECTIVE DATE	DESCRIPTION	CODE SECTION
23-52	06-21-23	North and South Kona District Zone Map	ZA
23-53	06-21-23	Operating budget	--