

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* **Editor's Notes:** Chapter 26, "fire," was repealed by ordinance 23-8, section 4, and replaced with chapter 17.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

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