

ORDINANCE NO. _____

BILL NO. 66, CD1, FD1 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D,
MAUI COUNTY CODE, RELATING TO INSPECTIONS
AND TO CORRECT AN OMISSION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The bill's purpose is to address Department of Fire and Public Safety inspections on commercial activities outside normal business hours and at distant locations, and to correct a previously omitted Department of Water Supply exception for building fire flow requirements.

SECTION 2. Section 16.04D.030, Maui County Code, is amended to read as follows:

"16.04D.030 Subsection 1.7.7.7 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated as subsection 1.7.7.7 to read as follows:

1.7.7.7 Inspection hours. All inspections [shall] must take place between the hours of 8:00 a.m. to 4:30 p.m. [(0800 to 1630 hours)], Monday through Friday, excluding holidays. [A fee as set forth in the annual budget with a two-hour minimum shall be assessed for any inspection conducted outside normal business hours for the convenience of the requestee or permittee.] A fee may be assessed for each [re-inspection] reinspection when corrections or [portion] portions of work have not been made or completed during the initial inspection. The [re-inspection] reinspection fee [shall] will be [set forth] established in the annual budget[.] ordinance."

SECTION 3. Chapter 16.04D, Maui County Code, is amended by adding a new subsection to be appropriately designated and to read as follows:

“16.04D.035 Subsection 1.7.7.8 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated as subsection 1.7.7.8 to read as follows:

1.7.7.8 Inspections on commercial activities outside normal business hours or at distant locations. The permittee may request fire inspections on commercial activities outside normal business hours, or at distant locations, including Hāna, Molokai, and Lānaʻi, subject to the availability of inspectors and transportation, and approval of the fire chief. The request must be made at least forty-eight hours prior to the requested inspection time. A fee established in the annual budget ordinance with a two-hour minimum will be assessed for any inspection on commercial activities conducted outside normal business hours for the convenience of the requestor or permittee. The permittee must reimburse the County for any additional cost incurred by the County to perform the requested inspection. Reimbursement may include: employee overtime pay, airfare, travel per diem, meal allowance, automobile rental, employee fringe benefits, accommodations, and administrative costs.”

SECTION 4. Section 16.04D.390, Maui County Code, is amended by amending subsection 18.4.5.1.1 to read as follows:

“18.4.5.1.1 The minimum fire flow and flow duration requirements for one- and two-family dwellings, an accessory building, or group U-classified building, having a fire flow area that does not exceed 5000 square feet [shall] must be the existing, approved water supply for fire protection serving the subject parcel. If the subject parcel does not have an approved water supply for fire protection, the proposed structure may be protected by an approved automatic sprinkler system per NFPA 13 or NFPA 13D.

[EXCEPTION:] EXCEPTIONS:

1. Greenhouses.
2. First and second dwelling served by the department of water supply.”

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Ute Z...", is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

paf:jpp:23-305a

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", positioned above a horizontal line.

ALICE L. LEE

Upon the request of the Mayor.

DIGEST

ORDINANCE NO. _____
BILL NO. 66, CD1, FD1 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D,
MAUI COUNTY CODE, RELATING TO INSPECTIONS
AND TO CORRECT AN OMISSION

This bill proposes to amend Chapter 16.04D, Maui County Code, to allow for fire inspections on commercial activities conducted outside normal business hours or at distant locations to be charged a fee, and to correct a previously omitted Department of Water Supply exception for building fire flow requirements for first and second dwellings.


I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 66, CD1, FD1 (2023) was passed on
First Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of
October, 2023, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Tamara A. M. Paltin,
Shane M. Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K.
Sugimura, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmembers Natalie A. Kama and Keani N. W. Rawlins-
Fernandez.

DATED at Wailuku, Maui, Hawaii, this 27th of October, 2023.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.