

REQUEST FOR LEGAL SERVICES

D a t e: October 4, 2023
F r o m: Tom Cook, Chair
Water and Infrastructure Committee

TRANSMITTAL

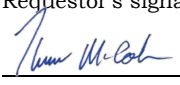
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb P. Rowe, Esq.

Subject: BILL 66, CD1 (2023), RELATING TO AMENDING THE FIRE CODE (WAI-9)

Background Data: Please see revised bill. Please submit your response to wai.committee@mauicounty.us with a reference to WAI-9.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Tom Cook, Chair	Contact Person <u>Jarret Pascual or Richard E. Mitchell</u> (Telephone Extensions: <u>7141 or 7662, respectively</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 11, 2023

REASON: For posting on the October 20, 2023, Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

wai:ltr:009acc01:jpp

Attachment

ORDINANCE NO. _____

BILL NO. 66, CD1 (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 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]~~ may 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 section 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:

Department of the Corporation Counsel
County of Maui

wai:misc:009abill01:jpp

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.