

ORDINANCE NO. _____

BILL NO. 179 (2024)

A BILL FOR AN ORDINANCE ADOPTING THE HAWAII
STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO

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

SECTION 1. Chapter 16.04D of the Maui County Code pertaining to the Maui County Fire Code is hereby repealed in its entirety.

SECTION 2. The "State Fire Code," which code adopts, with modifications, the "NFPA 1, Fire Code, 2021 Edition," as published and copyrighted by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, is herein adopted, subject to the amendments set forth in chapter 16.04E.

SECTION 3. There is hereby added to the Maui County Code a new chapter, pertaining to the Maui County Fire Code, to be designated and to read as follows:

"Chapter 16.04E

FIRE CODE

Sections:

16.04E.010	The State Fire Code incorporated.
16.04E.020	Subsection 1.1.2 amended.
16.04E.030	Subsection 1.7.7.6 added.
16.04E.040	Subsection 1.7.7.7 added.
16.04E.050	Subsection 1.7.12.1 amended.
16.04E.060	Subsection 1.7.12.1.1 added.
16.04E.070	Subsection 1.7.13.1 amended.
16.04E.080	Subsection 1.7.13.2 amended.
16.04E.090	Subsection 1.7.13.5 added.
16.04E.100	Subsection 1.10.1.1 deleted.

16.04E.110	Subsection 1.10.2 amended.
16.04E.120	Subsection 1.10.3 deleted.
16.04E.130	Subsection 1.10.4 deleted.
16.04E.140	Subsection 1.10.5 deleted.
16.04E.150	Subsection 1.10.6 deleted.
16.04E.160	Subsection 1.12.8 added.
16.04E.170	Subsection 1.16 amended.
16.04E.180	Subsection 10.1.1 amended.
16.04E.190	Subsection 10.1.3 amended.
16.04E.200	Subsection 10.2.7.1 amended.
16.04E.210	Subsection 10.10.1.1 amended.
16.04E.220	Subsection 10.10.1.2.1 added.
16.04E.230	Subsection 10.10.6.1 amended.
16.04E.240	Subsection 10.13.2 amended.
16.04E.250	Subsection 11.12.4.1.1 added.
16.04E.260	Subsection 13.1 amended.
16.04E.270	Subsection 13.2.2.6 added.
16.04E.280	Subsection 13.3.1.9 added.
16.04E.290	Subsection 13.3.2.26.6 added.
16.04E.300	Subsection 13.5.1.3 added.
16.04E.310	Subsection 13.6.1.2 amended.
16.04E.320	Subsection 13.7.1.5.8 added.
16.04E.330	Subsection 13.7.1.12.1 added.
16.04E.340	Chapter 17 deleted.
16.04E.350	Subsection 18.2.3.2.1 amended.
16.04E.360	Subsection 18.2.3.2.1.1 amended.
16.04E.370	Subsection 18.2.3.3.1 added.
16.04E.380	Subsection 18.4.5.1.1 amended.
16.04E.390	Subsection 18.4.5.1.2 and 18.4.5.1.3 are deleted.
16.04E.400	Subsection 18.4.6 added.
16.04E.410	Subsection 18.5.1.7 added.
16.04E.420	Subsection 18.5.10.4 added.
16.04E.430	Subsection 20.1.5.10.4.1 amended.
16.04E.440	Subsection 25.2.2.1 amended.
16.04E.450	Subsection 42.7.4.3.2 added.
16.04E.460	Subsection 42.7.4.3.3 added.
16.04E.470	Subsection 50.4.6.1 amended.
16.04E.480	Subsection 50.4.10.2.3 added.
16.04E.490	Subsection 60.5.1.9.2 amended.
16.04E.500	Subsection 69.3.5.1.4 added.
16.04E.510	Subsection 69.3.8.1.2. amended.
16.04E.520	Subsection 69.3.8.1.2.1. added.

16.04E.010 The State Fire Code incorporated. The State Fire Code as adopted by the State of Hawai'i on January 20, 2023 as required by Section 132-3, Hawai'i Revised Statutes, which adopts, with modifications, the NFPA 1, Fire Code, 2021 Edition, ("NFPA 1") as published and copyrighted by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02169-9101 is made a part of this chapter, subject to the amendments set forth in this chapter.

16.04E.020 Subsection 1.1.2 amended. Subsection 1.1.2 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

1.1.2 Title. This code [shall] will be known as the [State Fire Code,] Maui County Fire Code, may be cited as such, and will be referred to in this chapter as "this code."

16.04E.030 Subsection 1.7.7.6 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated subsection 1.7.7.6 to read as follows:

1.7.7.6 Inspection hours. All inspections must take place between the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. A fee may be assessed for each reinspection when corrections or portions of work have not been made or completed during the initial inspection. The reinspection fee will be established in the annual budget ordinance."

16.04E.040 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 subsection 1.7.7.7 to read as follows:

1.7.7.7 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 Hana, Molokai,

and Lānaʻi, subject to the availability of inspectors and transportation, and approval of the fire chief. The request must be made at least 48 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 the 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.

16.04E.050 Subsection 1.7.12.1 amended. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.7.12.1 to read as follows:

1.7.12.1 Plans and specifications. [The] In accordance with Hawai'i Revised Statutes section 132-9, the AHJ [shall have] has the authority to require plans [and specifications to ensure compliance with applicable codes and standards.] or documentation, or both, to show compliance with this code for the construction alteration, rehabilitation or addition to any building, structure, or facility; changes in the use of a building or structure, or a change in occupancy; and installation or alteration of any procedures, equipment, property, or structure for any life safety or fire protection systems.

16.04E.060 Subsection 1.7.12.1.1 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated subsection 1.7.12.1.1 to read as follows:

1.7.12.1.1 Plan review fee. When plans or documentation are required to be submitted to the chief under section 16.04E.040, a plan review fee must be paid at the time of submitting plans and specifications for review. There is established and created a fund to be known as the "plan review, processing, and inspection revolving fund." The fees collected are hereby deemed appropriated upon receipt and may be expended for salaries (no more than two plan reviewers), contracts, materials, supplies, equipment, payment of over-time, travel expenses, and training that will facilitate plan

review, public education, fire investigation, permit processing, and inspections. The plan review fee must be as set forth in the annual budget ordinance. Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee will be charged as set forth in the annual budget ordinance.

The chief may authorize the refunding of not more than 50 percent of the plan review fee paid when any applicant withdraws or cancels the application before any plan reviewing is done.

16.04E.070 Subsection 1.7.13.1 amended. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.7.13.1 to read as follows:

1.7.13.1 The AHJ [shall] must be notified by the person performing the work when the installation is ready for a required inspection. Every request for an inspection must be filed not less than three working days before such inspection is desired.

16.04E.080 Subsection 1.7.13.2 amended. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.7.13.2 to read as follows:

1.7.13.2 Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the AHJ [shall have] has the authority to require that such work be exposed for inspection. The County will not be liable for expenses entailed in the removal or replacement of any material required to allow inspection.

16.04E.090 Subsection 1.7.13.5 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 1.7.13.5 to read as follows:

1.7.13.5 Approval as a result of an inspection must not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction will not be valid.

16.04E.100 Subsection 1.10.1.1 deleted. Subsection 1.10.1.1 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04E.110 Subsection 1.10.2 amended. Section 1.10 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.10.2 to read as follows:

1.10.2 [Rules and Procedures of the Board of] Appeals.
The [Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this Code.] board of variances and appeals, in accordance with its rules, must render a decision on appeals of this code.

1.10.2.1 The board of variances and appeals must provide for reasonable interpretation of the provisions of this code and rule on appeals from decisions of the AHJ.

1.10.2.2 The ruling of the board of variances and appeals must ensure that the intent of this code is complied with and public safety is secured.

1.10.2.3 The board of variances and appeals will be permitted to grant alternatives or modifications through the procedures outlined in section 1.4 of this code.

1.10.2.4 The board of variances and appeals must not have the authority to waive the requirements of this code.

1.10.2.5 Rulings of the board of variances and appeals will not be precedent setting. Each application must be reviewed and determined by its respective merits and circumstances.

1.10.2.6 Any person must be permitted to appeal a decision of the AHJ to the board of variances and appeals when it is claimed that any one or more of the following conditions exist:

1. The true intent of the codes or ordinances described in this code has been incorrectly interpreted.

2. The provisions of the codes or ordinances do not fully apply.

3. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

16.04E.120 Subsection 1.10.3 deleted. Subsection 1.10.3 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04E.130 Subsection 1.10.4 deleted. Subsection 1.10.4 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04E.140 Subsection 1.10.5 deleted. Subsection 1.10.5 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04E.150 Subsection 1.10.6 deleted. Subsection 1.10.6 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04E.160 Subsection 1.12.8 and tables 1.12.8(a), (b), and (c) added. Section 1.12 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 1.12.8 to read as follows:

1.12.8 Permits required. It is unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code, without first having obtained such permit. The fee for each permit must be set forth in the annual budget ordinance.

A permit must be obtained from the fire prevention bureau prior to engaging in the following activities, practices, or functions:

1. **Compressed gases.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 63 of this code.

1.1 To store, use, or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 1.12.8(b).

1.2 When the compressed gases in use or storage exceed the amounts listed in Table 1.12.8(a), a permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

2. **Explosives materials.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 65 of this code.

2.1 To manufacture, sell, dispose, purchase, store, use, possess, or transport explosives within the jurisdiction.

3. **Flammable and combustible liquids and tanks.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 66 of this code.

3.1 To use or operate, repair, or modify a pipeline for the on-site transportation of flammable or combustible liquids.

3.2 To store, handle, or use Class I liquids in excess of five gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building.

EXCEPTION to item 3.2: A permit is not required for the following:

1. The storage or use of Class I liquids in the fuel tank of a motor

vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant unless such storage in the opinion of the chief would cause an unsafe condition.

2. The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.

3.3 To store, handle, or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building, or in excess of 60 gallons (227.1 L) outside a building.

EXCEPTION to item 3.3:
Fuel oil used in connection with oil-burning equipment.

3.4 To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

3.5 To install, construct, alter, or operate equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used.

3.6 To install, alter, clean, repair, line with a protective coating, remove, abandon, place temporarily out of service, or otherwise dispose of a flammable or combustible liquid tank.

3.7 To change the type of contents stored in a flammable or combustible liquid tank to a material other than those for which the tank was designed and constructed. See chapter 66 of this code.

4. **Hazardous materials.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 60 of this code.

4.1 To store, transport on-site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 1.12.8(d).

4.2 To install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by chapter 60 of this code when the hazardous materials in use or storage exceed the amounts listed in Table 1.12.8(d).

5. **Liquefied petroleum gases.** Permits will be required as indicated below; fees must be as set forth in the annual budget ordinance. See chapter 69 of this code.

5.1 To store, use, handle, or dispense LP-gas of 125 gallons (water capacity) aggregate capacity or greater.

5.2 To install or modify LP-gas systems of 125 gallons (water capacity) aggregate capacity or greater.

5.3 All LP-gas tanks that are filled on-site and used commercially will require a permit.

EXCEPTION: LP-gas systems of 124 gallons or less (water capacity) used at one- and two-single family dwellings will not require a permit.

6. **Places of assembly.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 20 of this code.

6.1 To operate an assembly occupancy with an occupant load of 300 or more in permitted structures.

7. **Spraying or dipping of flammable finish.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 43 of this code.

7.1 For installation or modification of any spray room, spray booth, or preparation work station, or to conduct a spraying or dipping operation utilizing flammable or combustible liquids or powder coating.

8. **Special event.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 10, chapter 20, chapter 25, and chapter 50 of this code. A special event permit will be required for the following:

8.1 Any event set up that requires a review and approval for fire code compliance as required by another County or State department.

8.2 Any event that is open to the public, hosting 50 or more people, and any of the following is being conducted:

1. Outdoor cooking operations.

2. Use of temporary structures, tents, and /or canopies.

3. Access and egress of the attendees of the event are to be limited or constrained in some manner.

9. **Fire protection permit.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 13 of this code.

9.1 A fire protection permit will be required for the installation, modification, renovation, or removal from service of the following fire protection and life safety systems not associated with a building permit: fire sprinkler systems, standpipe systems, fire hydrants and fire lines, fire pumps, automatic suppression systems, or fire alarm and detection systems.

10. **Fireworks.** Permits and fees required will be as stated in Hawai'i Revised Statutes chapter 132D, for the following:

A. Consumer fireworks (1.4G):

1. For the sale, on-site handling, and manufacture of consumer fireworks (1.4G).

2. For the storage of consumer fireworks (1.4G) in excess of the amount listed in Table 1.12.8(c).

B. Display fireworks (1.3G): For possession, transportation, storage, manufacture, sale, handling, and

discharge of display fireworks within the jurisdiction.

C. Flame effects: Use of flame effects before an audience.

D. Pyrotechnic articles: For the manufacture, storage, sale, or use of pyrotechnic articles within the jurisdiction.

E. Pyrotechnics before a proximate audience: For the display and use of pyrotechnic materials before a proximate audience.

11. **Photovoltaic system.** Permits will be required as indicated below; fees must be set forth in the annual budget ordinance. See chapter 11, section 11.12 of this code. A photovoltaic permit will be required for the following:

11.1 For installation or modification of any photovoltaic system.

EXCEPTION: Photovoltaic systems installed or modified on one- and two-single family dwellings.

Table 1.12.8(a) Permit Amounts for Compressed Gases

Type of Gas	Amount*	
	ft³	m³
Corrosive	200	0.57
Flammable	200	0.57
Highly toxic	Any amount	
Inert and simple	6000	169.9
asphyxiant		
Oxidizing (including oxygen)	504	14.3
Pyrophoric	Any amount	
Toxic	Any amount	
Unstable (reactive)	Any amount	

Note: See Chapters 41, 42, 60, 63, and 69 for additional requirements and exceptions.

*Cubic feet measured at normal temperature and pressure.

Table 1.12.8(b) Permit Amounts for Cryogenics

Type of Cryogen	Inside Building (gal)	Outside Building (gal)
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Toxic/Highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes	10	50

oxygen)

Note: See Chapter 63.

Table 1.12.8(c) Permit Amounts for Hazardous Materials

Type of Material	Amount	
	U.S. Unit	Metric Unit
Cellulose nitrate	25 lb	11.3 kg
Combustible fiber	100 ft ³	2.8 m ³
Combustible liquids	See Section 1.12.8 #3	
Consumer fireworks (1.4G)	10 lb	4.5 kg*
Corrosive gases	See Table 1.12.8(a)	
Corrosive liquids	55 gal	208 L
Corrosive solids	500 lb	227 kg
Cryogenics	See Table 1.12.8(a)(b)	
Display fireworks (1.3G)	Any amount	
Explosives	Any amount	
Flammable gases	See Table 1.12.8(a)	
Flammable liquids	See Section 1.12.8 #3	
Flammable solids	100 lb	45.4 kg
Highly toxic gases	See Table 1.12.8(a)	
Highly toxic liquids	Any amount	
Highly toxic solids	Any amount	
LP-Gas	See Section 1.12.8 #5	
Nitrate film (cellulose)	Any amount	
Organic peroxides:	See Section 1.12.8 #4	
Class I	Any amount	
Class II	Any amount	
Class III	10 lb	4.5 kg
Class IV	20 lb	9 kg
Class V	Not required	
Unclassified detonatable	Any amount	
Oxidizing gases	See Table 1.12.8(a)	
Oxidizing liquids:	See Section 1.12.8 #4	
Class 4	Any amount	
Class 3	1 gal	3.8 L
Class 2	10 gal	38 L
Class 1	55 gal	208 L
Oxidizing solids:	See Section 1.12.8 #4	
Class 4	Any amount	
Class 3	10 lb	4.5 kg

Class 2	100 lb	45 kg
Class 1	500 lb	227 kg
Pyrophoric gases	See Table 1.12.8(a)	
Pyrophoric liquids	Any amount	
Pyrophoric solids	Any amount	
Toxic gases	See Table 1.12.8(a)	
Toxic liquids	10 gal	38 L
Toxic solids	100 lb	45 kg
Unstable (reactive) gases	See Table 1.12.8(a)	
Unstable (reactive) liquids:		
Class 4	Any amount	
Class 3	Any amount	
Class 2	5 gal	19 L
Class 1	10 gal	38 L
Unstable (reactive) solids:		
Class 4	Any amount	
Class 3	Any amount	
Class 2	50 lb	22.7 kg
Class 1	100 lb	45 kg
Water reactive liquids:		
Class 3	Any amount	
Class 2	5 gal	19 L
Class 1	10 gal	38 L
Water reactive solids:		
Class 3	Any amount	
Class 2	50 lb	22.7 kg
Class 1	100 lb	45 kg

Note: See Chapter 60 of this code for additional requirements and exceptions.

*Unless the actual weight of the pyrotechnic composition of the consumer fireworks, 1.4G, is known, 25 percent of the gross weight of the fireworks, including packaging, is permitted to be used to determine the weight of the fireworks for the purpose of this table.

16.04E.170 Section 1.16 amended. Section 1.16 of NFPA 1, as amended by the State Fire Code, is amended to read as follows:

[1.16 Notice of Violation and Penalties.

1.16.1 Where Required. Whenever the AHJ determines violations of this Code, a written notice shall be issued to confirm such findings.

1.16.2 Serving Notice of Violation.

1.16.2.1 Any order or notice of violation issued pursuant to this Code shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:

- (1) Personal service
- (2) Mail to last known address of the owner, operator, or registered agent

1.16.2.2 For unattended or abandoned locations, a copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:

- (1) Mailed to the last known address of the owner, occupant, or registered agent
- (2) Published in a newspaper of general circulation wherein the property in violation is located

1.16.2.3 Refusal of an owner, occupant, operator, or other person responsible for the violation to accept the violation notice shall not be cause to invalidate the violation or the notice of violation. When acceptance of a notice of violation is refused, valid notice shall have deemed to have been served under this section provided the methods of service in 1.16.2.1 or 1.16.2.2 have been followed.

1.16.3 Destruction or Removal of Notice. The mutilation, destruction, or removal of a posted order or violation notice without authorization by the AHJ shall be a separate violation of this Code and punishable by the penalties established by the AHJ.

1.16.4 Penalties.

1.16.4.1 Any person who fails to comply with the provisions of this Code, fails to carry out an order made pursuant to this Code, or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the AHJ.

1.16.4.2 Violations of the provisions of this Code shall be punishable by a fine or imprisonment as determined by a penalty schedule adopted by the AHJ or specified by state law/rules.

1.16.4.3 Where the AHJ has not adopted a separate penalty schedule, or if state laws or rules do not specify a penalty, violations of this Code shall be subject to a \$100.00 penalty per day for each violation.

1.16.4.4 Failure to comply with the time limits of an order or notice of violation issued by the AHJ shall result in each day that the violation continues being regarded as a separate offense and shall be subject to a separate offense.

1.16.4.5 A separate notice of violation shall not be required to be served each day for a violation to be deemed a separate offense.

1.16.5 Abatement. Where a violation creates an imminent danger, the County Fire Chief is authorized to abate such hazard in accordance with 1.7.16.]

1.16 Notice of violation and penalties. The following definitions apply to this subsection of this code:

“Fire Chief” means the County fire chief or any designated representative of the County fire chief.

“Property” means and includes all land and appurtenances thereof and the buildings, structures, fences, and improvements erected on or affixed to the same; and any fixture which is erected on or affixed to such land, buildings, structures, fences, and improvements, including all machinery and other mechanical or other allied equipment and the foundations thereof:

1. Whose use thereof increases the value to, or is necessary to the utility of such land, buildings, structures, fences, and improvements; or

2. Whose removal therefrom cannot be accomplished without substantial damage to such land, buildings, structures, fences, and improvements, excluding, however, any growing crops; or

3. Any and all wind energy conversion property that is used to convert wind energy to a form of usable energy, including a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation, and other such components.

1.16.1 Warning notice. The fire chief may issue a warning notice prior to issuing a notice of violation. Issuance of a warning notice is not required if the property received any previous documented violation under this code within the past five years, or received a prior documented warning notice for the same or similar violation within the past five years. Issuance of a warning notice is not required if the fire chief determines that there is an unreasonable risk of fire loss, a clear and immediate risk of fire loss, or the risk of fire loss is sufficiently immediate that delay would be dangerous to the public safety and welfare.

1.16.1.1 Any warning notice issued in accordance with this code, must be served upon the owner, occupant, or other person having control over the property by registered or certified mail, or by delivering the warning notice to, and leaving it with, some person of responsibility upon the property.

1.16.1.2 The warning notice must contain, at a minimum, the following:

1. The date that the notice was issued.

2. The address of the property in violation, including the tax map key number if available.

3. The name and mailing address of the owner of the property based on County real property tax records. If the notice is also sent to an occupant or other person having control over the property, the name of that person and address of the property in violation.

4. The section number and text of the law and/or code

provision which has been violated, or the number of the permit which has been violated.

5. A description of the violation.

6. The action necessary to correct the violation and the date this action needs to be completed.

7. Any additional protections, safeguards, or other means required to render the property safe as required by law.

1.16.1.3 The fire chief may, in writing, extend the time period for compliance stated in the warning notice for good cause shown by the owner, occupant, or other person having control over the property based on the submission of evidence that the violation is in the process of being corrected, and a fire inspection confirms that the violation is in the process of being corrected.

1.16.2 Notice of violation and order. Whenever the fire chief determines that a property is in violation of this code and/or state or federal law, the fire chief may issue a written notice of violation and order ("notice of violation"), with penalties consisting of monetary fines and/or imprisonment, to the owner, occupant, or other person having control over the property.

1.16.2.1 Any notice of violation issued in accordance with this code must be served upon the owner, occupant, or other person having control over the property by registered or certified mail, or by delivering the notice of violation to, and leaving it with, some person of responsibility upon the property.

1.16.2.2 Refusal to accept the notice of violation by an owner, occupant, or other person having control of the property does not constitute cause to invalidate the violation or the notice of violation. When acceptance of a notice of violation is refused, valid notice will be deemed to have been served under this section provided that the methods of service in subsection 1.16.2.1 have been followed.

1.16.2.3 For unattended or abandoned locations, a copy of the notice of violation must be posted on the property in a conspicuous place at or near the entrance to such property, and the notice of violation must be mailed by registered or certified mail, with return receipt requested, to the owner of record based on County real property tax records.

1.16.2.4 The notice of violation must contain, at a minimum, the following information:

1. The date that the notice was issued.

2. The address of the property in violation, including the tax map key number if available.

3. The name and mailing address of the owner of the property based on County real property tax records. If the notice is also sent to an occupant or other person having control over the property, the name of that person and address of the property in violation.

4. If applicable, the date any warning notice or previous notice of violation was issued.

5. The section number and text of the law and/or code provision which has been violated, or the number of the

permit which has been violated.

6. A description of the violation.

7. An order to cease and desist from the violation.

8. An order describing the action necessary to correct the violation immediately, at the owner's own expense.

9. An order directing any additional protections, safeguards, or other means required to render the property safe as required by law.

10. A description of the penalties assessed, which may include a fine up to \$2,500 or imprisonment up to 30 days, or both, in accordance with Hawai'i Revised Statutes 132-13.

11. The notice of violation must advise the owner, occupant, or other person having control over the property that they may, within five days from the issuance of the notice of violation, appeal the notice of violation to the County board of variances and appeals and provide information on how to initiate such an appeal.

1.16.2.5 In accordance with Hawai'i Revised Statutes 132-13, each day that a violation exists or continues to exist may constitute a distinct and separate offense for which the violator may be punished, by penalty of a fine up to \$2,500 or imprisonment up to 30 days, or both. First offense violations will be \$1,000 per day. Any recurring offense for the same or similar violation within a five year period will be \$2,500 per day and a maintenance plan must be submitted. Penalties for continuing violations may be assessed from the earliest known date of the violation. A separate notice of violation is not required to be served each day for a violation to be deemed a separate offense.

1.16.2.6 For violations related to facility inspections, the fire chief may issue a stop work order as described in subsection 1.7.15.

1.16.2.7 An appeal to the board of variances and appeals does not stay any provision of the notice of violation, and any owner, occupant, or other person having control of the property must comply with the notice of violation and take any remedial action as ordered by the notice of violation while an appeal is pending.

1.16.2.8 The fire chief may institute a civil action in any court of competent jurisdiction for the enforcement of any notice of violation or other order issued in accordance with this code, or federal or state law. When a civil action has been instituted to enforce the civil fine imposed by the order, the fire chief need only show that the notice of violation and order was served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner nor paid.

1.16.2.9 The fire chief may adopt rules to implement this section.

1.16.2.10 The fire chief may suspend fines for good cause shown by the owner, occupant, or other person having control over the property based on the submission of evidence that the violation has been corrected or is in the process of being corrected, and a fire inspection confirms that the violation has been corrected or is in the

process of being corrected.

1.16.2.11 Nothing herein limits or restricts the fire chief from instituting, on behalf of the County, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice of violation and to recover the costs of such work from the owner, including through attaching a lien to the property and seeking a judgment to recover any fines or other costs.

1.16.3 Criminal prosecution. Any violation under this chapter will be punishable by a fine of no more than \$2,500 or 30 days in jail, or both, in accordance with Hawai'i Revised Statutes 132-13.

A. The continuation of any violation may be deemed a new violation for each day that such violation continues.

B. The County may maintain an action for an injunction to restrain any violation of this chapter and may take any other lawful action to prevent or remedy any violation.

C. The fire chief and members of the fire prevention bureau, and officers of the police department may arrest, without warrant, alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section is to be construed as barring such authorized personnel from initiating prosecution by citation, by penal summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.

D. Personnel making an arrest for a violation of this chapter may take the name and address of the alleged violator and issue to the alleged violator a written summons or citation, notifying the alleged violator to answer at a place and at a time provided in the summons or citation.

E. There must be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation must be as adopted or prescribed by the administrative judge of the district court and must be printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws of the State and the County.

F. In every case where a citation is issued, the original of the same must be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

G. Every citation is to be consecutively numbered and each carbon copy must bear the number of its respective original.

1.16.4 Abatement. Where a violation creates an imminent danger, the County fire chief is authorized to abate such hazard in accordance with 1.7.16.

16.04E.180 Subsection 10.1.1 amended. Section 10.1 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.1.1 Every new and existing building or structure [shall] must be [constructed, arranged, equipped,] maintained, and operated in accordance with this [Code] code so as to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.

16.04E.190 Subsection 10.1.3 amended. Section 10.1 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.1.3 Building [Code.] code. Where a building code has been adopted, all new construction [shall] must comply with [this Code and] the building code.

16.04E.200 Table 10.2.7.1 amended. Table 10.2.7.1 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

Table 10.2.7.1 Minimum Inspection Frequency

Occupancy Classification	Risk Frequency
High	Annually
Moderate	Biennially
Low	<u>Quinquennially</u> [Triennially]
Critical infrastructure	Per AHJ

16.04E.210 Subsection 10.10.1.1 amended. Subsection 10.10 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.10.1.1 [Open Fires in Counties. Control of the following shall be established by each county:

- (1) Fires for agricultural purposes;
- (2) Fires for recreational, decorative, or ceremonial purposes;
- (3) Fires to abate a fire hazard;
- (4) Fires for prevention or control of disease or pests;
- (5) Fires for training of fire fighting personnel;
- (6) Fires for disposal of dangerous materials;
- (7) Fires for residential bathing purposes and
- (8) Fires for cooking of food.] Permits will not be required for cooking and recreational fires. Cooking and recreational fires must also be in accordance with this code and the department of health-clean air branch rules.

16.04E.220 Subsection 10.10.1.2.1 added. Section 10.10 of the NFPA

1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 10.10.1.2.1 to read as follows:

10.10.1.2.1 Fires for recreational, decorative, or ceremonial purposes must be approved by the department of health-clean air branch.

16.04E.230 Subsection 10.10.6.1 amended. Subsection 10.10.6.1 of

the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.10.6.1 For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose [shall] must be used or kindled on any balcony, under any overhanging portion, or within 10 [ft] feet (3 m) of any structure.

EXCEPTION: In multi-story, multi-dwelling occupancies, where the fuel supply is piped in, gas-fueled grills, or electrically powered cooking appliances will be allowed on non-combustible balconies that are protected with fire sprinklers throughout the building including the balcony.

16.04E.240 Subsection 10.13.2 amended. Subsection 10.13.2 of the

NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.13.2 Exterior [Vegetation.] vegetation. The following definitions apply to this subsection of this code:

“Brush” means any plant species that grow naturally in the wild, without human cultivation.

“Clearance” means an area where vegetation is maintained at or below 1.5 feet (18 inches) in height.

“Fire chief” means the County fire chief or any designated representative of the County fire chief.

“Fire hazard” means any situation, process, material, or condition that, on the basis of applicable data, can cause a fire or explosion or that can provide a ready fuel supply to augment the spread or intensity of a fire or explosion, all of which pose a threat to life or property.

Fuel break - actively managed area or strip of land where flammable vegetation is reduced or modified at or below 1.5 feet (18 inches) in height to control or diminish the risk of fire spread.

“Ornamental shrubbery” means plants that are cultivated and maintained to add beauty to any garden or landscape.

“Property” means and includes all land and appurtenances thereof and the buildings, structures, fences, and improvements erected on or affixed to the same; and any fixture which is erected on or affixed to such land, buildings, structures, fences, and improvements, including all machinery and other mechanical or other allied equipment and the foundations thereof:

1. Whose use thereof increases the value to, or is necessary to the utility of such land, buildings, structures, fences, and improvements; or

2. Whose removal therefrom cannot be accomplished without substantial damage to such land, buildings, structures, fences, and improvements, excluding, however, any growing crops; or

3. Any and all wind energy conversion property that is used to convert wind energy to a form of usable energy, including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation, and other such components.

“Structure” means any building constructed for occupancy or use by people, or for the storage of property.

“Vegetation” means plants, including, but not limited to, brush, grasses, grains, hedges, ornamental shrubbery, shrubs, and trees.

10.13.2.1 The fire chief has the authority to order that [Cut] cut or uncut [weeds, grass, vines, and other] vegetation [shall] be removed, maintained, or cleared when the fire chief [determined] determines [by the AHJ to be] that such vegetation constitutes a fire

hazard.

10.13.2.2 When the [AHJ determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established] size of property or the quantity of vegetation makes other mitigation measures impractical, the fire chief may order that approved fuel breaks be established and maintained.

10.13.2.3 Clearance of vegetation. [Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.] To mitigate fire hazards, any owner, occupant, or other person having control over a property must at all times:

1. Maintain an effective brush clearance away from any structure as follows:

a. Brush greater than 1.5 feet (18 inches) and up to three feet in height must have 30 feet clearance away from structures.

b. Brush greater than three feet and up to six feet in height must have 50 feet clearance away from structures.

c. Brush greater than six feet and up to nine feet in height must have 75 feet clearance away from structures.

d. Brush greater than nine feet in height must have 100 feet clearance away from structures.

e. For lots ½ acre or less, if upon inspection violations of a, b, c, or d above are found, brush must be cleared to less than 1.5 feet (18 inches) across the entire lot.

EXCEPTION:

Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire to any structure.

2. Maintain an effective fuel break on plots of land greater than ½ acre in size that are adjacent to areas containing structures as follows:

a. Brush 1.5 feet (18 inches) and up to six feet in height must have 50 feet clearance from structures. Where required by the fire chief, a 50-foot fuel break must be measured from the property line.

b. Brush greater than six feet in height must have 100 feet clearance from structures. Where required by the fire chief, a 100-foot fuel break must be measured from the property line.

EXCEPTION: Grass and other vegetation located more than 30 feet from buildings or structures and less

than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet of the outlet of a chimney.

4. Remove portions of vegetation which extend within five feet of the vertical plane of a structure's roof line.

10.13.2.4 The Fire Chief will have the discretion to designate areas to be cleared of cut or uncut vegetation to establish fuel breaks.

10.13.2.5 Electrical transmission lines.

10.13.2.5.1 Clearance of brush and vegetative growth from electrical transmission and distribution line(s) must be provided and maintained in accordance with subsection 10.13.10.5.

10.13.2.5.2 A combustible-free space around poles and towers must consist of a clearing of not less than 10 ft (3.05 m) in each direction from the outer circumference of the pole or tower during such periods of time as designated by the AHJ.

10.13.2.5.3 Trimming clearance.

10.13.2.5.3.1 At the time of trimming, clearances not less than those established by Table 10.13.2.5.3.1 must be provided.

Table 10.13.2.5.3.1 Minimum Clearances Between Vegetation and Electrical Lines at Time of Trimming

<u>Line Voltage</u>	<u>Minimal Radial Clearance from Conductor</u>	
	<u>ft</u>	<u>m</u>
<u>2400–72,000</u>	<u>four</u>	<u>1.2</u>
<u>72,001–110,000</u>	<u>six</u>	<u>1.8</u>
<u>110,001–300,000</u>	<u>10</u>	<u>3.0</u>
<u>300,001 or more</u>	<u>15</u>	<u>4.6</u>

10.13.2.5.3.2 The radial clearances in Table 10.13.2.5.3.1 are minimum clearances that must be established at time of trimming between the vegetation and the energized conductors and associated live parts.

10.13.2.5.4 Clearances not less than those established by Table 10.13.2.5.4 must be maintained during such periods of time as designated by the AHJ.

Table 10.13.2.5.4 Minimum Clearances Between Vegetation and Electrical Lines to Be Maintained

<u>Line Voltage</u>	<u>Minimum Clearance</u>	
	<u>in.</u>	<u>mm</u>
<u>750–35,000</u>	<u>six</u>	<u>152</u>
<u>35,001–60,000</u>	<u>12</u>	<u>305</u>
<u>60,001–115,000</u>	<u>19</u>	<u>483</u>
<u>115,001–230,000</u>	<u>30.5</u>	<u>775</u>
<u>230,001–500,000</u>	<u>115</u>	<u>2920</u>

10.13.2.5.4.1 The site-specific clearance achieved at the time of pruning, will vary based on species' growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

10.13.2.5.4.2 The AHJ must establish minimum clearances different than those specified by Table 10.13.2.5.4 when evidence substantiating such other clearances is submitted to the AHJ and approved.

10.13.2.5.5 Electrical power line emergencies. During emergencies, the utility company must perform the required work to the extent necessary to clear the hazard.

10.13.2.6 Roadways. As deemed practicable or necessary by the county fire chief in accordance with Hawai'i Revised Statutes 132-6, areas within 10 ft (3 m) on each side of portions of highways and private streets must be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers will be permitted to the extent provided that they do not form a means of readily transmitting fire.

10.13.2.7 Fire roads, firebreaks, and emergency access.

10.13.2.7.1 Unauthorized vehicles must not be driven upon fire roads, fuel breaks, or firebreaks. Vehicles must not be parked in a manner that obstructs the entrance to a fire road, fuel break, or firebreak.

16.04E.250 Subsection 11.12.4.1.1 added. Section 11.12 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection

to be designated subsection 11.12.4.1.1 to read as follows:

11.12.4.1.1 Ground-mounted photovoltaic systems larger than 3,000 square feet in area must be provided with a clear area of at least 30 feet in width or as approved by the AHJ.

16.04E.260 Subsection 13.1 amended. Subsection 13.1 of the NFPA 1, as amended by the State Fire Code, is amended by deleting the exception to 13.1.

13.1 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] must 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.]

16.04E.270 Subsection 13.2.2.6 added. Section 13.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.2.2.6 to read as follows:

13.2.2.6 Fire department hose connections for standpipe systems must be within 100 feet of a fire hydrant and located as follows:

1. For new buildings three stories or more in height, fire department hose connections must not be closer than 40 feet to the building it is serving.
2. For all other new buildings, fire department hose connections must not be closer than 20 feet to the building it is serving.

EXCEPTION to item 1 and 2:
AHJ may modify the requirement where placement of the fire department connection is:

1. Impractical due to geographical constraints.
2. Impractical in relationship to the building it serves.

16.04E.280 Subsection 13.3.1.9 added. Section 13.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.3.1.9 to read as follows:

13.3.1.9 Fire department hose connections serving automatic sprinkler systems must be within 100 feet of a fire hydrant and located as follows:

1. For new buildings three stories or more in height, fire department hose connections must not be closer than 40 feet to the building it is serving.
2. For all other new buildings, fire department hose connections must not be closer than 20 feet to the building it is serving.

EXCEPTION to item 1 and 2:
AHJ may modify the requirement where placement of the fire department connection is:

1. Impractical due to geographical constraints.
2. Impractical in relationship to the building it serves.

16.04E.290 Subsection 13.3.2.26.6 added. Section 13.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.3.2.26.6 to read as follows:

13.3.2.26.6 Automatic fire protection must be provided in all new buildings with a floor area greater than 5,000 square feet and an average ceiling height greater than 16 feet.

16.04E.300 Subsection 13.5.1.3 added. Section 13.5 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.5.1.3 to read as follows:

13.5.1.3 The static pressure for private fire service mains must not exceed 175 psi.

16.04E.310 Subsection 13.6.1.2 amended. Section 13.6 of the NFPA

1, as amended by the State Fire Code, is amended by amending subsection 13.6.1.2 to read as follows:

13.6.1.2[*] Where [Required.] required. Fire extinguishers [shall] must be provided where required by this [Code] code as specified in Table 13.6.1.2, the referenced codes and standards listed in [Chapter] chapter 2[.]of this code, or as approved by the AHJ.

16.04E.320 Subsection 13.7.1.5.8 added. Section 13.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.7.1.5.8 to read as follows:

13.7.1.5.8 When a fire alarm system serving a one- and two-family dwelling is monitored by a central or remote station, only the following initiating devices must be monitored:

1. Heat detectors.
2. Water flow switches on an automatic fire sprinkler system.

These fire alarm systems must be constantly monitored for trouble and supervisory signals, tested annually, and cleaned, if necessary, on or before the anniversary date of their original installation by qualified and licensed service personnel.

13.7.1.5.8.1 An existing system must be made to comply with this subsection if the system is deemed a nuisance and is responsible for three nuisance alarms in a 12-month time period. If an existing system is deemed a nuisance, the call-out procedures in regards to activation of the system may be modified by the AHJ.

16.04E.330 Subsection 13.7.1.12.1 added. Section 13.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.7.1.12.1 to read as follows:

13.7.1.12.1 Only one fire alarm panel must be installed per complex, facility, or address. Where multiple panels are used to service a complex, facility, or address, these panels must be connected to one main panel that is located where approved by the AHJ. Exceptions to this requirement must be approved in writing by the AHJ.

16.04E.340 Chapter 17 deleted. Chapter 17 of the NFPA 1, as amended

by the State Fire Code, is deleted in its entirety.

16.04E.350 Subsection 18.2.3.2.1 amended. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 18.2.3.2.1 to read as follows:

18.2.3.2.1 A fire apparatus access road [shall] must extend to within 50 [ft.] feet (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. This provision may be modified to 150 feet where buildings are not more than 1,000 square feet in size.

16.04E.360 Subsection 18.2.3.2.1.1 amended. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 18.2.3.2.1.1 to read as follows:

18.2.3.2.1.1 Where a one- or two-family dwelling, [or townhouse,] and related accessory buildings is protected with an approved automatic sprinkler system that is installed in accordance with Section 13.3, the distance in 18.2.3.2.1 [shall] must be permitted to be increased to [150 ft (46m)] 450 feet. Structures less than 1,000 square feet in size with an approved automatic sprinkler system may be further modified with the approval of AHJ in accordance with 18.2.3.1.4.

16.04E.370 Subsection 18.2.3.3.1 added. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.2.3.3.1 to read as follows:

18.2.3.3.1 A second access road is required where a single road serves more than 20 parcels, multiple access must be provided as approved by the AHJ.

EXCEPTIONS:

Agricultural subdivisions that consist of parcels of one acre or more.

16.04E.380 Subsection 18.4.5.1.1 amended. Section 18.4 of the NFPA

1, as amended by the State Fire 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 and related accessory buildings having a fire flow area that does not exceed 5000 [ft² 464.5 m²] square feet [shall] must be 1000 gpm (3785L/min) for [1] one hour. 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 limited to not more than two one- and two-family dwellings.

EXCEPTION:

1. Greenhouses.
2. Agriculture zoned lots having fire flow of 500 gpm for two hours.
3. One or two family dwellings or accessory buildings having a total area not exceeding 1000 ft² fire flow may be modified.

16.04E.390 Subsection 18.4.5.1.2 and 18.4.5.1.3 are deleted.

Section 18.4 of the NFPA 1, as amended by the State Fire Code, is amended by deleting subsections 18.4.5.1.2 & 18.4.5.1.3 in its entirety.

16.04E.400 Subsection 18.4.6 added. Section 18.4 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.4.6 to read as follows:

18.4.6 Fire flow requirements for land use development.

18.4.6.1 General. A water supply capable of delivering the required fire-flow must be provided for all new land development including subdivisions and single parcel development intended for four or more structures in accordance with subsection 18.4.6. The design of the system will be subject to approval by the AHJ.

18.4.6.1.1 Fire flow, hydrant spacing, and dedicated water supply for fire protection must be in accordance with the requirements for designated land use:

Agriculture, 500 gpm, and 500 feet spacing between hydrants.
Rural, 1,000 gpm, and 500 feet spacing between hydrants.
Single family, 1,000 gpm, and 350 feet spacing between

hydrants.

Duplex, 1,250 gpm, and 350 feet between hydrants.

Townhouse and low rise apartments, 1,500 gpm, and 250 feet spacing between hydrants.

Businesses, high rise apartments, and light industry, 2,000 gpm and 250 feet spacing between hydrants.

Heavy industry and hotels, 2,500 gpm and 250 feet hydrant spacing.

18.4.6.2 The water supply must be provided by hydrants or other connections in accordance with section 18.5 of this code, as approved by the AHJ.

18.4.6.2.1 Fire hydrants must be accessible to the fire department apparatus by roads meeting the requirements of subsection 18.2.3.6 of this code.

18.4.6.2.2 On dead-end streets, the last fire hydrant must be located at one-half the spacing distance from the dead-end. Spacing of fire hydrants must be measured along the roadway.

18.4.6.3 The duration for all required fire-flows must be two hours.

16.04E.410 Subsection 18.5.1.7 added. Section 18.5 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.5.1.7 to read as follows:

18.5.1.7 The static pressure for fire service mains must not exceed 175 psi.

16.04E.420 Subsection 18.5.10.4 added. Section 18.5 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.5.10.4 to read as follows:

18.5.10.4 Private fire hydrant identification. A private service fire hydrant must be identified by one of the following:

1. A private service fire hydrant must be painted red in color. The valve stem, coupling threads, or portions of the hydrant where the application of paint would violate the listing of the hydrant or hinder its operation must not be painted.

2. A private service fire hydrant must be identified with a red fire hydrant ring.

18.5.10.5 Compliance. All existing private fire hydrants must be in compliance with this provision within one year of adoption of chapter 16.04E.

16.04E.430 Subsection 20.1.5.10.4.1 amended. Section 20.1 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 20.1.5.10.4.1 to read as follows:

20.1.5.10.4.1 Every room constituting an assembly occupancy [and not having fixed seats shall] must have the occupant load of the room posted in a conspicuous place near the main exit from the room. [101: 12.7.9.3.1; 101: 13.7.9.3.1]

16.04E.440 Subsection 25.2.2.1 amended. Section 25.2 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 25.2.2.1 and adding subsection 25.2.2.1.1 to read as follows:

25.2.2.1 All [tent] fabric for tents and canopies greater than 400 square feet [shall] must meet the flame propagation performance criteria contained in Test Method 2 of NFPA 701. [101:11.11.1.2]

25.2.2.1.1 For the basis of calculating square footage, temporary membrane structures, tents, and canopies separated by a minimum of 10 feet or as approved by the AHJ must be considered as being separated.

16.04E.450 Subsection 42.7.4.3.2 added. Section 42.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 42.7.4.3.2 to read as follows:

42.7.4.3.2 All dispensing devices must be in clear view of the attendant at all times. Television cameras must be installed in all locations where the attendants clear view of the dispensing devices is impaired. Television monitors must be installed at the attendant's location for clear viewing of all fuel dispensing activities.

16.04E.460 Subsection 42.7.4.3.3 added. Section 42.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 42.7.4.3.3 to read as follows:

42.7.4.3.3 The attendant must be able to communicate with persons in the dispensing area at all times.

16.04E.470 Subsection 50.4.6.1 amended. Section 50.4 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 50.4.6.1 to read as follows:

50.4.6.1 Upon actuation of any fire-extinguishing system for a cooking operation, all sources of fuel and electrical power that produce heat to all equipment protected by the system [shall] must automatically shut off. [96:10.4.1] This provision must apply to all electrical receptacles located under the hood.

16.04E.480 Subsection 50.4.10.2.3 added. Section 50.4 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 50.4.10.2.3 to read as follows:

50.4.10.2.3 All new fire suppression systems protecting commercial cooking appliances and hood exhaust systems must be tested with the balloon method for acceptance testing or as approved by the AHJ.

16.04E.490 Subsection 60.5.1.9.2 amended. Subsection 60.5.1.9.2 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

60.5.1.9.2 Where guard posts are installed, the posts [shall] must meet the following criteria:

[(1)]1. They [shall] must be constructed of steel not less than [4 in.] four inches (102 mm) in diameter and concrete filled.

[(2)]2. They [shall] must be spaced not more than three feet between posts on center.

[(3)]3. They [shall] must be set not less than [3 ft.] three feet (0.9 m) deep in a concrete footing of not less than 15 [in.] inches (381 mm) diameter.

[(4)]4. They [shall] must be set with the top of the posts not less than [3 ft.] three feet (0.9 m) above ground.

[(5)]5. They [shall] must be located not less than [3 ft (0.9 m)] three feet (914 mm) from the tank. Tanks of 500 gallons capacity or more or tanks used for dispensing purposes must have guard posts located a minimum of five

feet from the tank.

16.04E.500 Subsection 69.3.5.1.4 added. Section 69.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 69.3.5.1.4 to read as follows:

69.3.5.1.4 A wall, fence or other constructed barrier must not be allowed to reduce the required distance as stated in Table 69.3.5.1.1 unless approved by the AHJ. Proper installation of the container will be the responsibility of the installer and supplier.

16.04E.510 Subsection 69.3.8.1.2 amended. Section 69.3 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

69.3.8.1.2 LP-Gas containers or systems [that are installed within 10 ft (3m) of public vehicular thoroughfares shall] must be provided with a means of vehicular barrier protection[. 58:6.8.1.2] when required by the AHJ.

16.04E.520 Subsection 69.3.8.1.2.1 added. Section 69.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 69.3.8.1.2.1 to read as follows:

69.3.8.1.2.1 When vehicular protection is required, guard posts must be installed as stated in subsection 60.5.1.9.2 of this code.”

SECTION 4. If any provision of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such judgment will not affect the validity of the remaining portions.

SECTION 5. Work performed under a permit issued before the effective date of this ordinance and which is inspected on or after the effective date will be approved if it meets the requirements of either this code or the code being replaced by this ordinance.

SECTION 6. 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.

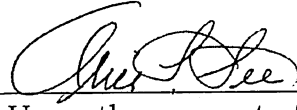
SECTION 7. This ordinance will take effect upon approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER
Deputy Corporation Counsel
LF2021-1269 Ch. 16.04E Fire Code

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.