

**COUNCIL OF THE COUNTY OF MAUI**  
**WATER AND INFRASTRUCTURE**  
**COMMITTEE**

October 20, 2023

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Water and Infrastructure Committee, having met on October 2, 2023, makes reference to Bill 66 (2023), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D, MAUI COUNTY CODE, RELATING TO INSPECTIONS AND TO CORRECT AN OMISSION.”

Bill 66’s purpose are to: 1) allow for fire inspections conducted outside normal business hours or at distant locations to be charged a fee, and 2) correct a previously omitted Department of Water Supply exception for building fire flow requirements for first and second dwellings.

Your Committee notes that the Council last updated the County Fire Code by Ordinance 5451, which took effect November 23, 2022. Ordinance 5451 adopted the Hawai‘i State Fire Code, 2018 edition, with amendments.

A representative from the Department of Fire and Public Safety said the exception for building fire flow requirements was inadvertently omitted from Ordinance 5451.

Your Committee expressed concern that after-hour requests for fire inspections in Hāna, Molokai, and Lāna‘i would incur additional costs, such as airfare and overnight accommodations, and increase business expenses for permittees.

The Department of Fire and Public Safety representative added that similar authority to recoup inspection costs outside normal business hours or at distant locations can be found in Section 16.18B.107-3(c) of

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the County Electrical Code and Section 16.20C.105.2.2(3) of the County Plumbing Code.

Your Committee amended Bill 66 to specify that inspections outside normal business hours or at distant locations are for commercial activities.

Your Committee voted 9-0 to recommend passage of Bill 66, CD1 (2023) on first reading. Committee Chair Cook, Vice-Chair Sugimura, and members Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U'u-Hodgins voted "aye."

Your Committee is in receipt of Bill 66, CD1 (2023), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Water and Infrastructure Committee RECOMMENDS that Bill 66, CD1 (2023), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04D, MAUI COUNTY CODE, RELATING TO INSPECTIONS AND TO CORRECT AN OMISSION," be PASSED ON FIRST READING and be ORDERED TO PRINT.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



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TOM COOK, Chair

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:



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Department of the Corporation Counsel  
County of Maui

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INTRODUCED BY:

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

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ALICE L. LEE

Upon the request of the Mayor.