

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE

November 3, 2017

**Committee
Report No.** _____

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

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on October 16, 2017, makes reference to County Communication 17-362, from the Director of Public Works, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.18B, 16.20B, AND 16.26B, MAUI COUNTY CODE, RELATING TO FEES."

The purpose of the proposed bill is to remove specific Department of Public Works fee amounts from the Electrical, Plumbing, and Building Codes, and instead refer to the fees established in the annual budget ordinance.

Your Committee notes the Fiscal Year 2018 Budget amended certain fees assessed by the Department of Public Works relating to electrical, plumbing, and building permits and inspections, effective July 1, 2017. However, six fee amounts in the Electrical, Plumbing, and Building Codes were not removed. This caused a conflict between the annual budget ordinance, and the already-existing fee amounts.

The proposed bill will remove the conflicting fee amounts from the Maui County Code.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading. Committee Chair Cochran, Vice-Chair Guzman, and members Atay, Carroll, Hokama, Sugimura, and White voted "aye."

Your Infrastructure and Environmental Management Committee **RECOMMENDS** the following:

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COMMITTEE**

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**Committee
Report No.** _____

1. That Bill _____ (2017), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.18B, 16.20B, AND 16.26B, MAUI COUNTY CODE, RELATING TO FEES" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-362 be FILED.

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



ELLE COCHRAN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.18B,
16.20B, AND 16.26B, MAUI COUNTY CODE, RELATING TO FEES

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

SECTION 1. The purpose of this ordinance is to remove all reference to specific Department of Public Works fee amounts or rates in the Maui County Code and instead reference the annual budget ordinance.

SECTION 2. Section 16.18B.107, Maui County Code, is amended by amending subsection 107-2(a) to read as follows:

“(a) **Work without a permit.** When work for which a permit is required by this [Code] code has commenced without a permit, the fees [specified in the annual budget ordinance shall be doubled or increased by an additional amount of \$500.00, whichever is greater.] shall be as set forth in the annual budget ordinance. The payment of such fees shall not relieve any person from the requirements of this [Code] code or from any penalties prescribed by this [Code] code or rules of the department.”

SECTION 3. Section 16.18B.107, Maui County Code, is amended by amending subsection 107-3(b) to read as follows:

“(b) **Miscellaneous inspections.** For an inspection of an electrical installation not specified in this [Code, the person requesting the inspection shall pay the County \$30 for each hour, or increment thereof, for inspection.] code, the fees shall be as set forth in the annual budget ordinance. All miscellaneous inspections shall be charged a minimum of two hours for an inspection.”

SECTION 4. Section 16.20B.103.4, Maui County Code, is amended by amending subsection 103.4.2 to read as follows:

“103.4.2 Penalty Fees. When work for which a permit is required by this code has commenced without a permit, the fees [specified in the annual budget ordinance shall be doubled, or increased by \$500, whichever is greater.] shall be as set forth in the annual budget ordinance. The payment of such fees shall not relieve any person from the requirements of this code or from any penalties prescribed by this code or rules of the department.”

SECTION 5. Section 16.20B.103.5, Maui County Code, is amended by amending subsection 103.5.5(b) to read as follows:

“(b) Miscellaneous inspections. For an inspection of plumbing work not specified in this code, the person requesting the inspection shall pay the County [\$30 for each hour, or increment thereof, for inspection.] a fee as set forth in the annual budget ordinance. All miscellaneous inspections shall be charged a minimum of two hours for an inspection.”

SECTION 6. Section 16.26B.108, Maui County Code, is amended by amending subsection 108.2.1 to read as follows:

“108.2.1 Plan review fees and fund. When submittal documents are required by subsection 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. [Said plan review fee shall be 25 percent of the building permit fee.] The fee shall be set forth in the annual budget ordinance. The plan review fees specified in this section are in addition to the permit fees in subsection 108.2 of this code.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in subsection 106.3.4.2, an additional plan review fee shall be charged as set forth in the annual budget ordinance and shall be paid prior to the issuance of any building permit.

The building official may authorize an expedited plan review process. When the building official issues a building permit where a plan review is waived, pursuant to section 105.3.3 of this code, the applicant shall pay fifty percent of the building permit fee as the plan review fee.

There is hereby established and created a fund to be known as the Plan Review, Permit Processing, and Inspection Revolving Fund.” The fees collected pursuant to this subsection are hereby deemed appropriated upon receipt and may be expended for salaries, training, contracts, rent payments, fixtures, materials,

supplies, and equipment that facilitate plan review and for payment of overtime for plan checking, permit processing, and inspections.”

SECTION 7. Section 16.26B.108, Maui County Code, is amended by amending subsection 108.4 to read as follows:

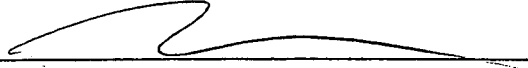
“108.4 Work without a permit. When work for which a permit is required by this code is started or proceeded with before obtaining a permit, the fees [as set forth in the annual budget ordinance shall be doubled or increased by an additional amount of \$500, whichever is the greater, but the] shall be as set forth in the annual budget ordinance. The payment of such fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in accordance with the Maui County Code and any rules adopted by the department.

Inspections shall be required for any work commenced without a permit required by this code. It shall be the responsibility of the permit holder to cause the work to be accessible and exposed for inspection purposes. When any work has been concealed prior to inspection, the property owner may submit a certificate from building contractor, an architect, or a structural engineer licensed in the State of Hawaii that all work down without inspection complies with the provisions of this code and a hold harmless agreement, releasing the County of all liability. This agreement shall be recorded with the Bureau of Conveyances. The contents of the certificate and the hold harmless agreement shall be in a form acceptable to the building official. The permit holder must still obtain a final inspection which the building official shall perform. Upon receiving an acceptable certificate and hold harmless agreement, the building official may issue a certificate of final inspection or a certificate of occupancy, subject to the terms and conditions contained in the aforementioned agreement, indicating that certain work has been exempted from inspections as the property owner’s request.”

SECTION 8. 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 9. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2017-0889
2017-08-01 Appendix B of the
FY2018 Budget Ord