

ORDINANCE NO. \_\_\_\_\_

BILL NO. 124 (2022)

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 Chapter 16.04C of the Maui County Code pertaining to the Maui County Fire Code is hereby repealed in its entirety.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, 2018 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 16.04D.

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 16.04D**

**FIRE CODE**

**Sections:**

16.04D.010	The State Fire Code incorporated.
16.04D.020	Subsection 1.1.2 amended.
16.04D.030	Subsection 1.7.7.7 added.
16.04D.040	Subsection 1.7.12.1 amended.
16.04D.050	Subsection 1.7.12.1.1 added.
16.04D.060	Subsection 1.7.13.1 amended.
16.04D.070	Subsection 1.7.13.2 amended.
16.04D.080	Subsection 1.7.13.5 added.
16.04D.090	Subsection 1.10.1.1 deleted.
16.04D.100	Subsection 1.10.2 amended.

16.04D.110	Subsection 1.10.3 deleted.
16.04D.120	Subsection 1.10.4 deleted.
16.04D.130	Subsection 1.10.5 deleted.
16.04D.140	Subsection 1.10.6 deleted.
16.04D.150	Subsection 1.12.8 and tables 1.12.8(a), (b), and (c) added.
16.04D.160	Subsection 1.16 amended.
16.04D.170	Subsection 10.1.1 amended.
16.04D.180	Subsection 10.1.3 amended.
16.04D.190	Subsection 10.2.7.1 amended.
16.04D.200	Subsection 10.10.1.1 amended.
16.04D.210	Subsection 10.10.1.2.1 added.
16.04D.220	Subsection 10.10.6.1 amended.
16.04D.230	Subsection 10.13.10 amended.
16.04D.240	Subsection 10.13.10.4 added.
16.04D.250	Subsection 10.13.10.5 added.
16.04D.260	Subsection 11.12.2.2.2 amended.
16.04D.270	Subsection 11.12.3.1.1 added.
16.04D.280	Subsection 13.1 amended.
16.04D.290	Subsection 13.2.2.7 added.
16.04D.300	Subsection 13.3.1.10 added.
16.04D.310	Subsection 13.3.2.27.6 added.
16.04D.320	Subsection 13.5.1.1 added.
16.04D.330	Subsection 13.6.1.2 amended.
16.04D.340	Subsection 13.7.1.12.1 added.
16.04D.350	Subsection 13.7.1.5.8 added.
16.04D.360	Subsection 18.2.3.2.1 amended.
16.04D.370	Subsection 18.2.3.2.1.1 deleted.
16.04D.380	Subsection 18.2.3.3.1 added.
16.04D.390	Subsection 18.4.5.1 amended.
16.04D.400	Subsection 18.4.5.1.2 and 18.4.5.1.3 are deleted.
16.04D.410	Subsection 18.4.6 added.
16.04D.420	Subsection 18.5.1.7 added.
16.04D.430	Subsection 18.5.10.4 added.
16.04D.440	Subsection 20.1.5.10.4.1 amended.
16.04D.450	Subsection 25.2.2.1 amended.
16.04D.460	Subsection 42.7.4.3.3 added.
16.04D.470	Subsection 42.7.4.3.4 added.
16.04D.480	Subsection 50.2.2.3.5 added.
16.04D.490	Subsection 50.4.6.1 amended.
16.04D.500	Subsection 50.4.10.2.3 added.
16.04D.510	Subsection 60.5.1.9.2 amended.
16.04D.520	Subsection 69.3.5.1.4 added.
16.04D.530	Subsection 69.3.8.1.2. amended.
16.04D.540	Subsection 69.3.8.1.2.1. added.

**16.04D.010 The State Fire Code incorporated.** Chapter 12-45.3, Hawaii Administrative Rules, entitled “State Fire Code” as adopted by the State

of Hawaii on January 19, 2021 as required by Section 132-3, Hawaii Revised Statutes, which adopts, with modifications, the NFPA 1, Fire Code, 2018 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.

**16.04D.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 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."

**16.04D.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 subsection 1.7.7.7 to read as follows:

**1.7.7.7 Inspection hours.** All inspections shall 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 when corrections or portion of work have not been made or completed during the initial inspection. The re-inspection fee shall be set forth in the annual budget.

**16.04D.040 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 Hawaii Revised Statutes section 132-9, the AHJ shall have 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.

**16.04D.050 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 16.04D.040, a plan review fee shall be paid at the time of submitting plans and specifications for review. There is hereby 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 shall 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 shall 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.

**16.04D.060 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 be notified by the person performing the work when the installation is ready for a required inspection. Every request for an inspection shall be filed not less than three working days before such inspection is desired.

**16.04D.070 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 the authority to require that such work be exposed for inspection. The County shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**16.04D.080 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 shall 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 shall not be valid.

**16.04D.090 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.

**16.04D.100 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] board of variances and appeals, pursuant to its rules, shall render a decision on appeals of this [Code.] code.

**1.10.2.1** The board of variances and appeals shall 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 shall 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 shall 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 shall not have the authority to waive the requirements of this code.

**1.10.2.5** Rulings of the board of variances and appeals shall not be precedence setting. Each application shall be reviewed and determined by its respective merits and circumstances.

**1.10.2.6** Any person shall 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.

**16.04D.110 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.

**16.04D.120 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.

**16.04D.130 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.

**16.04D.140 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.

**16.04D.150 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 shall be 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 shall be set forth in the annual budget ordinance.

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

1. **Compressed gases.** Permits shall be required as indicated below; fees shall 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(a).

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 shall be required as indicated below; fees shall 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 shall be required as indicated below; fees shall 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 5 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 shall be required as indicated below; fees shall 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(c).

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(c).

5. **Liquefied petroleum gases.** Permits shall be required as indicated below; fees shall 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 shall require a permit.

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

6. **Places of assembly.** Permits shall be required as indicated below; fees shall 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 shall be required as indicated below; fees shall 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 shall be required as indicated below; fees shall 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 shall 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 shall be required as indicated below; fees shall be set forth in the annual budget ordinance. See chapter 13 of this code.

9.1 A fire protection permit shall 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 shall be as stated in Hawaii 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 shall be required as indicated below; fees shall be set forth in the annual budget ordinance. See chapter 11, section 11.12 of this code. A photovoltaic permit shall 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**

<b>Type of Gas</b>	<b>Amount*</b>	
	<b>ft<sup>3</sup></b>	<b>m<sup>3</sup></b>
Corrosive	200	0.57
Flammable	200	0.57
Highly toxic	Any amount	
Inert and simple asphyxiant	6000	169.9
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**

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

Note: See Chapter 63.

**Table 1.12.8(c) Permit Amounts for Hazardous Materials**

<b>Type of Material</b>	<b>Amount</b>	
	<b>U.S. Unit</b>	<b>Metric Unit</b>
Cellulose nitrate	25 lb	11.3 kg
Combustible fiber	100 ft <sup>3</sup>	2.8 m <sup>3</sup>
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)	
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

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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.

**16.04D.160 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.] violation and penalties.**

**1.16.1 Where [Required] required.** Whenever the AHJ determines violations of this [Code,] code, the AHJ shall issue a criminal citation or a written warning notice [shall be issued] to confirm such findings.

**1.16.2 [Serving Notice of Violation.] Warning notice.**

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

[(1)]1. Personal service

[(2)]2. Mail to last known address of the owner, operator, or registered agent] of this code, by personal service, by registered or certified mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises.

**1.16.2.1.1** For unattended or abandoned locations, a copy of the warning notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the warning

notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

**1.16.2.2** [For unattended or abandoned locations, a copy of such order or] The warning 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 contain, at a minimum, [be disseminated in accordance with one of] the following:

[(1)]1. [Mailed to the last known address of the owner, occupant, or registered agent] Date of the notice.

[(2)]2. [Published in a newspaper of general circulation wherein the property in violation is located] The name and address of the person(s) noticed.

3. The section number of the provision or rule, or the number of the permit which has been violated.

4. The nature of the violation.

5. The location and date of the violation.

**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.

**1.16.2.4** The AHJ may, in writing, extend the time period for compliance stated in the warning notice.

**1.16.3 [Destruction or Removal of Notice.] Notice of violation.** [The mutilation, destruction, or removal of a posted order or violation notice without authorization by the AHJ shall be a separate] Failure by the owner, occupant, operator, or other person responsible for the condition or violation of this [Code] code [and punishable by the penalties established by the AHJ.] to remedy the condition or violation within the time period stated in the warning notice, unless said time period has been extended in writing by the AHJ, shall result in the issuance of a notice of violation to the party responsible for the condition or violation.

**1.16.3.1** Any notice of violation issued pursuant to this code shall be served upon owner, occupant, operator, or other person responsible for the condition or violation of this code, either by personal service by mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises.

**1.16.3.2** The notice of violation shall contain, at a minimum, the following information:

1. Date of the notice of violation.

2. Name and address of person noticed.

3. Nature of the violation.

4. Address and/or location of the violation.

5. Date of the inspection of the premises when the violation was determined.

6. Date of the warning notice.

7. Date that time for compliance expired.

8. The section number of the provision or rule violated.

**1.16.3.3** The notice of violation and order may require the person to do any or all of the following:

1. Cease and desist from the violation.

2. Correct the violation at the person's own expense before a date specified in the order.

3. Pay an initial civil fine not to exceed \$1,000 pursuant to this chapter in the manner, at the place, and before the date specified in the order.

4. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

**1.16.3.4.** The notice of violation and order shall advise the person that the order shall become final 30 days after the date of its mailing or delivery. The order shall also advise that the AHJ's action may be appealed to the board of variances and appeals.

**1.16.3.5.** An appeal to the board of variances and appeals shall not stay any provision of the order.

**1.16.3.6.** The AHJ may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. When a civil action has been instituted to enforce the civil fine imposed by the order, the AHJ 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.

**1.16.3.7.** The AHJ may adopt rules to implement this section.

**1.16.4 Penalties.** Failure to comply with the time limits of a notice of violation or other corrective notice issued by the AHJ shall result in each day that such violation continues being regarded as a new and separate offense.

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

**1.16.4.2** Violations of the provisions of this [Code] 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] 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.]

**1.16.4.4** Nothing herein shall be construed to limit or restrict the AHJ 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 or attach a lien to the premises.

**1.16.4.5** Any person who mutilates, destroys, or removes posted orders or notices without the authorization of the AHJ shall be subject to the penalties established by the jurisdiction.

**1.16.4.6** Any person who fails to comply with the provisions of this code, or who 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 jurisdiction.

**1.16.5 Criminal prosecution.** Any violation under this chapter shall be punishable by a fine of not more than \$1,000 or six months in jail, or both, no part of which may be suspended.

A. The continuation of any violation shall be deemed a new violation for each day of such continuance.

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 AHJ 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 shall 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 shall 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 shall 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 shall be as adopted or prescribed by the administrative judge of the district court and shall 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 shall 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 shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

**[1.16.5] 1.16.6 Abatement.** Where a violation creates an imminent danger, the AHJ is authorized to abate such hazard in accordance with 1.7.16.

**1.17 Permit Fees.** The AHJ shall be authorized to establish a schedule of fees.

**16.04D.170 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 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.

**16.04D.180 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.** Where a building code has been adopted, all new construction shall comply with [this Code and] the building code.

**16.04D.190 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**

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



**16.04D.200 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 fires 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 or fire fighting personnel;
- (6) Fires for disposal of dangerous materials;
- (7) Fires for residential bathing purposes and
- (8) Fires for cooking food.] Permits shall not be required for cooking fires. Cooking fires shall also be in accordance with this code and the department of health-clean air branch rules.

**16.04D.210 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 shall be approved by the department of health-clean air branch.

**16.04D.220 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 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 shall be allowed on non-combustible balconies that are protected with fire sprinklers.

**16.04D.230 Subsection 10.13.10 amended.** Subsection 10.13.10 of

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

**10.13.10 Exterior [Vegetation.] vegetation.**

**10.13.10.1** Cut or uncut weeds, grass, vines, and other vegetation shall be removed when determined by the AHJ to be a fire hazard.

**10.13.10.2** When the AHJ determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established.

**10.13.10.2.1 Clearance of brush.** Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon, or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas with 30 feet of such buildings or structures.

**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 from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located within 30 feet from such buildings or structures, when required by the AHJ because of extra-hazardous conditions causing a firebreak of only 30 feet to be insufficient to provide reasonable fire safety the AHJ may require the removal for up to 100 feet.

**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. Maintain trees adjacent to or overhanging a building free of deadwood.

5. Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.

**10.13.10.3** Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.

**16.04D.240 Subsection 10.13.10.4 added.** Section 10.13 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 10.13.10.4 to read as follows:

**10.13.10.4** The chief shall be authorized to remove combustible vegetation and combustible materials or establish firebreaks upon a property that has been deemed a fire hazard when corrective action has not been provided within the time-frame stated in the notice of violation. Such work shall be at the expense of the property owner, and the cost of the work shall be placed as a lien against the subject property.

**16.04D.250 Subsection 10.13.10.5 added.** Section 10.13 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 10.13.10.5 to read as follows:

**10.13.10.5** Designated fuel breaks and prescribed actions to abate a fire hazard shall be maintained at all times. When a second violation within a calendar year occurs, the owner of the subject property shall be subject to a fine of not more than \$1,000 and the provisions of section 10.13.10.4.

**16.04D.260 Subsection 11.12.2.2.2 amended.** Subsection 11.12.2.2.2 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

**11.12.2.2.2 [Roof access for one- and two-family dwellings and townhouses.** Roof access for one- and two-Family Dwellings and Townhouses for photo-voltaic systems. One- and two-family dwellings need not comply with this section.] **One- and two-family dwellings and townhouses.** Photovoltaic systems installed in one- and two-family dwellings and townhouses shall be in accordance with this section. Designated ridges shall not apply to roofs with 2 in 12 or less pitch. The requirements of this section may be modified by the AHJ.

**16.04D.270 Subsection 11.12.3.1.1 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 11.12.3.1.1 to read as follows:

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

**16.04D.280 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 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.]

**16.04D.290 Subsection 13.2.2.7 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 13.2.2.7 to read as follows:

**13.2.2.7** Fire department hose connections for standpipe systems shall 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 shall not be closer than 40 feet to the building it is serving.
2. For all other new buildings, fire department hose connections shall 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.

**16.04D.300 Subsection 13.3.1.10 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 13.3.1.10 to read as follows:

**13.3.1.10** Fire department hose connections serving automatic sprinkler systems shall 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 shall not be closer than 40 feet to the building it is serving.

2. For all other new buildings, fire department hose connections shall 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.

**16.04D.310 Subsection 13.3.2.27.6 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 13.3.2.27.6 to read as follows:

**13.3.2.27.6** Automatic fire protection shall 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.

**16.04D.320 Subsection 13.5.1.1 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 13.5.1.1 to read as follows:

**13.5.1.1** The static pressure for private fire service mains shall not exceed 175 psi.

**16.04D.330 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.** Fire extinguishers shall 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.

**16.04D.340 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 shall be installed per complex, facility, or address. Where multiple panels are used to service a complex, facility, or address, these panels shall be connected to one main panel that is located where approved by the AHJ. Exceptions to this requirement shall be approved in writing by the AHJ.

**16.04D.350 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 shall be monitored:

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

These fire alarm systems shall 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 shall be made to comply with this subsection if the system is deemed a nuisance and is responsible for three nuisance alarms in a twelve-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.

**16.04D.360 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 department access road shall 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 when any of the following conditions exist:

1. Buildings not more than 1,000 square feet in size; or
2. Buildings protected with automatic sprinkler systems in accordance with subsection 13.3.1.2 of this code.

**16.04D.370 Subsection 18.2.3.2.1.1 deleted.** Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by deleting subsection 18.2.3.2.1.1 in its entirety.

**16.04D.380 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 Multiple access roads for subdivisions.** When a single road serves more than twenty (20) parcels, multiple access shall be provided as approved by the AHJ.

**EXCEPTIONS:**

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

**16.04D.390 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, an accessory building, or a group U-classified building, having a fire flow area that does not exceed 5000 [ft<sup>2</sup> 464.5 m<sup>2</sup>] square feet shall be [1000 gpm (3785L/min) for 1 hour.] 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:**

1. Greenhouses.

**16.04D.400 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.

**16.04D.410 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 new subdivisions.**

**18.4.6.1 General.** A water supply capable of delivering the required fire-flow shall be provided for all new subdivisions in accordance with subsection 18.4.6. The design of the system shall be subject to approval by the AHJ.

**18.4.6.1.1** Fire flow, hydrant spacing, and dedicated water supply for fire protection shall be in accordance with the requirements for designated land-use of the subdivision:

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 shall 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 shall 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 shall be located at one-half the spacing distance from the dead-end. Spacing of fire hydrants shall be measured along the roadway.

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



**16.04D.420 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 shall not exceed 175 psi.

**16.04D.430 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 shall be identified by one of the following:

1. A private service fire hydrant shall 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 shall not be painted.

2. A private service fire hydrant shall be identified with a red fire hydrant ring labeled as "private".

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

**16.04D.440 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 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]

**16.04D.450 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 meet the flame propagation performance criteria contained in Test Method 2 of NFPA 701.

**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 shall be considered as being separated.

**16.04D.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** All dispensing devices shall be in clear view of the attendant at all times. Television cameras shall be installed in all locations where the attendants clear view of the dispensing devices is impaired. Television monitors shall be installed at the attendant's location for clear viewing of all fuel dispensing activities.

**16.04D.470 Subsection 42.7.4.3.4 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 42.7.4.3.4 to read as follows:

**42.7.4.3.4** The attendant shall be able to communicate with persons in the dispensing area at all times.

**16.04D.480 Subsection 50.2.2.3.5 added.** Section 50.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 50.2.2.3.5 to read as follows:

**50.2.2.3.5** Clearances to combustibles may be reduced to 6 inches with the use of two layers of 5/8 inch type X gypsum board properly taped and finished.

**16.04D.490 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 activation of any fire-extinguishing system for a cooking operation, all sources of fuel and electrical power that produce heat to all equipment requiring protection by that system shall automatically shut off. [96:10.4.1] This provision shall apply to all electrical receptacles located under the hood.

**16.04D.500 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 shall be tested with the balloon method for acceptance testing or as approved by the AHJ.

**16.04D.510 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 meet the following criteria:

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

[(2)]2. They shall be spaced not more than [three] 3 feet between posts on center.

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

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

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

**16.04D.520 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 shall 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 shall be the responsibility of the installer and supplier.

**16.04D.530 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 be provided with a means of vehicular barrier protection[. 58:6.8.1.2] when required by the AHJ.

**16.04D.540 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 shall be installed as stated in subsection 60.5.1.9.2 of this code.”

SECTION 4. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such judgment shall 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 shall 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 shall take effect after approval.

APPROVED AS TO FORM  
AND LEGALITY:

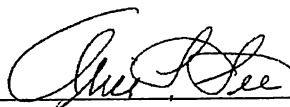


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CHRISTIE M. TRENHOLME  
Deputy Corporation Counsel

LF2021-1269 2022-01-19 Ch. 16.04D Fire Code - Final

INTRODUCED BY:

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

Upon the request of the Mayor.

DIGEST

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 124 (2022)

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

This bill proposes to update the County Fire Code by incorporating amendments made to the Hawai'i State Fire Code, 2018 Edition, with additional revisions recommended by the Department of Fire and Public Safety.

I, JAMES G.M. KRUEGER, Deputy County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 124 (2022) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 4th day of November, 2022, by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Kelly T. King, Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura, Vice-Chair Keani N. W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

EXCUSED: None.

DATED at Wailuku, Maui, Hawaii, this 7th of November, 2022.



JAMES G.M. KRUEGER, DEPUTY 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.