

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director



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GLEN A. UENO, P.E., P.L.S.  
Development Services Administration

2013 AUG -1 AM 9:46

MARY YAMASHITA, P.E.  
Engineering Division

BRIAN HASHIRO, P.E.  
Highways Division

COUNTY OF MAUI OFFICE OF THE MAYOR  
**DEPARTMENT OF PUBLIC WORKS**

200 SOUTH HIGH STREET, ROOM NO. 434, WAILUKU, MAUI, HAWAII 96793

Telephone: (808) 270-7845 • Fax: (808) 270-7955

July 31, 2013

2013 AUG 12 AM 9:09  
OFFICE OF THE  
COUNTY COUNCIL

RECEIVED

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

For Transmittal to:

Honorable Elle Cochran, Chair  
Infrastructure and Environmental  
Management Committee  
Maui County Council  
200 South High Street  
Wailuku, Maui, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

*Alan Arakawa* 9/10/13  
Mayor Date

Dear Chair Cochran:

**SUBJECT: AMENDING SECTION 16.26B.101 TO ELIMINATE  
EXEMPTIONS IN THE BUILDING CODE OF THE COUNTY  
OF MAUI (IEM-9)**

This is in response to your letter dated July 3, 2013 in which you request written comments on County Communication 13-135, from Councilmember Mike White, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.101, MAUI COUNTY CODE, TO ELIMINATE EXEMPTIONS IN THE BUILDING CODE OF THE COUNTY OF MAUI RELATING TO LANDS WITHIN THE CONSERVATION DISTRICT OR LANDS DESIGNATED AS HAWAIIAN HOME LANDS". We offer the following comments:

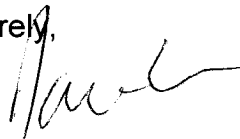
1. The Building Code of the County of Maui provides the minimum standards that structures must meet for health and safety. Regulatory oversight as provided in the County's building permit process would ensure that all structures meet the minimum requirements for health and safety and that these structures are built according to standards.

Honorable Alan M. Arakawa  
For Transmittal to:  
Honorable Elle Cochran, Chair  
July 31, 2013  
Page 2

2. The County currently has no regulatory oversight with respect to the building permit process for lands designated as Conservation Lands or Hawaiian Home Lands. Applying the building permit process on these lands would ensure that structures meet requirements for health and safety.
3. In addition to the Building Code, both the Plumbing Code and the Electrical Code allow exemptions for work on property designated within the Conservation District or on property designated as Hawaiian Home Lands. We suggest that any proposed changes to eliminating certain exemptions to the Building Code of the County of Maui also be done for the Plumbing Code and the Electrical Code.
4. Information from all building permits is used for Real Property Tax Assessment purposes. We suggest contacting the Real Property Tax Division for comments on how this proposed legislation will have an impact on assessed property values.
5. The County of Kauai and the City and County of Honolulu do not have exemptions for work on property within the Conservation District or on lands designated as Hawaii Home Lands. All new construction and alterations to existing structures are subject to the building permit process in these counties.

If you have any questions or concerns, please feel free to contact Public Works Deputy Director Rowena Dagdag-Andaya at Ext. 7845.

Sincerely,



DAVID C. GOODE  
Director of Public Works

DCG:RMDA:jso  
Attachment

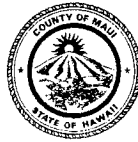
xc: Development Services Administration  
s:\rowena\transmittals\ecochran\_eliminate certain exemptions in bldg code iem\_9

Council Chair  
Gladys C. Baisa

Vice-Chair  
Robert Carroll

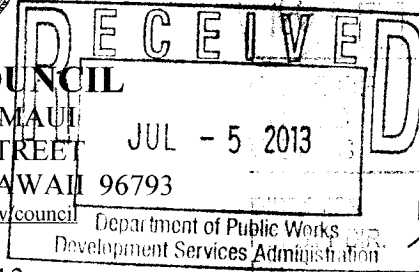
Presiding Officer Pro Tempore  
Michael P. Victorino

Council Members  
Elle Cochran  
Donald G. Couch, Jr.  
Stacy Crivello  
Don S. Guzman  
G. Riki Hokama  
Mike White



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)



July 3, 2013

Mr. David Goode, Director  
Department of Public Works  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Goode:

**SUBJECT: AMENDING SECTION 16.26B.101 TO ELIMINATE  
EXEMPTIONS IN THE BUILDING CODE OF THE  
COUNTY OF MAUI (IEM-9)**

The Infrastructure and Environmental Management Committee is in receipt of County Communication 13-135, from Councilmember Mike White, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.101, MAUI COUNTY CODE, TO ELIMINATE EXEMPTIONS IN THE BUILDING CODE OF THE COUNTY OF MAUI RELATING TO LANDS WITHIN THE CONSERVATION DISTRICT OR LANDS DESIGNATED AS HAWAIIAN HOME LANDS". The purpose of the bill is to eliminate exemptions in the Building Code of the County of Maui relating to lands within the Conservation District or lands designated as Hawaiian Home Lands.

May I please request that your Department review the bill and provide comment prior to committee discussion of this matter.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Scott Jensen at ext. 7662, or Yvette Bouthillier at ext. 7758).

Sincerely,

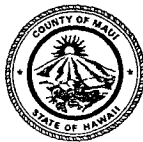
ELLE COCHRAN, Chair  
Infrastructure and Environmental Management  
Committee

iem:ltr:009apw01:scj  
Attachment  
cc: Mayor Alan M. Arakawa

Council Chair  
Gladys C. Baisa

Vice-Chair  
Robert Carroll

Council Members  
Elle Cochran  
Donald G. Couch, Jr.  
Stacy Crivello  
Don S. Guzman  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

April 11, 2013

RECEIVED  
2013 APR 11 PM 1:48  
OFFICE OF THE  
COUNTY CLERK

The Honorable Gladys C. Baisa, Chair  
and Members of the Council  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Baisa and Members:

**SUBJECT: AMENDING SECTION 16.26B.101, MAUI COUNTY CODE,  
TO ELIMINATE CERTAIN EXEMPTIONS IN THE  
BUILDING CODE OF THE COUNTY OF MAUI (PAF 13-119)**

Please find attached a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.101, MAUI COUNTY CODE, TO ELIMINATE EXEMPTIONS IN THE BUILDING CODE OF THE COUNTY OF MAUI RELATING TO LANDS WITHIN THE CONSERVATION DISTRICT OR LANDS DESIGNATED AS HAWAIIAN HOME LANDS".

May I request that the attached proposed bill be referred to the appropriate standing committee for discussion and action.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike White".

MIKE WHITE  
Council Member

paf:scj:13-119c

Attachment

COUNTY COMMUNICATION NO. 13-135

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

BILL NO. \_\_\_\_\_ (2013)

A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.101, MAUI COUNTY CODE, TO ELIMINATE EXEMPTIONS IN THE BUILDING CODE OF THE COUNTY OF MAUI RELATING TO LANDS WITHIN THE CONSERVATION DISTRICT OR LANDS DESIGNATED AS HAWAIIAN HOME LANDS

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

SECTION 1. Section 16.26B.101 of the Maui County Code is hereby amended by amending subsection 16.26B.101.2 to read as follows:

"101.2 Scope. This code shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the County[, except those lands within the County that are designated by the State Land Use Commission to be within the conservation district boundaries or designated as Hawaiian Home Lands].

**Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall be permitted to comply with Chapter 16.08A, Maui County Code, as amended.

2. Existing State-owned buildings undergoing repair, alterations or additions and change in occupancy shall be permitted to comply with the International Existing Building Code, provided the extent of work does not exceed 50% of the appraised value of the building.

3. Work in a county or state public way and public utility towers and poles.

101.2.1 **Appendices.** Provisions in the appendices shall not apply unless specifically adopted."

SECTION 2. 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 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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MICHAEL J. HOPPER

Deputy Corporation Counsel

S:\ALL\MJH\ORDS\AMEND 16.26B.101.2 Uniform Bldg Code.doc