

Chapter 20

FIRE CODE OF THE CITY AND COUNTY OF HONOLULU

Articles:

1. **Adoption of the State Fire Code**
2. **Life Safety Requirements for Existing Hotel Buildings and Existing Business Buildings**
3. **Examination and Approval of Plans by Fire Chief**
- (4. **Fireworks Control. Repealed by Ord. 02-47)**
4. **Reserved**
5. **Requirements for Smoke Detectors in Existing Highrise Residential Buildings**
6. **Regulation of Fireworks**

Article 1. Adoption of the State Fire Code

Sections:

20-1.1 Fire Code of the City and County of Honolulu.

Sec. 20-1.1 Fire Code of the City and County of Honolulu

The State Fire Code, as adopted by the State of Hawaii on August 15, 2014, pursuant to Chapter 132 of the Hawaii Revised Statutes (HRS), which adopts, with modifications, the 2012 National Fire Protection Association (NFPA) 1 Fire Code, published and copyrighted by the NFPA, is adopted by reference and made a part hereof, subject to the following amendments which, unless stated otherwise, are in the form of amendments to NFPA 1:

- (1) Amending Section 1.1.2. Section 1.1.2 is amended to read:

1.1.2 Title. This code shall be known and cited as the "Fire Code of the City and County of Honolulu" and will be referred to herein as "this code."

- (2) Amending Section 1.10. Section 1.10 is amended to read:

1.10 Board of Appeals. See Chapter 16 (Building Code), Article 1, ROH.

- (3) Amending Section 1.12.8. Section 1.12.8 is amended to read:

1.12.8 Permits, Licenses, and Fees. A permit or license shall be obtained from the Honolulu Fire Department's (HFD) Fire Prevention Bureau or designated agency prior to engaging in the following activities, operations, practices, or functions:

1. **Places of Assembly.** To operate a place of assembly. For permit requirements, see Section 20.1.1.1.
Annual Permit Fee: \$200
2. **Tents and Canopies.** For permit requirements, see Section 25.1.2.
Permit Fee: \$200
3. **Application of Flammable Finishes.** For permit requirements, see Section 43.1.1.4.
Annual Permit Fee: \$200
4. **Flammable and Combustible Liquid Tank Installation.** For permit requirements, see Section 66.1.5.
One-Time Permit Fee:
\$150 for a tank capacity of 61 to 4,999 gallons
\$200 for a tank capacity of 5,000 gallons or greater
5. **Liquefied Petroleum Gas (LPG) Container (Tank) Installation.** For permit requirements, refer to Section 69.1.2.
One-Time Permit Fee:
\$200 for a single container or the aggregate of interconnected containers of 125-gallon water capacity or more
6. **Licenses to inspect, test, and maintain the following fire protection systems:**

Water-Based Systems - Three-Year License Fee: \$100
Nonwater-Based Systems - Three-Year License Fee: \$100
Portable Fire Extinguishers - Three-Year License Fee: \$100

7. Fireworks. For permits and license requirements, see Chapter 20, Article 6, ROH.
8. Automatic Fire Extinguishing Systems for Commercial Cooking Equipment Inspection Fee.

Initial Inspection Fee: \$100
Reinspection Fee: \$100

9. Fire Alarm Systems Acceptance Test Inspection Fee. Inspection fees are as follows:

1-100 devices or appliances:

Initial Fee: \$100
Retest Fee: \$100

101-250 devices or appliances:

Initial Fee: \$250
Retest Fee: \$250

More than 250 devices or appliances:

Initial Fee: \$500
Retest Fee: \$500

10. Fire Plans Review Fee.

- a. When plans or other specifications are submitted to the fire department per the Building Code, a plans review fee shall be paid at the time of submittal. The fees collected are hereby deemed appropriated upon receipt and may be expended for fire prevention activities relating to public education, fire investigations, plans checking, permit processing, fire inspections, certifications, and training.
- b. The Fire Plans Review Revolving Fund is established and created herewith as a repository for such fees. The Fire Plans Review Fee shall be ten (10) percent of the building permit fee payable to the City prior to the issuance of the building permit.

EXCEPTION: Where an automatic fire sprinkler system is elected to be installed in accordance with NFPA 13D, NFPA 13R, or NFPA 13, the Fire Plans Review Fee shall be waived.

11. Fireworks Public Display Inspection Fee. For permit requirements, see Section 20-6.12.

Inspection Fee: \$200

- (4) Amending Section 1.16.4. Section 1.16.4 is amended to read:

1.16.4 Citations. Any person, firm, or corporation who fails to comply with the provisions of this code or carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate, shall be deemed guilty of a misdemeanor.

- (5) Amending Section 1.16.4.3. Section 1.16.4.3 is amended to read:

1.16.4.3 Failure to Comply. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, continued, or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than \$1,000 or imprisonment of not more than one year or both such fine and imprisonment.

- (6) Amending Section 10.11.1. Section 10.11.1 is amended to read:

10.11.1 Open Burning Fires. Open burning shall be conducted in accordance with this section and may be prohibited when the authority having jurisdiction (AHJ) determines such fires are a hazard.

10.11.1.1 Compliance. Open burning shall comply with the following:

1. Fires for Cooking Food. Persons responsible for such fires not contained within an appliance, such as an imu, shall notify the HFD's Fire Communication Center (FCC) 15 minutes prior to lighting such fires.

2. Fires for Recreational, Decorative, or Ceremonial Purposes. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
3. Fires to Abate a Fire Hazard. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
4. Fires for Prevention or Control of Disease or Pests. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
5. Fires for Training of Fire Fighting Personnel. Fires for the training of fire fighting personnel shall be in accordance with NFPA 1403 and conducted only with the AHJ's approval. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
6. Fires for Disposal of Dangerous Materials. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
7. Fires for Residential Bathing Purposes. Notify the HFD's FCC at least 15 minutes prior to lighting such fires.

10.11.1.2 Responsibility. Fires for open burning allowed under Section 10.11.1 shall be the responsibility of the person igniting and maintaining the fire.

10.11.1.3 Incinerators. Private incineration is prohibited by State health laws.

EXCEPTION: Closed incinerators approved by the State Department of Health (DOH) shall be in accordance with NFPA 82.

(7) Amending Section 10.11.6.1. Section 10.11.6.1 is amended to read:

10.11.6.1 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 feet (3 meters) of any structure without the AHJ's approval.

- (8) Amending Section 10.11. Section 10.11 is amended by adding Subsection 10.11.11 to read:

10.11.11 Open Flame Performances Before a Proximate Audience.

10.11.11.1 Open flame performances before a proximate audience shall comply with the following:

1. Performances that use an open flame, such as, but not limited to, "fire dancing" and "logo burns," shall be held outdoors or within a building protected with an automatic sprinkler system in accordance with Section 20.1.5.3.
2. Performances shall be in an area provided with at least 25 feet of clearance to readily combustible materials.
3. A minimum clearance of 20 feet shall be kept between the performance and the audience at all times. This distance may be reduced, provided an AHJ-approved, noncombustible safety net is in place in accordance with Section 20.1.5.3.
 - a. Gasoline, white gas, or any Class I flammable liquid shall not be used as the fuel source.
 - b. Fuel storage shall be kept in an approved container at least 25 feet away from the performance and the audience. The quantity of fuel stored shall only suffice for a single performance.
 - c. Performers shall not throw any open-flame props over the audience.
 - d. A CO₂ fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within 30 feet of the performance. The fire extinguishers shall be constantly attended by a competent adult trained in the use of portable fire extinguishers.
 - e. Fire props shall be adequately extinguished immediately after performances by soaking in a bucket of water.
 - f. Additional clearances and/or means of fire extinguishment shall be provided if deemed necessary by the AHJ.

- (9) Amending Section 10.14.1.1. Section 10.14.1.1 is amended by adding Subsection 10.14.1.1.1 to read:

10.14.1.1.1

EXCEPTIONS:

1. Natural cut Christmas trees shall be allowed in assembly occupancies that are protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13.
2. Natural cut Christmas trees shall be allowed in hotel occupancies that are protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13. An approved fire watch shall be provided for the duration in which the Christmas trees remain in the hotel.

- (10) Amending Section 10.14.10. Section 10.14.10 is amended by adding Subsection 10.14.10.4 to read:

10.14.10.4 Clearance of Brush or Vegetative Growth from Structures. 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 flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures.

EXCEPTION: Single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided 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 from 30 to 100 feet from such buildings or structures when required by the AHJ because of hazardous conditions causing a firebreak of only 30 feet, which is insufficient to provide reasonable fire safety.

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 ten feet of a chimney's outlet.

4. Maintain trees adjacent to or overhanging a building free of deadwood.
 5. Maintain the structure's roof free of leaves, needles, or other dead vegetative growth.
- (11) Amending Section 11.12.2.2.2.1.2. Section 11.12.2.2.2.1.2 is amended by adding an exception to read:
- EXCEPTION:** One- and two-family dwellings shall require only one three-foot wide access pathway from the eave to the ridge on each roof slope where the modules are located.
- (12) Amending Section 11.12.2.2.2.2. Section 11.12.2.2.2.2 is amended by adding an exception to read:
- EXCEPTION:** One- and two-family dwellings shall be located not less than 1½ feet below the ridge.
- (13) Amending Section 13.1.2. Section 13.1.2 is amended by adding Subsections 13.1.2.1 and 13.1.2.2 to read:
- 13.1.2.1 Halon and Clean Agent Systems.** Condition of acceptance of halon and clean agent systems shall be satisfactory passage of a final approval of an installation test in accordance with nationally recognized standards and the manufacturer's instructions prior to final acceptance of the system. The test shall be witnessed by the AHJ.
- 13.1.2.2 Nonwater-based Fire Extinguishing Systems.** Upon completion of a nonwater-based fire extinguishing system installation that is required by this code, a satisfactory final approval of the system's installation test shall be made in accordance with nationally recognized standards and the manufacturer's instructions. Nonwaterbased systems include, but are not limited to, dry chemical and carbon dioxide extinguishing systems. The test shall be witnessed by the AHJ.
- (14) Amending Section 13.3.2.20.1. Section 13.3.2.20.1 is amended to read:
- 13.3.2.20.1** When required by the county building code, all new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with Section 13.3.2.20.2.
- (15) Amending Section 13.7.1.4.10.4. Section 13.7.1.4.10.4 is amended to read:
- 13.7.1.4.10.4** When approved by the AHJ and where permitted by Chapter 11 through Chapter 43 of NFPA 101, a positive alarm sequence shall be permitted, provided that it is in accordance with NFPA 72. The following additional requirements shall also apply:
1. An automatic fire sprinkler system installed in conformance with the building code shall be provided throughout the building or facility.
 2. Written fire emergency procedures and an evacuation plan for the building or facility shall be reviewed by the AHJ prior to approval testing. The procedures and plan shall include, but not be limited to, immediate notification to the fire department, use of primary and secondary exits, use of fire protection appliances for the building(s) or facility(ies).
 3. Trained personnel shall respond to emergencies on a 24-hour basis. The staff shall be instructed in fire emergency procedures and the use and operation of in-house fire appliances. Documentation of such training shall be maintained and filed on the premises.
 4. Immediate notification of the fire department shall take place upon activation of any fire alarm initiating device.
 5. If the fire alarm system's initiating device is activated, acknowledgement at the control unit by trained personnel shall be accomplished within 15 seconds in order to initiate the alarm investigation phase. If the signal is not acknowledged within 15 seconds, all building or facility and remote signals shall be activated immediately and automatically (general alarm).
 6. If the fire alarm system's initiating device is activated, notification devices in that zone shall be activated. The zone notification shall include the floor of, the floor above, and the floor below the activated device. The zone notification areas may be modified with the AHJ's approval. This zone notification shall be for a maximum of three (3) minutes, during which trained personnel shall initiate the alarm investigation phase, communicate their findings immediately to the fire department, and reset the system if appropriate. After three (3) minutes or an activation of any other initiating device(s), the fire alarm system shall be activated immediately and automatically for the entire building or facility (general alarm). At no time shall the fire alarm system be silenced until verification of the alarm is accomplished.
 7. The fire alarm system shall provide a means to bypass the positive alarm sequence and immediately activate the general alarm for the entire building or facility.
 8. The AHJ shall conduct a test of the positive alarm sequence prior to implementation.

9. The AHJ may disapprove or rescind approval of the fire alarm system's positive alarm sequence if all of the above-mentioned requirements are not met and shall require the fire alarm system to be reprogrammed to meet a general alarm notification at the owner's expense.
- (16) Amending Section 13.7.3.2. Section 13.7.3.2 is amended by adding Subsection 13.7.3.2.5 to read:
- 13.7.3.2.5 Fire Alarm System Testing.** A tag shall be placed on the fire alarm panel when tested in accordance with Section 13.7.3.2. Information on the tag shall include the testing date, testing company and contact information, technician performing the test, and satisfactory testing result.
- (17) Amending Section 18.2.3.1.3. Section 18.2.3.1.3 is amended to read:
- 18.2.3.1.3** The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exist:
1. Not more than two one- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1.
 2. Not more than two existing one- and two-family dwellings.
 3. Private garages having an area not exceeding 1,000 square feet.
 4. Carports having an area not exceeding 1,000 square feet.
 5. Agricultural buildings having an area not exceeding 1,000 square feet.
 6. Sheds and other detached buildings having an area not exceeding 1,000 square feet
- (18) Amending Section 18.2.3.2.2.1. Section 18.2.3.2.2.1 is amended to read:
- 18.2.3.2.2.1 Automatic Sprinkler Systems.** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 130, or NFPA 13R, an increase in distance in Section 18.2.3.2.2 shall be permitted as set forth by the AHJ.
- (19) Amending Section 18.2.3.2. Section 18.2.3.2 is amended by adding Subsection 18.2.3.2.3 to read:
- 18.2.3.2.3 Access for High-Piled Storage.** When high-piled storage areas exceed 12,000 square feet, one or more access doors shall be provided in each 100 lineal feet, or major fraction thereof, of the exterior walls which face required access roadways. Required access doors shall be a minimum of three feet wide and six feet eight inches high. Roll-up doors shall not be allowed as access doors, unless approved by the AHJ.
- (20) Amending Section 18.5.6. Section 18.5.6 is amended to add a sentence to read:
- Global positioning system coordinates of new and existing private hydrant locations shall be provided to the fire department.
- (21) Amending Section 20.1.1.1. Section 20.1.1.1 is amended to read:
- 20.1.1.1 Permits and Plans.** A permit is required for each place of assembly with an occupant load capacity of 300 or more persons, such as restaurants, nightclubs, and dancing and drinking establishments. The permit shall be posted in a conspicuous location on the premises.
- At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the establishment's floor plan indicating the square footage (gross), seating arrangements (if more than one seating configuration is used by the establishment), occupancy load, aisle widths, exits and access ways to exits, and compliance with other fire code requirements in accordance with Chapter 20 of this code. See also amended Section 1.12.8.
- (22) Amending Section 20.1.5.10.3.1. Section 20.1.5.10.3.1 is amended to read:
- 20.1.5.10.3.1** Any room or area constituting an assembly, regardless of seating arrangements, shall have a permanent occupant load sign posted in a conspicuous place near the main exit from the room. The occupant load shall be established per the current building code.
- (23) Amending Section 25.1.2. Section 25.1.2 is amended by adding Subsection 25.1.2.1 to read:
- 25.1.2.1 Tents and Canopies.** A permit is required to erect or operate a tent or canopy having an area in excess of 2,100 square feet. At the time of application, two copies of the plot plan shall be submitted to the AHJ indicating distances to property lines, buildings, other tents and canopies, parked vehicles, or internal combustion engines. Refer to amended Section 1.12.8.

EXCEPTION: Permits are not required for private parties on private property.

- (24) Amending Section 43.1.1.4. Section 43.1.1.4 is amended to read:

43.1.1.4 Permits and Plans. A permit is required for spraying or dipping operations utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 43 of this code.

At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the spraying or dipping installation plan with distances from the storage of flammable or combustible liquids. The plan shall indicate the location of exits from the spraying or dipping area, an approved fixed extinguishing system installed in the permitted area, and other fire code requirements in accordance with Chapter 43 of this code. See also amended Section 1.12.8.

- (25) Amending Section 50.4.4.3.1. Section 50.4.4.3.1 is amended to read:

50.4.4.3.1 In existing systems, when changes in the cooking media, positioning, operation and use, or replacement of cooking equipment, or changes in ownership occur, the fire-extinguishing system shall be made to comply with 50.4.4.3 and 50.4.11.

- (26) Amending Section 50.4.11. Section 50.4.11 is amended by adding Subsection 50.4.11.3 to read:

50.4.11.3 Acceptance Test. Prior to commencing initial cooking operations, a satisfactory acceptance test of the system shall be made in accordance with the manufacturer's instructions. The acceptance test shall be of an approved method and witnessed by the AHJ.

- (27) Amending Section 65.1.1. Section 65.1.1 is amended to read:

65.1.1 The storage, use, and handling of explosives, fireworks, and model rocketry shall comply with the requirements of this chapter, NFPA standards referenced within this chapter, Sections 60.1 through 60.4 of this code, and applicable county laws and rules.

- (28) Amending Section 66.1.5. Section 66.1.5 is amended by adding Subsection 66.1.5.1 to read:

66.1.5.1 Permits and Plans. A permit is required to install or operate equipment in connection with the storage, handling, use, or sale of flammable or combustible liquids regulated under Chapter 66 of this code.

Permits are not transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit.

At the time of application, two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher, and necessary signage and placards shall be submitted to the AHJ.

Tank installations within the jurisdiction of the City and County of Honolulu (City) shall be approved by the Department of Planning and Permitting's (DPP) Zoning Division prior to submitting an application for the HFD's Flammable and Combustible Liquid Tank Installation Permit. For installations in State conservationzoned areas, tank installations shall be reviewed and approved by the State Department of Land and Natural Resources (DLNR). Refer to amended Section 1.12.8.

- (29) Amending Section 66.21.7.4.3.4. Section 66.21.7.4.3.4 (1) is amended to read:
1. All flammable and combustible liquids, residues, and vapors shall be removed from the tank, appurtenances, and piping. Confirmation that the atmosphere in the tank is safe shall be by testing of the atmosphere using combustible gas indicators or an oxygen meter.
- (30) Amending Section 69.1.1.3. Section 69.1.1.3 is amended by adding Subsection 69.1.1.3.1 to read:
- 69.1.1.3.1 Records.** Installers shall maintain a record of installations for permits not required by Section 1.12.8, and such record shall be available for inspection by the AHJ.
- EXCEPTION:** Installation of gas-burning appliances and replacement of portable cylinders.
- (31) Amending Section 69.1.2. Section 69.1.2. is amended to read:
- 69.1.2 Permits and Plans.** A permit is required to install or dispense LPG or maintain an LPG container (tank).
- EXCEPTION:** A permit is not required to install or maintain a portable container or the aggregate of interconnected containers of less than a 125-gallon water capacity.
- Permits shall not be transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit. Distributors shall not fill an LPG container for which a permit is required, unless a permit for installation has been issued for that location by the AHJ.
- Where a single container or the aggregate of interconnected containers is of a 125-gallon water capacity or more, the installer shall submit plans to the AHJ.
- LPG installations requiring a permit shall have the permit on site and available for inspection by the AHJ.
- At the time of application for a permit, the installer shall submit to the AHJ two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher(s), and necessary signage and placards.
- Container installations within the jurisdiction of the City shall be approved by the DPP's Zoning Division prior to submitting an application for the HFD's LPG Tank Installation Permit. For installations in State preservation-zoned areas, container installations shall be reviewed by the State DLNR. Refer to amended Section 1.12.8.
- (32) Amending Section 69.3.6.1.2. Section 69.3.6.1.2 is amended to read:
- 69.3.6.1.2** LPG containers or systems of which they are a part shall be protected from damage from vehicles in accordance with Section 60.5.1.9.

(Added by Ord. 02-47; Am. Ord. 05-024, 10-25, 12-4, 15-45)

Article 2. Life Safety Requirements for Existing Hotel Buildings and Existing Business Buildings

Sections:

- 20-2.1 General.**
- 20-2.2 Definitions.**
- 20-2.3 Requirements--Hotels.**
- 20-2.3A Requirements--Existing business buildings.**
- 20-2.4 Permit required.**
- 20-2.5 Compliance.**
- 20-2.6 Appeals.**
- 20-2.7 Severability.**
- 20-2.8 Rules and regulations.**

Sec. 20-2.1 General.

- (a) Purpose. The purpose of this article is to provide for a reasonable degree of public safety by establishing minimum life safety requirements for existing hotel buildings and existing business buildings.
- (b) Scope. The provisions of this article shall apply to every existing hotel building and every existing business building as defined in this article. A determination that an existing building is "an existing business building" subject to this article shall be made by the fire chief. Any appeal from the decision of the fire chief may be submitted to the board of appeals for hearing and determination as provided in Chapter 16.

(Sec. 19A-2.1, R.O. 1978 (1983 Ed.); Am. Ord. 01-53)

Sec. 20-2.2 Definitions.

For purposes of this article:

"Annunciator" means a unit containing two or more identified targets or indicator lamps in which each target or lamp indicates the circuit, condition and location to be annunciated.

"Building code" means:

- (1) With respect to an existing hotel building, the provisions of Chapter 16 which were in effect on the date of approval of Ordinance 83-58; and
- (2) With respect to an existing business building, the provisions of Chapter 16 which are in effect on January 1, 2002.*

"Building official" means the same as defined under Section 16-1.1.

"Business building" means a building to which both of the following apply:

- (1) At least 50 percent of the building is classified as "group B -- business" occupancy by the building official pursuant to the building code; and
- (2) Has floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access.

"Existing business building" means a business building erected before January 1, 2002* or one for which a legal building permit has been issued before that date.

"Existing hotel building" means a hotel building erected prior to the date of approval of Ordinance 83-58 or one for which a legal building permit was issued before that date.

"Guest" means a person whose principal place of residence is other than the dwelling or lodging unit rented or hired out, or in instances involving time sharing units occupied, by the person for sleeping purposes.

"Guest room" means any dwelling or lodging unit intended or designed to be rented, or hired out to be occupied, for sleeping purposes by guests, and includes units subject to the provisions of HRS Chapter 514E (Time Sharing).

"Hotel" means any building which has floors used for human occupancy located more than 75 feet above the highest grade and which contains dwelling and/or lodging units 50 percent or more of which are guest rooms. A hotel license issued pursuant to HRS Section 445 92 shall be prima facie evidence that the building licensed is a hotel subject to the provisions of this article. (Sec. 19A-2.2, R.O. 1978 (1983 Ed.); Am. Ord. 01-53)

[*Editor's Note: "January 1, 2002" is substituted for "the effective date of Ordinance 01-53."]

Sec. 20-2.3 Requirements--Hotels.

For hotels subject to the provisions of this article:

- (a) Automatic Sprinkler Systems. An automatic sprinkler system shall be provided throughout the entire hotel. The installation of the system shall be in conformance with the building code.
- (b) Smoke Detectors. Smoke detectors shall be provided in every guest room, interior exit corridor, mechanical equipment, electrical, transformer, telephone equipment, elevator machine or similar room. The installation of the smoke detectors shall be in conformance with the building code. Any smoke detector installed in an interior exit corridor shall be connected to an annunciator.
- (c) Corridor Doors. All doors opening into interior exit corridors shall be in conformance with the building code, except that 1 3/4-inch bonded, solid core wood doors need not be replaced.
- (d) Exit Stairwell Doors. All stairwell doors, which are to be locked to prevent entry from the stairwell side, shall be automatically unlocked without unlatching when the fire alarm system activates or upon power failure.
- (e) Fire Alarm Systems. All fire alarm systems shall be designed to be heard clearly within all habitable areas of the hotel and shall be connected to an annunciator. The annunciator shall be located in the first floor lobby area or other area approved by the fire chief.
- (f) Emergency Power. Emergency power shall be provided for exit signs, exit illumination and fire alarm systems. Such emergency power shall be supplied by a generator, or an approved battery or other approved source of energy.
- (g) Emergency Plan. The management for each hotel shall establish and maintain a written fire and life safety emergency plan, which is to be approved by the fire chief. The fire chief shall develop written criteria and guidelines upon which all plans shall be based.
- (h) Exiting Plans and Placards.
 - (1) Exiting Plans. Exiting plans which are to be approved by the fire chief shall be posted on the room side of the entry door for each guest room.
 - (2) Placards. Placards with exit instructions for elevators and stairwells and other placards shall be posted in locations approved by the fire chief.
- (i) Fire Drills. The management for each hotel subject to the provisions of this article shall conduct fire drills for staff and employees at least once every 180 days. A written record of each drill shall be maintained in the hotel management's office and made available to the fire department for review.

(Sec. 19A-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 01-53)

Sec. 20-2.3A Requirements--Existing business buildings.

For an existing business building:

- (a) Automatic Sprinkler System.
 - (1) An automatic sprinkler system shall be provided throughout the entire existing business building. The installation of the system shall be in accordance with the building code.
 - (2) This subsection shall not apply to a telecommunications building for which the council approves a fire safety agreement* which includes the following requirements:
 - (A) All exit stairwells are automatically pressurized for smoke control when the fire alarm system activates;
 - (B) Smoke seals are installed on all exit stairwell doors and exit stairwell door frames;
 - (C) Smoke detectors are provided in all offices or other occupied spaces;

- (D) All exit stairwells that service floors located more than 100 feet above the lowest level of fire department vehicle access have a standpipe system;
 - (E) The maximum travel distance to a fire extinguisher in the building is 50 feet; and
 - (F) Such other requirements for the protection of public safety.
- (3) For the purposes of this subsection:
- (A) "Access tandem" means a switching system that:
 - (i) Provides a traffic concentration and distribution function for interstate telecommunications services originating from or terminating in the state; and
 - (ii) Enables any person engaged for hire in providing interstate telecommunications services to reach all local telecommunications users through facilities connected to all central offices in the state;
 - (B) "Central office" means a switching unit having the necessary equipment and operating arrangements for terminating or interconnecting access lines, toll lines, and trunks;
 - (C) "Enhanced 911 switch" means a switch that permits a wire line telecommunications user to call emergency services through a public safety answering point operated by an authorized government entity that includes the ability to provide automatic number identification to enable the public safety answering point to call the wire line telecommunications user if the call is disconnected, and automatic location identification for emergency service providers to identify the listed address or geographic location of the wire line telecommunications user;
 - (D) "Interstate telecommunications services" means telecommunications services between a point located in the state and a point located outside the state;
 - (E) "Telecommunications building" means any existing business building with a central office used by a telecommunications carrier to provide telecommunications services, provided that the building contains:
 - (i) An access tandem; or
 - (ii) An enhanced 911 switch;
 - (F) "Telecommunications carrier" means any person that owns, operates, manages, or controls any facility used to furnish telecommunications services for profit to the public, or to classes of users so as to be effectively available to the public, engaged in the provision of services, such as voice, data, image, graphics, and video services, that make use of all or part of the person's transmission facilities, switches, broadcast equipment, signaling, or control devices; and
 - (G) "Telecommunications services" means the offering of transmission between or among points specified by a user, of information of the user's choosing, including voice, data, image, graphics, and video without change in the form or content of the information, as sent and received, by means of electromagnetic transmission, or other similarly effective means of transmission, with or without benefit of any closed transmission medium; provided, however, that the term does not include the one-way transmission to subscribers of video programming or other programming service.
- (4) If a building ceases to be a telecommunications building, the building owner or an authorized representative shall notify the fire chief in writing within 60 days that the building is no longer a telecommunications building, and shall submit with the notice a schedule for compliance with this subsection. A building that ceases to be a telecommunications building shall comply with this subsection within three years following the date the notice and schedule for compliance with this subsection are received by the chief.
- (b) Smoke Detectors. Smoke detectors shall be provided in every mechanical equipment, electrical, transformer, telephone equipment, elevator machine or similar room and in elevator lobbies. The installation of the smoke detectors shall be in accordance with the building code. Smoke detectors shall be connected to an automatic fire alarm system installed in accordance with the fire code.
 - (c) Corridor Doors. All doors opening into interior exit corridors shall be in accordance with the building code; except that 1 3/4-inch bonded, solid core wood doors need not be replaced.
 - (d) Exit Stairwell Doors. All stairwell doors, which are to be locked to prevent entry from the stairwell side, shall be automatically unlocked without unlatching when the fire alarm system activates or upon power failure.
 - (e) Fire Alarm Systems. When actuated, fire alarm-initiating devices shall activate an alarm signal which is audible throughout the existing business building or in designated portions of the building when approved by the fire chief. The alarm signal shall be a distinctive sound, which is not used for any purpose other than the fire alarm. Fire alarm-initiating devices shall be connected to an annunciator panel which panel shall be located in the first floor lobby area or other area approved by the fire chief.
 - (f) Emergency Power. Emergency power shall be provided for exit signs, exit illuminations, and fire alarm systems. Such emergency power shall be supplied by a generator or an approved battery or other approved source of energy.
 - (g) Emergency Plan. The management or owner of each existing business building shall establish and maintain a written fire and life safety emergency plan, which is to be reviewed by the fire chief and which shall be updated annually. The fire chief shall develop written criteria and guidelines upon which all plans shall be based.
 - (h) Exiting Plans and Placards.
 - (1) Exiting Plans. Exiting plans which are to be reviewed by the fire chief shall be posted on each floor at each elevator lobby.
 - (2) Placards. Placards with exit instructions for elevators and stairwells and other placards shall be posted in locations approved by the fire chief.

- (i) Fire Drills. The management or owner of each existing business building shall conduct fire drills for staff and employees at least once every 180 days. A written record of each drill shall be maintained in the management office of the building and made available to the fire chief for review.

(Added by Ord. 01-53; Am. Ord. 02-65)

[*Editor's Note: A fire safety agreement is attached to Ord. 02-65 as "Exhibit A" and is on file with the office of the city clerk.]

Sec. 20.2.4 Permit required. A building permit shall be obtained whenever required by Chapter 18, ROH 1990. (Sec. 19A 2.4, R.O. 1978 (1983 Ed.))

Sec. 20-2.5 Compliance.

- (a) Authority. The fire chief is authorized to require compliance with the provisions of this article.
- (b) Examination and Furnishing of List to Owner or Operator. The fire chief shall examine each hotel and existing business building subject to this article. Upon the completion thereof the fire chief shall immediately furnish to the owner or operator of the hotel or existing business building a written list of items required to achieve compliance with this article.
- (c) Compliance Schedule.
- (1) Sixty Days. Each hotel or existing business building shall comply with subsections (g), (h), and (i) of Section 20.2.3 or 20-2.3A, as applicable, within 60 days after the receipt of the written list.
 - (2) One Year. The owner or an authorized representative of each hotel or existing business building shall submit plans to the fire chief showing intended methods of compliance with subsections (a) through (f) of Section 20.2.3 or 20-2.3A, as applicable, within one year after receipt of the written list.
 - (3) Five Years. Each hotel or existing business building shall comply with subsections (a) through (f) of Section 20.2.3 or 20-2.3A, as applicable, within five years after receipt of the written list.
- (d) Deviation and Extension of Time. Deviations or extensions of time shall be allowed by the fire chief for good cause shown for a period not to exceed two years.

(Sec. 19A-2.5, R.O. 1978 (1983 Ed.); Am. Ord. 01-53)

Sec. 20-2.6 Appeals.

Any appeal from the decision of the fire chief involving the denial of any deviation or extension of time may be submitted to the board of appeals as specified in the building code. The board may grant a deviation or extension of time if it finds that the time period appealed from poses an undue hardship, provided the total time of compliance shall not exceed seven years from the receipt of the written list of items as specified in Section 20-2.5. (Sec. 19A-2.6, R.O. 1978 (1983 Ed.))

Sec. 20-2.7 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this article is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this article. (Sec. 19A-2.7, R.O. 1978 (1983 Ed.))

Sec. 20-2.8 Rules and regulations.

Subject to HRS Chapter 91, the fire chief shall promulgate rules and regulations having the force and effect of law for the implementation, administration and enforcement of this article. (Sec. 19A-2.8, R.O. 1978 (1983 Ed.))

Article 3. Examination and Approval of Plans by Fire Chief

Sections:

- 20-3.1 Submission of building plans for approval to fire chief.**
(20-3.2 Scope. Repealed by Ord. 02-47.)
20-3.2 Reserved.
20-3.3 Approval or disapproval of plans.
(20-3.4 Penalty. Repealed by Ord. 02-47.)
20-3.4 Reserved.
(20-3.5 Enforcement of fire regulations--Hearings and appeals. Repealed by Ord. 02-47.)
20-3.5 Reserved.

Sec. 20-3.1 Submission of building plans for approval to fire chief.

The submission of building plans shall be pursuant to the requirements of HRS Section 132-9. (Sec. 13-26.1, R.O. 1978 (1983 Ed.); Am. Ord. 96-58, 02-47)

Sec. 20-3.2 Scope. Repealed by Ord. 02-47.)

Sec. 20-3.2 Reserved.

Sec. 20-3.3 Approval or disapproval of plans.

The fire chief shall approve or disapprove plans and specifications within 30 calendar days after their receipt; otherwise, the plans and specifications shall be deemed to be approved. Whenever the fire chief finds that the building to be constructed, or upon which alterations and additions are to be made, is for any reason not reasonably safe from loss or damage to property or loss of life or injury to persons by fire, the fire chief shall disapprove the plans and specifications, and return them with a written statement setting forth the reasons for the disapproval. (Sec. 13-26.3, R.O. 1978 (1983 Ed.); Am. Ord. 02-47)

(Sec. 20-3.4 Penalty. Repealed by Ord. 02-47.)

Sec. 20-3.4 Reserved.

(Sec. 20-3.5 Enforcement of fire regulations--Hearings and appeals. Repealed by Ord. 02-47.)

Sec. 20-3.5 **Reserved.**

(Article 4. Fireworks Control. Repealed by Ord. 02-47.)

Article 4. Reserved

Article 5. Requirements for Smoke Detectors in Existing Highrise Residential Buildings

Sections:

- 20-5.1** **Definitions.**
- 20-5.2** **Requirements for smoke detectors.**
- 20-5.3** **Public awareness program.**
- 20-5.4** **Compliance and penalties.**
- 20-5.5** **Rules.**

Sec. 20-5.1 **Definitions.**

For purposes of this article:

"Building code" means the provisions of Chapter 16, ROH 1990, which are in effect on the date of approval of this article.

"Dwelling unit" means any portion of an existing highrise residential building that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the building code, for not more than one family.

"Existing highrise residential building" means any building that has floors used for human occupancy located more than 75 feet above the highest grade, contains dwelling units, and which was erected prior to the date of approval of this article, or one for which a legal building permit has been issued.

"Smoke detector" means an independent, stand-alone approved device as defined in the building code. (Added by Ord. 92-61)

Sec. 20-5.2 **Requirements for smoke detectors.**

(a) Within one year from June 12, 1992,* every dwelling unit in all existing highrise residential buildings shall be equipped with smoke detectors. The installation of the smoke detectors shall be in conformance with Section 1210(a) of the building code.

(b) By January 1, 1994, the fire chief shall give written notice to the owner or owners of every dwelling unit in an existing highrise residential building subject to the provisions of this article of the requirements of this article.

The notice shall be sent in a form to be returned to the fire department with the return postage prepaid, and shall contain:

- (1) The date of the notice;
- (2) A description of the requirements of this article;
- (3) Space for recipients to indicate whether they are already in compliance with the provisions of this article or that they intend to comply within the next 30 days; and
- (4) A statement that the premises shall be subject to inspection by the fire department if the notice is not returned to the fire department within 30 days from the date of notice.

Subsequent notices of compliance shall be mailed periodically and at the discretion of the fire chief.

(Added by Ord. 92-61)

[*Editor's Note: "June 12, 1992" is substituted for "the effective date of this ordinance."]

Sec. 20-5.3 **Public awareness program.**

The fire chief shall establish a public awareness campaign to familiarize the general public with the requirements of this article. The fire chief shall conduct the first public awareness campaign upon the effective date of this article and shall emphasize the duty of the public to comply. Subsequent public awareness campaigns shall be conducted on a regular basis and as determined by the fire chief. (Added by Ord. 92-61)

Sec. 20-5.4 **Compliance and penalties.**

The fire chief is authorized to inspect all dwelling units within existing highrise residential buildings for compliance with the provisions of this article. Two weeks prior to conducting any inspection, the fire chief shall give written notice of the inspection to the occupants and to the owner or owners of every dwelling unit in an existing highrise residential building. The fire chief shall enforce compliance with subsection 20-5.2(a) in accordance with the procedures established in the fire code of the City and County of Honolulu, and violators shall be subject to the fines and penalties established therein. (Added by Ord. 92-61)

Sec. 20-5.5 **Rules.**

The fire chief is authorized to adopt rules pursuant to HRS Chapter 91 for the implementation, administration and enforcement of this article. (Added by Ord. 92-61)

Article 6. Regulation of Fireworks

Sections:

- 20-6.1** **Definitions.**
- 20-6.2** **Prohibitions; Permitted uses.**

- 20-6.3 Exceptions.**
- 20-6.4 License to import, store and sell display fireworks or firecrackers.**
- 20-6.5 Requirements of licensee.**
- 20-6.6 Fees—Use of revenues.**
- 20-6.7 Minors.**
- 20-6.8 Liability of parents or guardians.**
- 20-6.9 Penalty.**
- 20-6.10 Notice requirements.**
- 20-6.11 Forfeiture.**
- 20-6.12 Permit for display fireworks.**
- 20-6.13 Permit for firecrackers.**
- 20-6.14 Severability.**

Sec. 20-6.1 Definitions.

As used in this article:

“Aerial device” means any fireworks containing 130 milligrams or less of explosive materials that produces an audible or visible effect and is designed to rise into the air and explode or detonate in the air or to fly about above the ground. “Aerial devices” classified as fireworks under UN0336 and UN0337 by the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations include firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, roman candles, flying pigs, and jumping jacks that move about the ground farther than a circle with a radius of 12 feet as measured from the point where the item was placed and ignited, aerial shells, and mines.

“Articles pyrotechnic” means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 by the United States Department of Transportation.

“City” means the City and County of Honolulu.

“Consignee” means a merchant to which goods are delivered in a consignment.

“Consignment” means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

- (1) The merchant:
 - (A) Deals in goods of that kind under a name other than the name of the person making delivery;
 - (B) Is not an auctioneer; and
 - (C) Is not generally known by its creditors to be substantially engaged in selling the goods of others;
- (2) With respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;
- (3) The goods are not consumer goods immediately before delivery; and
- (4) The transaction does not create a security interest that secures an obligation.

“Consumer fireworks” means any fireworks designed primarily for retail sale to the public during authorized dates and times, and produces visible or audible effects by combustion, and that is designed to remain on or near the ground and, while stationary or spinning rapidly on or near the ground, emits smoke, a shower of colored sparks, whistling effects, flutter sparks, or balls of colored sparks, and includes combination items that contain one or more of these effects. “Consumer fireworks” include firecrackers, snakes, sparklers, fountains, and cylindrical or cone fountains that emit effects up to a height not greater than 12 feet above the ground, illuminating torches, bamboo cannons, whistles, toy smoke devices, wheels, and ground spinners that when ignited remain within a circle with a radius of 12 feet as measured from the point where the item was placed and ignited, novelty or trick items, combination items, paperless firecrackers, and other fireworks of like construction that are designed to produce the same or similar effects.

“Display fireworks” means: 1) any fireworks used for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than two grains (130 milligrams) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks”; 2) any fireworks or articles pyrotechnic used for movie or television production activities; and 3) any fireworks or articles pyrotechnic used for a theatrical production or sporting event. This term also includes fused set pieces containing components, which together exceed 50 milligrams of salute power.

“Firecracker” means single paper cylinders not exceeding one and one-half inches in length excluding the fuse and one-quarter of an inch in diameter and containing a charge of not more than 50 milligrams of pyrotechnic composition.

“Fireworks” means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation including, but not limited to, aerial devices, articles pyrotechnic or consumer or display fireworks as defined by this article or contained in the regulations of the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations. The term “fireworks” shall not include any explosives or pyrotechnics regulated under Chapter 396 of the Hawaii Revised Statutes or automotive safety flares, nor shall the term be construed to include toy pistols, toy cannons, toy guns, party poppers, pop-its, or other devices which contain twenty-five hundredths of a grain or less of explosive substance.

“Import” means to transport or attempt to transport fireworks into the city or to cause fireworks to be transported into the city.

“License” means a formal authorization issued by the fire chief pursuant to this chapter to engage in the specifically designated act or acts.

“Permit” means a formal authorization issued by the fire chief to engage in the specifically designated act or acts.

“Place of entertainment” means a theater, dinner theater, hall, coliseum, convention center, arena, auditorium, stadium, concert hall, garden, outdoor space or other place of amusement at which theatrical productions, sporting events or other events are presented.

“Pyrotechnic composition” or “pyrotechnic contents” means the combustible or explosive component of fireworks.

“Sporting event” means those contests, games, or other events involving athletic or physical skills which are shown to the public in a place of entertainment.

“Theatrical production” means live-staged dramatic productions, musical productions and concerts, which are shown to the public at a place of entertainment as defined in this section.

(Added by Ord. 10-25)

Sec. 20-6.2 Prohibitions; Permitted uses.

Except as otherwise provided in this article:

- (a) It shall be unlawful for any person to possess, use, explode or cause to explode any consumer fireworks within the city.
- (b) It shall be unlawful for any person to possess, use, explode or cause to explode any aerial device, articles pyrotechnic or display fireworks within the city.
- (c) It shall be unlawful for any person to import, store, sell, keep or offer for sale, expose for sale any fireworks within the city.

(Added by Ord. 10-25)

Sec. 20-6.3 Exceptions.

The prohibitions in Section 20-6.2 shall not apply to:

- (a) The import, storage, sale and use by a person having obtained a license or permit for display fireworks pursuant to Sections 20-6.4 and 20-6.12;
- (b) The import, storage, sale and use by a person having obtained a license or permit for firecrackers pursuant to Sections 20-6.4 and 20-6.13;
- (c) The use of flares, noisemakers, or signals for warning, pest control, or illumination purposes by the police and fire departments, utility companies, transportation agencies, and other governmental or private agencies or persons, including agricultural operations, in connection with emergencies, their duties, or business; or
- (d) The sale or use of blank cartridges for a show or theater, or for signal, commercial, or institutional purposes in athletics or sports.

(Added by Ord. 10-25)

Sec. 20-6.4 License to import, store and sell display fireworks or firecrackers.

- (a) License Required. It shall be unlawful for any person to import, store, offer to sell, sell, at wholesale or retail, for use in the city, any display fireworks or firecrackers, unless such person shall first secure a license.
- (b) Said licenses shall be issued by the fire chief and shall be nontransferable. Licenses shall specify the date of issuance or effect and the date of expiration, which shall be March 31 of each year. The application shall be made on a form setting forth the date upon which the importations are to begin, the address of the importer, and the name of the proprietor or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the names of its officers. If the fire chief discovers at a later date that a licensee has been convicted of a violation of any provision of this article, the licensee’s license shall be revoked and no new license shall be issued to the licensee for two years.
- (c) Each storage, wholesaling, and retailing facility or site shall be required to obtain a separate license. Any license issued pursuant to this article may be revoked by the fire chief if the licensee violates any provision of this article or if the licensee stores or handles the fireworks in such a manner as to present an unreasonable safety hazard.
- (d) Display fireworks or firecrackers shall only be sold or transferred by a seller to a person with a valid permit under Sections 20-6.12 or 20-6.13. No person with a valid permit under Sections 20-6.12 or 20-6.13 shall sell or transfer display fireworks or firecrackers to any other person.
- (e) Any license issued pursuant to this article shall be prominently displayed in public view at each licensed location.
- (f) Display fireworks or firecrackers shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory; provided that if a licensee provides display fireworks, firecrackers or articles pyrotechnic more than once a month, the licensee may import or store, if necessary, sufficient display fireworks, firecrackers or articles pyrotechnic for a six-month inventory.

(Added by Ord. 10-25)

Sec. 20-6.5 Requirements of licensee.

- (a) Any person who has obtained a license under Section 20-6.4 and imports display fireworks or firecrackers into the city or transports such items within the city shall:
 - (1) Clearly designate the types of display fireworks or firecrackers in each shipment on the bill of lading or shipping manifest with specificity;
 - (2) Declare on the bill of lading or shipping manifest the gross weight of display fireworks or firecrackers to be imported in each shipment and the location of the storage facility, if applicable, in which the display fireworks or firecrackers are to be stored;
 - (3) Prior to shipment and when booking each shipment of display fireworks or firecrackers notify the fire chief regarding whether the shipment will be distributed from:
 - (A) Pier to pier;
 - (B) Pier to warehouse or storage facility; or
 - (C) Pier to redistribution; and
 - (4) At the time shipping is booked, the licensee shall notify the fire chief in writing of the expected shipment’s landing date.
- (b) The fire chief may inspect any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.
- (c) The facility in which display fireworks or firecrackers are to be stored shall have received approval 15 days prior to the shipment’s arrival from the fire chief and meet all state and city fire and safety codes.
- (d) Any shipping company that receives fireworks that are imported into the city shall notify the fire chief as to whether the shipment will be distributed from:

- (1) Pier to pier;
- (2) Pier to warehouse or storage facility; or
- (3) Pier to redistribution.

(Added by Ord. 10-25)

Sec. 20-6.6 Fees—Use of revenues.

The fee for the license required under Section 20-6.4 shall be \$3,000 for importers, \$2,000 for each wholesaler's site, \$1,000 for each storage site, and \$500 for each retailer's site for each year for fraction of a year in which the licensee plans to conduct business and shall be payable to the city. The license fees shall be used solely by the fire department to pay for:

- (1) Expenses relating to the audit of fireworks, including the inspection of inventory and storage facilities, maintenance of required records, and the training of auditors;
- (2) Expenses relating to education regarding compliance with this article; and
- (3) Expenses relating to the enforcement of this article.

(Added by Ord. 10-25)

Sec. 20-6.7 Minors.

It shall be unlawful for any person to offer for sale, sell, or give any display fireworks or firecrackers to minors, and for any minor to possess, purchase, sell, or set off, ignite, or otherwise cause to explode any display fireworks or firecrackers. (Added by Ord. 10-25)

Sec. 20-6.8 Liability of parents or guardians.

The parents, guardian, and other persons having the custody or control of any minor, who knowingly permits the minor to possess, purchase, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, shall be deemed to be in violation of this article and shall be subject to the penalties in Section 20-6.9. (Added by Ord. 10-25)

Sec. 20-6.9 Penalty.

- (a) Any person violating Section 20-6.2(a) shall be sentenced to a fine of not less than \$200 and not more than \$1,000 or by imprisonment of not more than 30 days or by both such fine and imprisonment.
- (b) Any person violating any provision of this article, other than Section 20-6.2(a) shall be sentenced to a fine of not less than \$250 and not more than \$2,000 or by imprisonment of not more than one year or by both such fine and imprisonment.
- (c) In addition to the penalties provided in subsections (a) and (b), if the person is licensed to sell fireworks, the court may, in addition to the foregoing penalties, revoke or suspend such license. No license shall be issued to any person whose license has been so revoked or suspended until the expiration of two years after such revocation or suspension.

(Added by Ord. 10-25)

Sec. 20-6.10 Notice requirements.

Each licensed retail outlet shall post adequate notice that clearly cautions each person purchasing display fireworks or firecrackers of the prohibitions, liabilities, and penalties set forth in Sections 20-6.7, 20-6.8 and 20-6.9.

(Added by Ord. 10-25)

Sec. 20-6.11 Forfeiture.

Any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit any violation of this article, or that facilitated or assisted such activity, and any proceeds or other property acquired or maintained with the proceeds from the violation of this article may be subject to forfeiture pursuant to Hawaii Revised Statutes Chapter 712A. (Added by Ord. 10-25)

Sec. 20-6.12 Permit for display fireworks.

- (a) Any person desiring to set off, ignite, or discharge display fireworks for a display shall apply to, and obtain a permit from the fire chief not less than 20 days before the date of the display.
- (b) The application shall state, among other things:
 - (1) The name, age, and address of the applicant;
 - (2) The name, age, and address of the person who will operate the display fireworks, and verification that the person is a licensed pyrotechnic operator;
 - (3) The time, date, and place of the use of the display fireworks;
 - (4) The type and quantity of aerial devices, display fireworks, or articles pyrotechnic to be used; and
 - (5) The purpose or occasion for which the display fireworks will be presented.

(c) Liability Coverage Required.

- (1) In addition to any other requirements, an applicant for a display fireworks permit must submit to the fire chief evidence of a general liability insurance policy in an amount of not less than \$1,000,000. A display fireworks permit may not be issued without evidence of general liability insurance as required by this section.
- (2) The general liability insurance policy shall cover bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the use of display fireworks. The policy must continue to be in full force and effect for not less than 10 days after the date of the display.
- (3) Evidence of the liability insurance policy required by this section must be in the form of a certificate of insurance issued by an insurer authorized to do business in the State of Hawaii and countersigned by an insurance agent licensed in the State of Hawaii.

The fire chief may require coverage in amounts larger than the minimum amounts set forth in subdivision (1) above if he deems it necessary or desirable in consideration of such factors as the location and scale of the display, the type of fireworks to be used and the number of spectators expected.

- (d) The fire chief, pursuant to duly adopted rules, shall issue the permit after being satisfied that the requirements of subsection (c) have been met, the display will be handled by a pyrotechnic operator duly licensed by the state, the display will not be hazardous to property, and the display will not endanger human life. The permit shall authorize the holder to display aerial devices, display fireworks, or articles pyrotechnic only at the place and during the time set forth therein, and to acquire and possess the specified aerial devices, display fireworks, or articles pyrotechnic between the date of the issuance of the permit and the time during which the display of those aerial devices, display fireworks, or articles pyrotechnic is authorized.
- (e) The fee for the permit to use display fireworks shall be \$110.00.
(Added by Ord. 10-25)

Sec. 20-6.13 Permit for firecrackers.

- (a) Any person desiring to set off, ignite, discharge or otherwise cause to explode firecrackers on New Year's Eve, New Year's Day, Fourth of July, Chinese New Year's Day, or for cultural uses, such as, but not limited to, births, deaths, weddings, grand openings, blessings, anniversaries and other cultural uses shall apply to and obtain a permit from the fire chief.
- (b) The permit application shall be submitted to the fire chief not less than 10 days before the date of the use of the firecrackers, and shall state, among other things:
 - (1) The name, age, and address of the applicant;
 - (2) The purpose of the event or celebration for which the permit is requested; and
 - (3) The date, time and location of the use of the firecrackers.
- (c) No permit shall be allowed at any location where the fire chief deems that use of the firecrackers will pose a threat to public health or safety.
- (d) The permit shall allow the use of firecrackers from 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; or from 1:00 p.m. to 9:00 p.m. on the Fourth of July. A permit for a cultural use shall allow use from 9:00 a.m. to 9:00 p.m. on the day of the requested use.
- (e) Each permit shall allow the purchase and use of up to 5,000 individual firecrackers.
- (f) The fee for the permit to use firecrackers shall be \$25.00.
- (g) The permit shall be nontransferable, and the permittee shall have the permit available for inspection at the location where the firecrackers are to be used.
- (h) The fire chief shall adopt rules for the administration and implementation of the permit program.
(Added by Ord. 10-25)

Sec. 20-6.14 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this article. (Added by Ord. 10-25)