

Chapter 27

HOUSING CODE

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Article 1. General Provisions

Sections:

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Sec. 27-1.1 Findings--Intent.

- (a) Findings. The council finds that there are buildings, or structures, or portions thereof, used or designed or intended to be used for human habitation in the City and County of Honolulu, which are unfit for such habitation due to dilapidation; disrepair; structural defects; defects increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; uncleanliness; overcrowding; inadequate ingress and egress; inadequate drainage; violation of the health and fire regulations; and violation of other laws, regulations and ordinances relating to the use of land and the use and occupancy of buildings and improvements.
- (b) Declaration of Intent. In view of the foregoing findings the council declares that:
 - (1) The purpose of this code is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the city.
 - (2) The provisions prescribed hereinbelow are based on the standards contained in the Uniform Housing Code, 1994 Edition, as copyrighted and published in 1994 by the international conference of building officials, 5360 South Workman Mill Road, Whittier, California.

(Sec. 25-1.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-1.2 Short title.

This chapter shall be known as the "housing code," may be cited as such, and will be referred to in this chapter as "this code." (Sec. 25-1.2, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-1.3 Application--Compliance required.

- (a) Application.
 - (1) The provisions of this code shall apply in the City and County of Honolulu to any building, as defined in this code.
 - (2) Where any building is used or intended to be used as a combination apartment house-hotel, the provisions of this code relative to each part of such combination shall apply to such part as if it were a separate building.
 - (3) Every rooming house, congregate residence or lodging house shall comply with all the requirements of this code for dwellings.
- (b) Alteration. When alterations, additions or repairs are made to an existing building, such alterations, additions or repairs shall conform to the provisions of this code.
- (c) Relocation. Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the building code for new buildings and structures.

Article 2. Definitions

Sections:

27-2.1 Definitions.

Sec. 27-2.1 Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Building" means any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof and including any appurtenances belonging thereto or usually enjoyed therewith. The term shall include, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle which is parked and stationary and used for living purposes. The term shall not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

"Building code" means the building code of the City and County of Honolulu, as amended.

"Ceiling height" means the clear vertical distance from the finished floor to the finished ceiling.

"Chapter 21" means the Land Use Ordinance of the city.

"Family" is as defined in Chapter 21.

"Health officer" means the director of health of the department of health, State of Hawaii, or the director's duly authorized agent.

"Hot water" means water at a temperature of not less than 110 degrees Fahrenheit.

"Kitchen" is as defined in Chapter 21.

"Nuisance." The following shall be defined as nuisances:

- (1) Any public nuisance known at common law or in equity jurisprudence;
- (2) Any attractive nuisance which may prove detrimental to children whether in a building or on the premises of a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer;
- (4) Overcrowding a room with occupants;
- (5) Insufficient ventilation or illumination;
- (6) Inadequate or unsanitary sewerage or plumbing facilities;
- (7) Uncleanliness, as determined by the health officer; and
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

"Rooming house" means a lodging house.

"Service room" means any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms.

"Substandard building" means a building as defined in Section 27-9.1.

"Superficial floor area" means the net floor area within the enclosing walls of a room in which the ceiling height is not less than five feet, excluding built-in equipment such as wardrobes, cabinets, kitchen units or fixtures.

"Used" means used or designed or intended to be used.

"Vent shaft" means a court used only to ventilate or light a water closet, bath, toilet, utility room or other service room.

"Window" means a fixed or operable glazed opening or a shuttered opening using transparent, or translucent materials.

"Yard" is as defined in Chapter 21.

Article 3. Inspections

Sections:

27-3.1 Inspections.

Sec. 27-3.1 Inspections.

All buildings and structures within the scope of this code shall be subject to inspection by the building official as provided in Section 27-10.1(b). (Sec. 25-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Article 4. Space and Occupancy Standards

Sections:

27-4.1 Location on property.

27-4.2 Yards and courts.

27-4.3 Room dimensions.

27-4.4 Light--Ventilation.

27-4.5 Sanitation.

Sec. 27-4.1 Location on property.

Access to Public Property. All buildings shall be located with respect to property lines and to other buildings on the same property as required by this code, the building code and all statutes, regulations and ordinances applicable to buildings. Each dwelling unit and each guest room in a dwelling or a lodging house or a congregate residence shall have access to a passageway, not less than three feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than 44 inches in width and seven feet in height. (Sec. 25-4.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-4.2 Yards and courts.

- (a) Scope. This section shall apply to all spacing between buildings or structures and lot boundaries, between buildings or structures on the same lot and between the walls of a court.
- (b) Spacing. Minimum horizontal spacing shall be provided as follows:
 - (1) Between a wall of a building or structure with required windows and a vertical plane through a lot boundary, the spacing shall be as follows:
 - (A) For buildings or structures not more than 15 feet in height, not less than five feet.
 - (B) For buildings or structures not more than 25 feet in height, five feet plus one foot for each two feet in height for that portion in excess of 15 feet in height.
 - (C) For buildings or structures more than 25 feet in height, 10 feet plus one foot for each 10 feet in height for that portion in excess of 25 feet in height, up to a maximum of 20 feet.
 - (2) Between the walls of a building or structure and between exterior walls of same structure on the same lot, minimum horizontal spacing shall be provided in accordance with subdivision (1) of this subsection from a vertical plane through an assumed lot boundary located between, but not necessarily equidistant from the walls if there is a required window in one or both of the walls.
 - (3) If the spacing required by subdivision (1) or (2), or by any other provision of law is reduced through a change or establishment of a boundary line, said building or structure shall be moved and/or altered to meet all the appropriate provisions stated above.
- (c) Courts.
 - (1) Courts having windows opening on any side shall be not less than 10 feet in width. Courts shall be not less than 10 feet in length unless bounded on one end by a street or yard. At least 50 percent of the required width or length shall be clear of any projections and unobstructed to the sky. Spacing shall also be provided in accordance with subsection (b).
 - (2) Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building, unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall it be less than one hour fire-resistive.
- (d) Projection into Spacing. Allowable projections into horizontal spacing between the walls of buildings or structures and between exterior walls of same building or structure of the same lot shall be as follows:
 - (1) Projections may extend to the assumed lot boundary from walls without required windows; and
 - (2) Projections may extend no more than one-half the distance to the assumed lot boundary from walls with required windows.

(Sec. 25-4.2, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-4.3 Room dimensions.

- (a) Ceiling Heights.
- (1) Habitable space shall have a ceiling height of not less than seven feet six inches except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven feet above the floor.
 - (2) If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.
 - (3) If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than seven feet.
 - (4) Projections may be permitted to project below the ceiling provided the clearance is not less than six feet six inches.
- (b) Floor Area. Every dwelling unit and congregate residence shall have at least one room for living purposes which shall have not less than 120 square feet of floor area. Other habitable rooms except kitchens shall have a floor area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.
- EXCEPTION: Nothing in this section shall prohibit the use of an efficiency dwelling unit meeting the following requirements:
- (1) The unit shall have a living room of not less than 220 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two.
 - (2) The unit shall be provided with a separate closet.
 - (3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
 - (4) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
- (c) Width. Habitable rooms, other than kitchens, shall not be less than seven feet in any dimension. No water closet space shall be less than 30 inches in width. There shall be not less than 24 inches of clear space in front of each water closet stool and when sliding doors are not used, a door swing of not less than 90 degrees shall be provided for in front of each water closet stool.

(Sec. 25-4.3, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-4.4 Light--Ventilation.

- (a) Natural Light and Ventilation.
- (1) All guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.
 - (2) All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of windows with an openable area not less than one-twentieth of the floor area of such rooms with a minimum of one and one-half square feet.
- (b) Origin.
- (1) Required windows shall open directly onto the public way or a yard or court located on the same lot as the building.
EXCEPTION: Required windows may open into a roofed porch or lanai where the porch or lanai:
 - (A) Abuts a public way, yard or court;
 - (B) Has a ceiling height of not less than seven feet; and
 - (C) Has the longer side at least 50 percent open and unobstructed. The area of fixed openings in open guardrails of minimum height may be credited for this requirement.
 - (2) A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet in least dimension. No vent shaft shall extend through more than

two stories.

- (3) For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.
- (c) Mechanical Ventilation.
- (1) In lieu of required openable windows for natural ventilation, a mechanical ventilation system may be provided for all spaces except bedrooms.
 - (2) Mechanical ventilation systems for bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, shall provide not less than five air changes per hour and shall be connected directly to the outside. The point of discharge of exhaust air shall be at least three feet from any opening which allows air entry into occupied portions of the building.
 - (3) Mechanical ventilation systems for all habitable rooms, except bedrooms, and public corridors shall be capable of providing not less than two air changes per hour. At least one-fifth of the air supply shall be taken from the outside.
 - (4) All bathrooms, lavatories and toilet compartments which are ventilated by mechanical ventilation shall have fixed openings, from adjacent rooms or corridors or from other approved sources, which are sufficient to provide an inflow of air necessary to make exhaust ventilation effective. The exhaust air from bathrooms, lavatories and toilet compartments shall not be recirculated. Exhaust duct systems for toilet compartments and bathrooms shall be separate from the exhaust duct systems for other portions of a building.
 - (5) Toilet compartments, bathrooms and kitchens ventilated in accordance with this subsection may be provided with artificial light. When a water closet in a bathroom or toilet compartment is completely enclosed by partitions, such enclosure shall be separately lighted and ventilated.
 - (6) Systems of mechanical ventilation installed to comply with the provisions of this code shall be kept in good working order and in continuous operation at all times during occupancy of the room served by such system. All openings to ventilators shall be ratproofed.
- (d) Hallways. All public hallways, stairs and other exitways shall be adequately lighted at all times in accordance with the building code.

(Sec. 25-4.4, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-4.5 Sanitation.

- (a) Dwelling Units, Lodging Houses and Congregate Residences. Every dwelling unit, lodging house and congregate residence shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.
- (b) Hotels. Where private water closets, lavatories and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof, in excess of 10. Such facilities shall be clearly marked to designate the sex.
- (c) Kitchen. Every dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.
- (d) Fixtures.
 - (1) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.
 - (2) All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
- (e) Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the building code.
- (f) Room Separations. Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant.
- (g) Installation and Maintenance. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with all applicable requirements of the plumbing code.

(Sec. 25-4.5, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Article 5. Structural Requirements

Sections:

27-5.1 Structural requirements.

Sec. 27-5.1 Structural requirements.

- (a) Generally. Buildings or structures may be of any type of construction permitted by the building code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting the forces and loads required by the building code. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the building code. Buildings of every permitted type of construction shall comply with the applicable requirements of the building code.
- (b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(Sec. 25-5.1, R.O. 1978 (1983 Ed.); Ree. Ord. 97-50)

Article 6. Mechanical Requirements

Sections:

27-6.1 Mechanical requirements.

Sec. 27-6.1 Mechanical requirements.

- (a) Heating Facilities. When provided, heating facilities in dwelling units, guest rooms and congregate residences shall be installed and maintained in a safe condition and in accordance with all applicable laws. No unvented fuel-burning heaters shall be permitted. All heating devices or appliances shall be of an approved type.
- (b) Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe condition and in accordance with all applicable laws. All electrical equipment shall be of an approved type. Where there is electrical power available within 300 feet of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.
- (c) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in accordance with all applicable laws and in this code. Ventilating equipment shall be of approved types, installed and maintained in a safe condition and in accordance with all applicable laws. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 27-4.4, such mechanical ventilation system shall be maintained in operation during the occupancy of any building or portion thereof.
- (d) Domestic Clothes Dryers.
 - (1) Where clothes dryer ducts are installed, moisture exhaust ducts shall have a minimum four-inch diameter. The duct shall be of metal and shall have smooth interior surfaces.
EXCEPTION: Approved flexible duct connectors not more than six feet in length may be used in connection with domestic dryer exhausts. Flexible duct connectors shall not be concealed within construction.
 - (2) Moisture exhaust ducts and plenums shall terminate on the outside of the building and shall be equipped with a back-draft damper. In no case shall the moisture exhaust duct or plenum terminate beneath the building or in the attic. Screens shall not be installed at the duct termination. Ducts for exhausting clothes dryers shall not be connected or installed with sheet metal screws or other fasteners which will obstruct the flow. Moisture exhaust ducts shall not be connected to a gas vent connector, gas vent or chimney and shall not extend into or through ducts or plenums serving other appliances or fixtures.
 - (3) Unless otherwise permitted or required by the dryer manufacturer's installation instructions and approved by the building official, moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of 14 feet, including two 90-degree elbows. Two feet shall be deducted for each 90-degree elbow in excess of two elbows. Plenums receiving discharge from two or more moisture exhaust ducts shall not be installed unless designed by a registered professional engineer or architect and approved by the building official.
 - (4) When a closet is designed for the installation of a clothes dryer, a minimum opening of 100 square inches for makeup air shall be provided in the door or by other approved means.

(Sec. 25-6.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Article 7. Exits

Sections:

27-7.1 Exits.

Sec. 27-7.1 Exits.

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the building code. (Sec. 25-7.1, R.O. 1978 (1983 Ed.); Ree. Ord. 97-50)

Article 8. Fire Protection

Sections:

27-8.1 Fire protection.

Sec. 27-8.1 Fire protection.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the building code, for the appropriate occupancy, type of construction, and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by the building code. (Sec. 25-8.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Article 9. Substandard Buildings

Sections:

27-9.1 Definitions.

Sec. 27-9.1 Definitions.

- (a) General. "Substandard building" means any building or portion thereof which is determined to be an unsafe building in accordance with the building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions listed or defined in subsections (b) through (n), to an extent that it endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof.
- (b) "Inadequate sanitation" shall include but not be limited to the following:
- (1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house;
 - (2) Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel;
 - (3) Lack of, or improper kitchen sink;
 - (4) Lack of hot and cold running water to plumbing fixtures in a hotel;
 - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house;
 - (6) Lack of, or improper operation of required ventilating equipment;
 - (7) Lack of minimum amounts of natural light and ventilation required by this code;
 - (8) Room and space dimensions less than required by this code;
 - (9) Lack of required electrical lighting;
 - (10) Dampness of habitable rooms;
 - (11) Infestation of insects, vermin or rodents, as determined by the health officer;
 - (12) General dilapidation or improper maintenance;
 - (13) Lack of connection to required sewage disposal system; and
 - (14) Lack of satisfactory garbage and rubbish storage and removal facilities as determined by the health officer.
- (c) "Structural hazards" shall include but not be limited to the following:
- (1) Deteriorated or inadequate foundations;
 - (2) Defective or deteriorated flooring or floor supports;
 - (3) Flooring or floor supports of insufficient size to carry imposed loads with safety;
 - (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
 - (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;

- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
 - (8) Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration; and
 - (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (d) "Nuisance." Any building or portion thereof in which there exists any nuisance as defined in this code is deemed to be a substandard building.
 - (e) "Hazardous wiring" means all wiring, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
 - (f) "Hazardous plumbing" means all plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
 - (g) "Hazardous mechanical equipment" means all mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
 - (h) "Faulty weather protection" shall include but not be limited to the following:
 - (1) Deteriorated, crumbling or loose plaster;
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and
 - (4) Broken, rotted, split or buckled exterior wall coverings or roof coverings.
 - (i) "Fire hazard" means building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department or the chief's deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
 - (j) "Faulty materials of construction" means materials of construction, other than those which (1) have been adequately maintained in a good and safe condition, and (2) are specifically allowed or prescribed by this code and the building code, or approved by the building official pursuant to the provisions of the building code relating to approval of alternate materials and methods of construction.
 - (k) "Hazardous or unsanitary premises" means premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
 - (l) Inadequate Exits.
 - (1) All buildings or portions thereof not provided with adequate exit facilities as required by this code shall be deemed to have inadequate exits, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load due to alteration or addition, or any change in occupancy.
 - (2) When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.
 - (m) Inadequate Fire-Protection or Fire Fighting Equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code shall be deemed to have inadequate fire-protection or fire fighting equipment, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load due to alteration or addition, or any change in occupancy.
 - (n) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be deemed improper occupancies.
- (Sec. 25-9.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

**(Article 10. Notices and Orders of Building Official--Appeals.
Repealed by Ord. 97-50)**

Article 10. Enforcement

Sections:

27-10.1 Authority--Responsibilities.

27-10.2 Substandard buildings declared public nuisance.

27-10.3 Urban renewal project area.

27-10.4 Building board of appeals.

27-10.5 Violation--Penalty.

27-10.6 Placement of "housing code violator" sign.

Sec. 27-10.1 Authority--Responsibilities.

- (a) Authority. The building official is authorized and directed to administer and enforce all of the provisions of this code.
- (b) Right of Entry. Upon presentation of proper credentials, the building official or the building official's duly authorized representatives may enter at reasonable times any building, or premises in the city to perform any duty imposed upon such person by this code; provided, that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and provided further, that an order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.
- (c) Responsibilities Defined. The owner of a building shall be liable for violations of the requirements of this code. The duty to comply with such requirements may also be imposed on the occupants of the building by this code or by agreement. Imposition of said duty on the occupants shall not relieve the owner from liability.

(Sec. 25-11.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-10.2 Substandard buildings declared public nuisance.

Buildings which are substandard, as defined by this code, are declared to be public nuisances. (Sec. 25-11.2, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-10.3 Urban renewal project area.

Enforcement of this code in urban renewal areas for projects undertaken pursuant to HRS Section 53-51 shall follow the procedure set forth in the applicable provision of HRS Section 53-60. (Sec. 25-11.3, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-10.4 Building board of appeals.

- (a) Definition. For the purpose of this code "building board of appeals" or "board" shall mean the board of appeals as specified in the building code.
- (b) Powers and Duties. In addition to those powers and duties specified in the building code, the building board of appeals:
 - (1) Shall conduct hearings in conformity with the applicable provisions of HRS Chapter 91 and the rules of the building board of appeals; and
 - (2) May recommend amendments to or revisions of this code consistent with the purpose of this code.

(Sec. 25-11.4, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-10.5 Violation--Penalty.

- (a) Violation. It is unlawful for any person, firm, or corporation to maintain a public nuisance or unsafe building as declared or defined in this code or to do anything, or permit anything to be done, or to use or occupy any building in the city, contrary to or in violation of any of the provisions of this code. It shall further be unlawful to maintain and keep any building in the city, contrary to or in violation of any such provisions.
- (b) Notice of Violation. Whenever any person, firm, or corporation violates any provision of this code so as to create a public nuisance or unsafe building, the building official shall serve a notice of violation upon the party responsible for the violation to make the property or the building or structure or portion thereof comply with the requirements of this code.
The notice of violation shall include at least the following information:
 - (1) Date of the notice;
 - (2) The name and address of the person noticed and the location of the violation;
 - (3) The section number of the ordinance, code, or rule which has been violated;
 - (4) The nature of the violation; and
 - (5) The deadline for compliance with the notice.
- (c) Criminal Prosecution.
 - (1) General. Any person, firm, or corporation violating any of the provisions of this code so as to create a public nuisance or unsafe building shall be deemed guilty of a misdemeanor, and each

such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000.00, or by imprisonment for not more than one year, or by both such fine and imprisonment.

- (2) Any officer, or inspector designated by the building official, who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of the building, plumbing, electrical or housing code (hereinafter referred to as "authorized personnel"), 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 warrant or such other judicial process as is permitted by statute or rule of court.
 - (3) Any authorized personnel designated by the building official, upon making an arrest for a violation of the building, plumbing, electrical or housing code, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
 - (4) There shall be provided for use by authorized personnel, a form of summons or citation for use in citing violators of the building, plumbing, electrical or housing code 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 summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State of Hawaii and the City and County of Honolulu.
 - (5) In every case when 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 by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.
 - (6) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (d) Administrative Enforcement. In lieu of or in addition to enforcement pursuant to subsection (c), if the building official determines that any person, firm, or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.
- (1) Contents of Order.
 - (A) The order may require the party responsible for the violation to do any or all of the following:
 - (i) Correct the violation within the time specified in the order;
 - (ii) Pay a civil fine not to exceed \$1,000.00 in the manner, at the place and before the date specified in the order;
 - (iii) Pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
 - (B) The order shall advise the party responsible for the violation that the fines, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city.
 - (C) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the building official's action may be appealed to the building board of appeals.
 - (2) Effect of Order--Right to Appeal. The provisions of the order issued by the building official under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided by the building code. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order.
 - (3) Judicial Enforcement of Order. The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.

(Sec. 25-11.5, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)

Sec. 27-10.6 Placement of "housing code violator" sign.

- (a) The building official may place a "housing code violator" sign on the city right-of-way fronting a building, structure, or premises with multiple violations of this code. The building official shall establish criteria and standards for determining the circumstances warranting the placement of a sign. The building official shall establish the criteria and standards by rule adopted in accordance with HRS Chapter 91.
- (b) A sign placed pursuant to this section shall set forth the words "housing code violator" in capital letters and the name, address, and telephone number of the party responsible for the violations at the subject building, structure, or premises.

(Added by Ord. 97-50)

Article 11. Severability.

Sections:

27-11.1 Severability.

Sec. 27-11.1 Severability.

If any part of this code is for any reason declared unconstitutional or invalid, the other separable parts thereof shall not be affected thereby. (Sec. 25-12.1, R.O. 1978 (1983 Ed.); Am. Ord. 97-50)