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## A BILL FOR AN ORDINANCE

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RELATING TO REPORTING REQUIREMENTS FOR INSPECTIONS OF CITY-OWNED STREAMS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to require the Director and Chief Engineer of the Department of Facility Maintenance to periodically post on a website maintained by that department a written report on the status of the inspection of each City-owned stream.

SECTION 2. Section 41-26.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 41-26.3 Maintenance of streams.**

- (a) The owner of any stream has the duty to maintain, dredge, and clear such stream, or applicable portion thereof, so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance.
- (b) The chief engineer shall conduct an inspection of all city-owned streams that are lined with concrete or other impervious material no less than annually and all other city-owned streams no less than semi-annually, and shall remove or cause to be removed any debris, vegetation, silt, or other item or material of any kind that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance. In determining the scheduling of the annual or semi-annual inspections and removal of debris, vegetation, silt, or other items or materials, as applicable, the chief engineer shall consider seasonal patterns of elevated flood risk, such as that associated with hurricane activity, and approved, applicable permits.
- (c) The chief engineer shall annually post on the website of the department a written report on the status of the inspection of each city-owned stream. The report must, at a minimum, contain the following information:
  - (1) The date on which, or period during which, the stream was inspected; and
  - (2) The types and quantities of debris, vegetation, rock, silt, or other items or materials of any kind that were removed from the stream to protect public safety."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 21-2

BILL 82 (2020), CD1

**A BILL FOR AN ORDINANCE**

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters

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DATE OF INTRODUCTION:

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October 9, 2020  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*Denise W. Wong*  
Deputy Corporation Counsel

**DENISE W. WONG**  
APPROVED this 11<sup>th</sup> day of February, 20 21.

*Rick Blangiewicz*, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE **21-2**

BILL 82 (2020), CD1

Introduced: 10/09/20 By: TOMMY WATERS

Committee: PUBLIC  
INFRASTRUCTURE AND  
TECHNOLOGY

Title: A BILL FOR AN ORDINANCE RELATING TO REPORTING REQUIREMENTS FOR INSPECTIONS OF CITY-OWNED STREAMS.

Voting Legend: \* = Aye w/Reservations

11/05/20	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.
11/18/20	PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY	CR-301 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. 4 AYES: FUKUNAGA, PINE, TEXEIRA, TSUNEYOSHI.
11/27/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/09/20	COUNCIL/PUBLIC HEARING	CR-301 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.
12/16/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
		NOTE: COUNCILMEMBERS CORDERO, KIA'ĀINA, SAY, TULBA, AND TUPOLA TOOK OFFICE ON SATURDAY, JANUARY 2, 2021. <u>CC-3(21) WATERS</u> – STANDING COMMITTEE ASSIGNMENTS. <u>CC-4(21) WATERS</u> - RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.
01/13/21	PUBLIC INFRASTRUCTURE AND TECHNOLOGY	REPORTED OUT FOR PASSAGE ON THIRD READING. CR-6 4 AYES: ELEFANTE, FUKUNAGA, TSUNEYOSHI, TUPOLA.
01/27/21	COUNCIL	COMMITTEE REPORTED ADOPTED AND BILL PASSED THIRD READING. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS. 1 ABSENT: TSUNEYOSHI.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TANAHASHI, CITY CLERK

  
TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO FIRE SAFETY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the Fire Code of the City and County of Honolulu to further address fire safety in high-rise buildings.

SECTION 2. Section 20-1.1, Revised Ordinances of Honolulu 1990 ("Fire Code of the City and County of Honolulu"), is amended by amending paragraph (15) to read as follows:

"(15) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

**13.3.2.26.2** Compliance shall be with either an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems in accordance with the requirements of a building fire and life safety evaluation code assessment as achieved by a passing score on a building fire and life safety evaluation code assessment pursuant to Ordinance 18-14. Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluation code assessments, which shall consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code on a form prescribed by the AHJ in accordance with Section 20-4.4. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo the building fire and life safety evaluation code assessment; provided that, all buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessment or maintain the codes and standards for automatic fire sprinkler systems that are current and applicable at the time the building permit application is submitted for approval. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be prepared by a licensed design professional, or a building's authorized representative under the supervision of a licensed design professional, be stamped with the licensed design professional's authorized seal or stamp, and be authenticated as provided under Hawaii Administrative Rules Section 16-115-9. A building fire and life safety evaluation shall be conducted within three years from May 3, 2018[-], and the licensed design professional shall



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submit a copy of the authenticated building fire and life safety evaluation to the AHJ in accordance with Section 20-4.3. Buildings shall comply by passing the building fire and life safety evaluation within six years from May 3, 2018, unless compliance is met with an automatic fire sprinkler system as indicated in the building fire and life safety evaluation form, Table 8. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessments or maintain an automatic sprinkler system that complies with this chapter and the building code at the time of the evaluation. For the purposes of this section, "existing high-rise residential building" means the same as "existing highrise residential building" as defined in Section 20-5.1.

**13.3.2.26.2.1** The association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building may appeal the final building fire and life safety evaluation score, and the resulting fire safety requirements for the building, as assessed by the licensed design professional or the determination of the AHJ, by filing a written request for an appeal to the director or head of the AHJ within 45 days of the date of the completed building fire and life safety evaluation assessment or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a statement of the basis for appeal, supporting documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal not later than 30 calendar days from the receipt of the appeal. The AHJ shall submit an annual report to the Council on the appeals filed for existing high-rise residential buildings and the disposition of the appeals.

**13.3.2.26.2.2** Except as otherwise provided in this paragraph (15), which establishes the life safety evaluation system and authorizes owners of existing high-rise residential buildings to opt-out of approved automatic sprinkler systems through a life-safety evaluation process, existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system in accordance with this chapter and the building code. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo a building fire and life safety evaluation code assessment, but shall be required to apply for and obtain a building permit through a State-licensed specialty contractor for the automatic fire



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sprinkler system within two years from the date of notifying the AHJ of its option or selecting the option on the building fire and life safety evaluation code assessment form, Table 8.

**13.3.2.26.2.3** Notwithstanding any other provision of this paragraph (15), the association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building 10 floors or higher may opt out of the automatic fire sprinkler system requirement; provided that, a majority of unit owners of a condominium or a majority of shareholders of a cooperative housing corporation ~~[vote]~~ decide to opt out of the requirement within three years of the completion of the building fire and life safety evaluation, either by vote at a regularly scheduled or special meeting of the owners or shareholders, convened and noticed in accordance with the condominium's or cooperative housing corporation's by-laws, or by written consent in lieu of a vote at a regularly scheduled or special meeting; and provided further, that the building receives a passing score on the building fire and life safety evaluation through the implementation of alternative fire prevention and fire safety systems. An association of apartment owners of a condominium or a cooperative housing corporation that has opted out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners, shareholders and residents. Verifiable public disclosure shall include signs posted in the building's public notification areas and real estate sales disclosures as may be required by Hawaii real estate industry practices.

**13.3.2.26.2.4** Each building owner shall, within 180 days from May 3, 2018, file a written statement of its intent to comply with this paragraph (15) with the AHJ for approval.

**13.3.2.26.2.5** The AHJ shall review and respond to the written statement of the owner's intent to comply within 60 days of receipt of the statement of intent to comply.

**13.3.2.26.2.6** Subject to the exceptions in Section 13.3.2.26.2.7, the entire building shall be required to be protected by:

- (a) An approved automatic fire sprinkler system; or



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(b) Alternative fire prevention and fire safety systems as approved by the AHJ, within 12 years of May 3, 2018, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

**13.3.2.26.2.7** Compliance with the automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within eight years from May 3, 2018, common areas for buildings 10 to 19 floors shall be completed within 10 years from May 3, 2018, and all buildings, regardless of the number of floors, shall be completed within 12 years from May 3, 2018. An extension to 15 years from May 3, 2018, may be approved by the AHJ; provided that, compliance using an automatic fire sprinkler system in the common areas related to building egress path has been achieved.

**EXCEPTION:** Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.2 if all dwelling units have exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

**EXCEPTION:** Existing high-rise residential buildings less than 10 floors in height can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.26.2.2.

**EXCEPTION:** Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

**EXCEPTION:** Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Elevator [~~hoistways~~] hoist ways and machine rooms are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.2.





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**EXCEPTION:** Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

**EXCEPTION:** The time periods and deadlines for compliance set forth in Section 13.3.2.26.2 and Section 13.3.2.26.2.7 shall be paused, tolled, or suspended where a building permit application, or other code application, for projects that relate to those sections or are required for the building to achieve compliance with the requirements of Section 13.3.2.26.2.2 for an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems, when the application is duly filed by a State-licensed specialty contractor for the design, installation, or upgrade of such system, and the review and issuance of the building permit or other code application has not been completed by the reviewing agency within 90 days of such submission to the reviewing agency. The period of time in excess of the 90-day period following timely filing of a complete application, but before issuance of the permit or approval of the application, shall constitute the period of time in which the time period and deadline is paused, tolled, or suspended."

SECTION 3. Section 20-4.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 20-4.3 Compliance.**

- (a) A building fire and life safety evaluation code assessment shall be prepared by a licensed design professional, or a building's authorized representative under the supervision of a licensed design professional using the building fire and life safety evaluation form prescribed by the AHJ in accordance with Section 13.3.2.26.2; provided that existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo a building fire and life safety evaluation code assessment for initial compliance. The AHJ may grant an extension per Section 13.3.2.26.2.7 if automatic fire sprinkler systems in common areas are used to achieve compliance. All buildings that are required to undergo a building fire and life safety evaluation code assessment must continue to maintain a passing status on their respective building fire and life safety evaluation code assessments.
- (b) The licensed design professional shall submit a copy of the authenticated building fire and life safety evaluation to the AHJ within five business days of its





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 21-3

BILL 84 (2020), CD1

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**A BILL FOR AN ORDINANCE**

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completion, or if the evaluation was completed prior to the effective date of this ordinance, then within five business days of the effective date of this ordinance."

SECTION 4. In this ordinance, ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



**A BILL FOR AN ORDINANCE**

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

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DATE OF INTRODUCTION:

October 28, 2020  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

GVP

Deputy Corporation Counsel  
**GABRIELE V. PROVENZA**

APPROVED this 11th day of February, 20 21.

Rick Blangquaini

Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE

21-3

BILL 84 (2020), CD1

Introduced: 10/28/20 By: CAROL FUKUNAGA

Committee: PUBLIC  
INFRASTRUCTURE AND  
TECHNOLOGY

Title: A BILL FOR AN ORDINANCE RELATING TO FIRE SAFETY.

Voting Legend: \* = Aye w/Reservations

11/05/20	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.
11/18/20	PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY	CR-302 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. 4 AYES: FUKUNAGA, PINE, TEXEIRA, TSUNEYOSHI.
11/27/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/09/20	COUNCIL/PUBLIC HEARING	CR-302 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.
12/16/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
		NOTE: COUNCILMEMBERS CORDERO, KIA'AINA, SAY, TULBA, AND TUPOLA TOOK OFFICE ON SATURDAY, JANUARY 2, 2021. <u>CC-3(21)</u> WATERS – STANDING COMMITTEE ASSIGNMENTS. <u>CC-4(21)</u> WATERS - RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.
01/13/21	PUBLIC INFRASTRUCTURE AND TECHNOLOGY	REPORTED OUT FOR PASSAGE ON THIRD READING. CR-7 4 AYES: ELEFANTE, FUKUNAGA, TSUNEYOSHI, TUPOLA.
01/27/21	COUNCIL	COMMITTEE REPORT ADOPTED AND BILL PASSED THIRD READING. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'AINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
TOMMY WATERS, CHAIR AND PRESIDING OFFICER

21-3