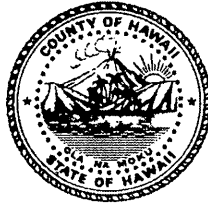


From the office of -
Council Member
District 3 - Hilo and Puna



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2020 JUL 14 AM 9:15
COUNTY CLERK
COUNTY OF HAWAII

TO: Aaron S.Y. Chung, Chair
and Members of the Hawai'i County Council

FROM: Sue Lee Loy, Council Member

DATE: July 14, 2020

SUBJECT: Proposed Amendments to Sections 5-3-1 and 5-3-22 of Bill No. 179;
An Ordinance Establishing a County Construction Code Relating to Building Construction and Related Systems Within a Building Under Construction by Amending the Hawai'i County Code 1983 (2016 Edition, as Amended), as follows:

- 1) Adopting New Chapters 5 (Construction Administrative Code), 5A (Building Code), 5D (Electrical Code), 5E (Energy Conservation Code), and 5F (Plumbing Code);
- 2) Amending Chapter 2, Section 2-39; Chapter 3, Sections 3-14 and 3-15; and Chapter 25, Sections 25-1-5, 25-4-10, and 25-4-60; and
- 3) Repealing Chapters 5 (Building Code), 9 (Electrical Code), and 17 (Plumbing Code).

Please see below proposed amendments to sections 5-3-1 and 5-3-22 of Bill No. 179. These amendments relate to air conditioning systems and exemptions to the permit requirement for building work relating to repairs. These amendments are illustrated below in Ramseyer format with respect to the contents of Bill No. 179. Material to be deleted is bracketed and stricken; new material is underscored.

1. The first amendment would add a new paragraph (8) to subsection (b) of section 5-3-1 (Permit required; generally). As amended, subsection (b) would read as follows:

“(b) A permit shall be required for, but not limited to, the following:

- (1) Gas tanks and piping.
Installation, removal, alteration, repair, or replacement of all gas tanks and piping on private property.
- (2) Handicap accessible routes.
Construction or renovation of handicap accessible routes from parking lot to building or from building to building on a lot.

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- (3) Retaining walls.
Erection, construction, enlargement, alteration, repair, moving, conversion, or demolition of retaining walls four feet and higher. Stepped or terraced retaining walls within eight feet of each other are considered to be one wall when determining wall height.
- (4) Solar photovoltaic systems.
Complete new installations of all solar photovoltaic residential and non-residential systems, or the replacement of an existing system with all new components, or relocation of panels from roof to ground or vice versa.
Replacement of photovoltaic equipment and components (i.e. panels, inverters) in the same location and of the same type.
- (5) Solar water heating systems or components.
Complete new installations of all solar water heating systems, the complete replacement of existing system with all new components, or relocation of panels from roof to ground or vice versa.
- (6) Television or radio communication towers.
Erect, construct, enlarge, alter, repair, relocate, convert, or demolish any television or radio communication tower that is not regulated by the public utilities commission.
- (7) Water tanks or catchments.
Installation, removal, alteration, repair, or replacement of water tanks or catchments intended for potable use, household use, or fire protection, regardless of height or size. For additional requirements where water tank or catchment systems are used as means of fire protection, see chapter 26, Hawai'i County Code.
- (8) Air conditioning systems. Installation, removal, alteration, repair, or conversion of any heating, ventilation, or air conditioning system.

2. The second amendment would amend subsection (a) of section 5-3-22 (Building work; exempt) by adding a new paragraph (1)(N) and amending paragraph (4). As amended, subsection (a) would read as follows:

“(a) A permit shall not be required for any of the following building work, provided no electrical work or plumbing work is proposed:

- (1) Installation and/or construction of:
 - (A) Awnings projecting up to four feet and attached to the exterior walls of buildings of Group R-3 or U Occupancy; provided that the awnings do not violate the provisions for “yards” in chapter 25 (zoning), Hawai'i County Code; or
 - (B) Cabinets or wall mounted shelving not affecting fire resistance or structural members of walls for R-3 Occupancy and individual units of R-1, R-2, and U Occupancies which are not regulated under cooking unit clearances of the construction code. Cooking unit clearances refers to clearances between cooking surfaces and combustible materials, including but not limited to cabinets; or

- (C) Detached decks or platforms that are less than thirty inches in height above grade. Buildings cannot violate the provisions for “yards” in chapter 25 (zoning). Verify setback requirements with the planning department; or
- (D) Detached one-story accessory structures of U occupancy, used as a tool shed, storage shed, gazebo, playhouse, animal shed, or for a similar use, provided:
 - (i) The structures are located on residential zoned land;
 - (ii) The total floor area of the accessory structures does not exceed two hundred square feet and is not greater than fifteen feet above finish grade; and
 - (iii) The building is not located less than ten feet from the property line or other structures; and does not violate the provisions for “yards” in chapter 25 (zoning). Structures shall be limited as defined per chapter 25; or
- (E) Standard electroliers not over thirty-five feet in height above finish grade; or
- (F) Fences six feet or less in height; or
- (G) Floor covering; or
- (H) Playground equipment, excluding assembly or similar waiting areas; or
- (I) Re-roofing work with like material and installation of siding to existing exterior walls which will not affect the structural components of the walls for Groups R-3 and U Occupancies; or
- (J) Wallpaper or wall coverings which are exempted under the provisions of section 801.1, Interior Finishes, chapter 8, IBC; or
- (K) Water features and swimming pools less than twenty-four inches in depth, for one and two-family dwelling units; or
- (L) Wells and reservoirs pursuant to chapter 178, Hawai‘i Revised Statutes; or
- (M) Television and radio equipment (i.e. antenna, dishes) accessory to R-3 Occupancies. Supports or towers for television and radio equipment six feet or less in height; or
- (N) Air conditioners that are: in Residential R-3 Occupancy, window-mounted, and do not impair emergency egress; or portable air conditioning systems; or
- (2) Installation and/or construction of temporary tents or other coverings used for private family parties or for camping on approved campgrounds, in accordance with article 4 (camping), and article 5 (picnics) of chapter 5; or
- (3) Painting and decorating; or
- (4) Repairs, excluding any installation or construction work otherwise exempted in subsection (a), that involve only the replacement of component parts or existing work with similar materials for the purpose of maintenance and do not cost over [~~\$4,000~~] \$7,500 per structure in any twelve-month period, and do not affect or modify any existing electrical or mechanical installations. Repairs that cost over [~~\$4,000~~] \$7,500 per structure in any twelve-month period or that include additions, changes, or modifications to construction or structures, exit facilities, permanent fixtures, or equipment shall not be exempted from this section; or
- (5) Replacement of solar water heating components (i.e. panels, tanks) in the same location and of the same type; or

- (6) Agricultural buildings, structures, and appurtenances exempt from building permit and building code requirements pursuant to section 46-88, Hawai'i Revised Statutes; or
- (7) Work located primarily in a public way, public utility towers, bridges, poles, mechanical equipment not specifically regulated in the construction code, and hydraulic flood control structures; or
- (8) Work performed under the jurisdiction or control of the:
 - (A) State department of transportation at state harbors, pursuant to section 266-2, Hawai'i Revised Statutes; or
 - (B) State department of accounting and general services.”

Due to the extensive length of bill 179 and the limited scope of these proposed amendments, a copy of the revised draft of this bill that would result if these proposed amendments are adopted is not attached.

SL/lc