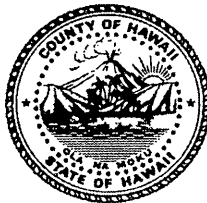


From the office of -
Council Member
District 3 - Hilo and Puna



Office: (808) 961-8396
Fax: (808) 961-8912
Email: sue.leeloy@hawaiicounty.gov

SUSAN L.K. LEE LOY
25 Aupuni Street, Hilo, Hawai'i 96720

2020 JUL 14 PM 1:12

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 Section 5-3-25 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 a proposed amendment to section 5-3-25 of Bill No. 179. This amendment relates to emergency work. The proposed amendment is illustrated in Ramseyer format with respect to the contents of Bill No. 179; new material is underscored.

Section 5-3-25 would be amended to read as follows:

“Section 5-3-25. Emergency work.

- (a) Emergency work may commence in compliance with section 5-4-2, without a permit. However, the applicant shall notify the authority having jurisdiction of such emergency work on the workday immediately following the day the emergency work is commenced. This notification shall be made in writing. An application for a permit for the emergency work shall be filed with and appropriate fees, pursuant to 5-7-3, paid to the authority having jurisdiction within fourteen days of the commencement of the emergency work. The authority having jurisdiction may grant one or more extensions of time for additional periods not exceeding fourteen consecutive days each. Prior to the deadline, requests for extension shall be filed in writing with the authority having jurisdiction, and demonstrate that circumstances beyond the applicant's control justify granting the extension request. This provision shall pertain to the following types of work:

Comm. No. 999.8
Ref. To: PICAR
Ref. Date JUL 22 2020

- (1) Emergency building work including the repair of any legally erected existing structure that was damaged during an emergency. The damage resulting from the emergency must be to an extent that it requires immediate action to prevent substantial physical harm to persons or property. As used in this section, "repair" means any restoration, reconstruction, or other work performed to return a structure to its former condition that does not increase the floor area of the structure beyond that of the structure prior to the major disaster, and is in conformance with the construction code, flood hazard regulations, land use ordinances, and other applicable laws.
 - (2) Emergency electrical work, including work on electrical wiring to restore electrical service to a building following a fire, to remedy a power failure, and to protect persons and property against short circuiting and open circuits.
 - (3) Emergency plumbing work, including work to remedy leaks in drains, soil, waste, vent pipes, or conditions that are otherwise dangerous to human health or public welfare.
- (b) A one-time emergency inspection may be conducted to verify that the immediate threat to public health, life and safety has been remedied. Upon issuance of the emergency work permit pursuant to subsection (a), regular inspections shall be conducted pursuant to sections 5-8-4 and 5-8-5.
- (c) This section shall not be interpreted to authorize violation of other provisions of the construction code or other applicable laws. Structures or portions thereof that were illegally erected or constructed shall not be repaired under this section."

Due to the extensive length of Bill No. 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