

ORDINANCE NO. 5507

BILL NO. 14, CD1, FD1 (2023)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 16.25,
MAUI COUNTY CODE, RELATING TO THE ADMINISTRATIVE AND
SUPPLEMENTAL PROVISIONS OF THE BUILDING CODE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Background. The administrative and supplemental provisions of the Building Code are currently contained in Chapter 16.26B. This Ordinance extracts these provisions from this chapter and creates a new chapter. Placing the administrative and supplemental provisions of the Building Code into a separate chapter will make adoption of subsequent editions of the Building Code more efficient since the administrative and supplemental provisions of the Building Code do not change with each new edition.

SECTION 2. Title 16, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER 16.25

BUILDING CODE ADMINISTRATIVE AND SUPPLEMENTAL

PROVISIONS

Sections:

Article 1. Administrative Provisions

- 16.25.101 General**
- 16.25.102 Applicability**
- 16.25.103 Department of public works**
- 16.25.104 Duties and powers of building official**
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- 16.25.106 Floor and roof design loads**
- 16.25.107 Submittal documents**
- 16.25.108 Temporary structures and uses**
- 16.25.109 Fees**
- 16.25.110 Inspections**
- 16.25.111 Certificate of occupancy**
- 16.25.112 Board of variances and appeals**
- 16.25.113 Violations**
- 16.25.114 Stop work order**
- 16.25.115 Unsafe structures and equipment**

Article 2. Improvements to Public Streets

- 16.25.201 Applicability and scope**

Article 3. Post-Construction Stormwater Quality Best Management Practices

- 16.25.301 Applicability and scope**

Article 4. Hawai‘i Provisions for Indigenous Hawaiian Architecture Structures

- 16.25.401 General**
- 16.25.402 Material requirements**
- 16.25.403 Size and location**
- 16.25.404 Allowable and prohibited uses**
- 16.25.405 Fire protection**
- 16.25.406 Design standards**

Article 1. Administrative Provisions

SECTION 101 GENERAL

16.25.101 General.

101.1 Title. This chapter shall be known as the Building Administrative and Supplemental Provisions.

101.2 Scope.

101.2.1 Building administrative and supplemental provisions. This chapter shall be considered part of the current County adopted edition of the International Building Code, as amended, or any other county adopted code that references this chapter, collectively or separately referred to herein as “this code.” The definitions in section 16.26C.202 as amended shall apply to this

chapter, and any term listed in this chapter shall have the same definition as the term is defined in section 16.26C.202 as amended.

101.2.2 Building code. The building code shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. The term "building code" as used herein, shall refer to the current county adopted version of the International Building Code, as amended.

Exceptions:

1. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.
2. Lands within the County that are owned by the federal government or lands designated as Hawaiian homelands.
3. Work related to roadway and transportation systems located in a federal, state, county, or private right-of-way, except as provided in chapter 32.
4. Public utility towers and poles.

101.2.2 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

Exception:

1. Appendix C, Group U-Agricultural Buildings, shall be adopted.

101.3 Intent. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, and safety to life and property from fire, explosion and other hazards, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

101.4 Referenced codes. The other codes referenced elsewhere in this code shall be considered guidelines of this code to the prescribed extent of each such reference. When a referenced code or similar applicable code has been adopted by the jurisdiction, that edition of the referenced code, with amendments, shall be considered the referenced code.

SECTION 102 APPLICABILITY

16.25.102 Applicability.

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern, unless otherwise determined by the building official.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in section 102.4.1.

102.4.1 Conflicts. Where conflicts occur between provisions of this code, referenced codes and standards, or any other applicable law of the jurisdiction, the building official shall determine which code or standard prevails.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. A. Permitted structures in existence at the time of the adoption of this chapter may have their existing permitted use or occupancy continued if such use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a hazard to the general safety and welfare of the occupants and the public.

B. Alteration, repair, addition, and change of occupancy to a building or structure in existence at the time of the adoption of this code shall comply with the requirements of the International Existing Building Code, as amended.

SECTION 103 DEPARTMENT OF PUBLIC WORKS

16.25.103 Department of public works.

103.1 Creation of enforcement agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.

103.2 Appointment. The building official is hereby authorized and directed to enforce all the provisions of this code.

103.3 Deputies. The building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

16.25.104 Duties and powers of building official.

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, construction, enlargement, repair, improvement, conversion, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make the required inspections as necessary, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter

the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Liability. The building official, members of the board of variances and appeals or employees charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Used equipment and devices shall not be reused unless approved by the building official.

104.10 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered

in the files of the department of building safety.

104.11 Alternative materials, design and methods of construction and equipment. This code is not intended to prevent the use of any materials or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved and its use authorized by the building official.

The building official may approve an alternative material, design or method of construction where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. The building official may use the most current code edition of the International Code Council or most current standards as an alternative to meeting the requirements of this code.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.12 Cooperation of other officials and officers. If any provision of this code conflicts with another law, rule, or regulation of any federal, state, or county agency, then the building official shall determine which code or standard prevails.

SECTION 105 PERMITS

16.25.105 Permits.

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is

regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Building permits shall not be required for the following:

1. One-story detached accessory structures not greater than 120 square feet in gross floor area, not used as a habitable space, storage of motor vehicles or hazardous materials, and does not block egress.
2. One-story detached agricultural buildings 200 square feet or less in gross floor area within the county agricultural and rural districts having a minimum 10 feet clear unobstructed space from other structures.
3. Detached shade cloth structures not exceeding 20,000 square feet for nursery or agricultural purposes within the county agricultural districts having a minimum building separation of 15 feet from other structures, not including service systems.
4. Water tanks supported directly on grade if the capacity does not exceed:
 - a. 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
 - b. 15,000 gallons and the ratio of height to diameter or width does not exceed 1:2.
5. Detached unroofed decks 30 inches or less measured from adjacent grade to the deck floor.
6. Underground tanks, utility vaults, individual wastewater systems, and similar structures not below an occupiable building.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy in which the pool walls are entirely above the adjacent grade and do not exceed 5,000 gallons.
8. Reroofing (roof replacement and roof recover) of Group R-3 one- and two-family dwellings and Group U Occupancies accessory to these dwellings where the structural components are not adversely affected.
9. Television and radio antennas and solar panels attached to roofs.
10. Window awnings in Group R-3 and Group U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support and comply with fire separation distance requirements of this code or the International

Residential Code.

11. Painting, papering, tiling, carpeting, cabinets, counter tops, installation of shelves and similar finish work.

12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

13. Replacement of Electrical, plumbing and mechanical systems, not including commercial kitchen hood and ventilation systems, fire and standpipe systems and other systems effecting fire resistive elements or assemblies or systems and equipment requiring structural reinforcement.

14. Fences, and walls, not over 7 feet (2133.6 mm) high when measured from the lowest grade to the top of the fence or wall; and fences, as defined in section 19.04.040, not over ten feet high when measured from the lowest grade to the top of the fence and when used for the purpose of protecting agricultural operations, conservation areas, cultural sites, and public roadways from axis deer. The height of fences and walls shall be measured separately from retaining walls when the fence or wall foundation is separate from the retaining wall structure.

15. Retaining walls which do not have more than three feet of retainage between the finish grade on each side of the wall and not greater than 7 feet in total height measured from the lowest grade to the top of the wall, unless supporting a slope steeper than 3 (horizontal) to 1 (vertical) or another retaining wall within a distance of twice the height of retainage.

16. Drainage structures.

17. Site work on property, including but not limited to, sidewalks, curbs, parking lots, driveways, planter boxes, and water features less than 24 inches (610 mm) in depth and other landscaping structures as determined by the building official.

18. Recreational and public safety structures, including but not limited to, swings, merry-go-rounds, slides, jungle gyms, goals, life guard stands and towers and other recreational structures as determined by the building official.

19. Street light standards, utility poles, not including wireless telecommunication towers, or television antennas (dishes) over 7 feet in overall height.

20. Temporary construction tool sheds, fences, and jobsite offices on the same property where construction is occurring under a valid building, plumbing, electrical, grading permit, or approved by the building official. These temporary structures shall be removed promptly after work has been

completed or deemed complete by the building official.

21. Construction equipment used for work authorized by a valid permit or for work exempted from permit requirements.

22. Temporary tents or other coverings for private family parties or camping.

23. Temporary tents or coverings for uses other than private family parties or camping, up to a duration of 10 days.

24. Temporary motion picture, television and theater stage sets and scenery, and temporary exhibits and other related structures as approved by the building official.

25. Repairs which involve only the replacement of component parts of existing permitted work with similar materials for the purpose of maintenance and do not cost over \$15,000 per structure in any 12-month period.

26. Work performed for any federal or State of Hawaii governmental agency except where permits are specifically requested by the agency.

27. Work by an electric or telecommunication utility operating under a franchise or charter granted by the State of Hawaii; provided, that the work which is not regulated by the public utilities commission of the State of Hawaii shall be subject to the provisions of this Code. If the utility claims an exemption under this provision, the utility shall have the burden of demonstrating to the satisfaction of the building official that the work is regulated by the public utilities commission.

28. Motor vehicles and trailers with a valid certificate of registration from the Division of Motor Vehicles & Licensing. Land use requirements enforced by the Planning Department and fire and life safety requirements enforced by the Fire Prevention Bureau shall be complied with.

105.2.1 Emergency work. Emergency work may commence without a permit if there is a distinct life safety or fire safety hazard when approved by the building official. Emergency work shall be limited to shoring and bracing to stabilize the structure, or as otherwise approved by the building official. Appropriate permits shall be applied for as soon as possible.

105.2.2 Emergency alteration and repairs of one-and-two family dwellings and accessory structures. A. Applicability. Any existing dwelling and its accessory structures that were legally erected and that have been damaged in a disaster or civil defense emergency, recognized by the governor pursuant to chapters 127 or 128, Hawaii Revised Statutes, can be repaired pursuant to this section. The provisions of this section shall remain in effect for a two-year period beginning from the day the governor proclaims the

state of disaster or emergency, and shall apply to those areas of the county covered by the governor's proclamation.

B. Building permit application. The building official shall make available a modified building permit application specifically prepared for the issuance of permits under this section. The modified application may be approved without review from other county agencies or any state agency, except that repair of a non-conforming dwelling or structure shall be reviewed by the planning department. All other state and county agencies that regulate the repair of structures shall be responsible for enforcing their regulations independently upon issuance of the building permit.

C. Electrical and plumbing permits. The modified application may also be used for permits for electrical and plumbing work related to the repair work.

D. Construction drawings. An applicant for a modified permit shall submit construction drawings showing the location and scope of repair work, prepared by a registered design professional. The construction drawings shall be reviewed and approved by the building official. The records of the real property tax division of the department of finance shall be the basis for establishing the shape and size of structures prior to damage, provided that the structures were legally constructed.

E. Permit fees. The building official may defer all plan review and building permit fees upon written request by the applicant.

F. Permit issuance. The building official shall be authorized to issue building permits based upon the modified application. A copy of the approved modified application and construction drawing(s) shall be distributed to appropriate agencies immediately after the permit is issued.

G. Building inspections. The building official shall be authorized to deputize additional inspectors for the purpose of conducting the inspections required by permits issued under this section. Repair work shall be performed in conformance with this code.

H. Illegal construction. Permits issued under this section shall not be interpreted to be an approval of any violation of federal, state, or county statutes, ordinances, or rules. The issuance of a permit shall not relieve the applicant and the property owner from complying with any applicable statutes, ordinances, or rules. Structures or portions thereof that were illegally erected or constructed shall not be repaired under this section.

I. Time extensions. Building, electrical and plumbing permits issued under this section may be extended in accordance with the provisions of the applicable code.

J. Approval by default. If the building official does not take action by either approving, approving with conditions, or denying the modified application within seven calendar days after submittal of all information required by the building official, then the application shall be deemed approved; provided that the time period for the modified application for repair of a nonconforming building or structure that is subject to section 19.500.110, Maui County code, shall be fifteen calendar days.

105.2.2.1 Deferred permit fee collection. If the deferred plan review and building permit fees, including any penalties, are not paid within two years from the date the disaster declaration is made, then the building official shall have recourse to the remedies provided by law to recover unpaid fees.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. The application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in this code.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

105.3.1 Action on application. The application, construction documents and other information filed by an applicant for a permit shall be reviewed by the building official. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. Upon receipt of all required construction documents, the building official shall provide such documents to appropriate state and county departments for comments. In addition, the building official shall review such documents for compliance with this code and other codes the building official is responsible for administering. The departments shall provide their concurrence or provide substantive written comments on the construction documents no later than thirty calendar days from the date the building official sends the required documents to the departments. The building official may

defer consideration of the building permit pending receipt of additional information from either the applicant or comments from a reviewing department, in which case the running of time is suspended. If reviewing departments do not provide comments within the required time period, the building official shall consider the department as having no comment on the construction documents, unless the building official requires a response from a reviewing agency as specified above. The failure of any reviewing department to comment within the specified time period shall not relieve the applicant of the responsibility to comply with all applicable laws, whether required by the county, state or United States governments, which may include obtaining other required permits prior to construction. Neither the building official in issuing a permit nor the County of Maui shall be responsible for the applicant's failure to comply with any applicable laws. After the time frame for comments has elapsed and the building official has received all required documents, the building official shall review the comments provided and shall approve the permit as submitted, or as it may be modified, or shall disapprove the same and shall express the disapproval and the reasons therefor in writing.

105.3.2 Time limitation of application. Any rejected permit application not corrected within sixty calendar days of the rejection may be deemed expired by the building official. All permit applications automatically expire after five years from the date the permit application is filed with the building official.

105.3.3 Plan review waiver. Pursuant to rules adopted by the department, the building official shall waive plan reviews if requested in writing by the registered design professional. The rules for waiving plan reviews shall include, but not be limited to:

1. The submitted plans, specifications, computations, or other data are developed by the structural engineer or architect, duly registered under the provisions of chapter 464, Hawaii Revised Statutes;

2. The work described in an application for a plan review waiver is not located on property which abuts either the shoreline or a public beach reserve and is limited in scope as follows: single-family residences and accessory structures to single-family residences; and commercial interior and tenant improvements less than \$125,000;

3. The work described in an application for a plan review waiver is not located on property within any historic district established by title 19 of the Maui County code;

4. The architect or structural engineer shall certify that all applicable county, state, and federal requirements necessary for the granting of a building permit have been met prior to the issuance of a building permit. After certification

by the architect or structural engineer, if it is determined that all requirements have not been satisfied, that failure shall be reported to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects for further action; and

5. An applicant for a building permit shall execute a unilateral agreement providing for non-occupancy that shall prohibit occupancy of the structure until such time that all applicable county requirements are met, including but not limited to:

- a. Sewer assessments.
- b. Parks assessment.
- c. Water assessment.
- d. Infrastructure certification for accessory dwellings.
- e. Shoreline setback certification.
- f. Department of health certification.

If the structure is occupied prior to obtaining a release from the non-occupancy agreement, the building permit applicant shall pay a \$1,000 fine prior to the building official issuing a release from the agreement. Payment of this amount shall not limit the ability of the department to avail itself of any other remedies available by law.

When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp on the plans and specifications "APPROVED." When the building official issues the permit where a plan review is waived, "CONDITIONALLY APPROVED" shall be endorsed in writing or stamped on the plans and specifications. The approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work shall be done in accordance with the approved plans.

105.4 Validity of permit. The issuance or granting of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, violation of any of the provisions of the Maui County code. Permits presuming to give authority to violate or cancel the provisions of the Maui County code shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data, or from ordering that the work be stopped when building operations are being carried out thereunder in violation of the Maui County code. The building official is also authorized to prevent occupancy or use of a structure where in violation of the Maui County code.

Any building permit requiring an architect or structural engineer or a licensed contractor shall be suspended if the required

architect or structural engineer or contractor notifies the building official in writing that said architect or structural engineer or contractor is withdrawing from the project. The date of permit suspension shall be the date that the building official acknowledges receipt of the written notification by the architect or structural engineer or contractor. The permit shall be deemed expired if the permit suspension exceeds one hundred eighty calendar days.

105.5 Expiration. Every permit issued by the building official under this code shall expire and be deemed void five years from the date of issuance of the permit. If a permit expires prior to work being completed, a new permit shall be obtained.

105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. The registered design professional and owner shall be responsible to make corrections promptly to the satisfaction of the building official.

105.7 Job site construction plans and documents. The approved job site construction plans and documents shall be kept on the site of the work until the completion of the project when requested by the building official.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

16.25.106 Floor and roof design loads.

106.1 Restrictions on loading. It shall be unlawful to lace, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

16.25.107 Submittal documents.

107.1 General. With each application for a building permit construction documents shall be submitted to the building official. Construction documents shall be prepared by a registered design professional:

1. As required by Hawaii Revised Statutes, chapter 464 and related Hawaii Administrative Rules.
2. For new one and two family dwellings.
3. For a change of occupancy classification.
4. For work started or completed prior to obtaining a building permit.

5. For additions, alterations, and repairs 400 square feet or greater.

6. Where a special condition exists, including but not limited to, absence of adequate construction plans; non-prescriptive structural design; fire resistive and means of egress compliance; and alternative materials and methods of construction.

Exception:

The building official is authorized to waive the requirement for stamping by a registered design professional if it is found that the nature of the work applied for is such that stamping of construction documents is not required by law.

107.2 Construction documents. Construction documents shall be in accordance with sections 107.2.1 through 107.2.7.

Exception:

The building official is authorized to waive the submission of certain construction documents or other items if determined to not be necessary to obtain code compliance due to the nature of the work applied for.

107.2.1 Information on construction documents.

Construction documents shall be drawn to scale, dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the exact location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The follow construction plans shall be submitted when applying for a permit:

1. Plot and civil plans.
2. Floor plans.
3. Foundation plans.
4. Floor framing plans.
5. Roof framing plans.
6. Cross sections and construction details.
7. Exterior elevations.
8. Electrical, plumbing, mechanical plans.
9. Means of egress and fire wall plan.
10. For existing structures, existing and proposed plans.
11. Other information required by the Building Official.

107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to the Fire Prevention Bureau or designated agency.

107.2.3 Means of egress and fire wall. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-3, and U, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. The plan shall also include the location and fire resistive rating of any Fire Wall pursuant to this code.

107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

107.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan with the property's Tax Map Key number and address and showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.2.7 Structural information. The construction documents shall provide the information specified in chapter 16.

107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. This jurisdiction conducts non-structural building code reviews. Structural design requirements shall be by prescriptive methods or engineered design by the registered design professional.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "APPROVED". The approved plans and specifications shall not be changed modified to altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans. One set of construction documents so reviewed shall be retained by the building official until construction has been completed and the building official has approved the final inspection. Should there be any errors or omissions, the construction plans and work shall be revised as required by the building official.

107.3.2 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.3 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform all of the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building or structure.

107.3.4 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents and shall submit the deferred submittal for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official. The applicant shall pay additional plan review fees, minimum two hours, as set forth in the annual budget ordinance.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The applicant shall pay additional plan review fees, minimum two hours, as set forth in the annual budget ordinance. The building official can require a new building permit.

107.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official.

107.6 Design registration. Any architect or structural engineer may submit construction plans for a single-family dwelling unit or for a detached or attached accessory dwelling unit complying to Maui County code, section 19.35, to be registered with the building official as a model home. The architect or engineer shall submit plans and other documents as required by the building official.

A. The filing fee to apply for design registration shall be as set forth in the annual budget.

B. The building official may circulate the plans to other governmental agencies for verification of compliance with other applicable regulations.

C. After the building official determines that the plans are in compliance with applicable codes and regulations, the building official shall assign a registration number on the approved plans, herein referred to as registered plans.

D. Codes and amendments adopted or enforced after registration approval may invalidate such approval or be required to be recertified as determined by the building official.

E. The building permit applicant shall submit a completed building permit application and a copy of a site plan stamped by the same architect or engineer who prepared the registered plans, showing the location of the model home on the property with setback distance, elevation contours, and other applicable information. The model home registration number shall be noted on all building permit application submittals.

F. There shall be a plan review fee for registered designs as set forth in the annual budget. If the registered design includes building design options, the highest value of work shall be used. Other fees and assessments including, but not limited to, permit, park assessment and sewerage fees shall be paid.

G. One revision to the registered plans may be approved by the building official if: the exterior footprint of the model home has not been changed; the proposed revisions are in compliance with the building code and other applicable codes, including any amendments; the applicant pays additional plan review fees as set forth in the annual budget ordinance; and the architect or engineer agrees to submit "as-built" construction drawings immediately. Additional revisions may be allowed as determined by the building official.

107.7 Errors and omissions. If there are any errors or omissions on any construction document, the registered design professional and owner shall be responsible to make corrections promptly to the satisfaction of the building official.

SECTION 108 TERMPORARY STRUCTURES AND USES

16.25.108 Temporary structures and uses.

108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty days. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements the Maui County Fire code, as amended, and title 19. The applicant and property owner are responsible to ensure the temporary structure is erected and constructed in a safe manner and does not pose a life safety or fire

safety hazard. In the event of severe weather the temporary structure shall be removed.

108.3 Permit required. Temporary structures shall obtain a permit unless exempted by this code. The erection and removal dates shall be provided.

108.4 Construction documents. A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and other information required by reviewing agencies.

108.5 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

16.25.109 Fees.

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. A fee for each permit shall be paid as required, and as set forth in the annual budget ordinance, and shall be paid prior to the issuance of any building permit.

Exceptions:

1. Affordable housing projects built and offered for sale or rental in accordance with chapter 2.86 of this code, shall be assessed 50 percent of the building permit fee.
2. All units in a residential development in which 100 percent of the units qualify as residential workforce housing units, as defined in section 2.96.020 of this code, shall be exempt from the fee.
3. A residential workforce housing unit, as defined in section 2.96.020 of this code, shall be assessed 50 percent of the fee.
4. When building permits are required for a county capital improvement program project, no fee shall be charged for such permits.
5. When permits are required for projects located on the island of Moloka'i, pursuant to County Council Resolution No. 96-42 relating to designation of the island of Moloka'i as an enterprise zone, no fee shall be charged for such permits for projects valued at \$200,000 or less. This fee waiver shall be applied only once per

structure.

The final determination of value or valuation under any of the provisions of this code shall be made by the building official. Adjustments to the valuations may be made by the building official for special architectural or structural features, type of materials, and location of project.

The value to be used in computing the building permit and building plan review fees shall be based on the square feet of the occupancy and type of construction of the structure. The minimum valuation per square feet shall be based on Table 109.1 for one- and two-family dwellings, garages, carports, decks, patios, lanais; the architect or engineer's submitted value; or the awarded cost of construction. The building official can request for written confirmation of the value from a qualified individual.

Table 109.1 – Minimum Valuation Table

1. Dwellings:	Cost Per Square Ft.
Type VB	\$150.00
Basement - Unfinished	\$80.00
2. Private Garages & Carports:	
Garage	\$80.00
Open Carports	\$60.00
3. Decks and Patios	
Covered	\$60.00
Open	\$40.00

109.2.1 Plan review fees and fund. A plan review fee shall be paid at the time of submitting the submittal documents for plan review. The fee shall be set forth in the annual budget ordinance. The plan review fees specified in this section are in addition to the permit fees in this code. If the building permit valuation is undervalued at application, the difference shall be paid at permit issuance. No refund shall be granted if the building permit valuation is overvalued at application.

The building official may authorize an expedited plan review process. When the building official issues a building permit where a plan review is waived, pursuant to section 105.3.3 of this code, the applicant shall pay 50 percent of the building permit fee as the plan review fee.

There is hereby established and created a fund to be known as the "Plan Review, Permit Processing, and Inspection Revolving Fund." The fees collected pursuant to this subsection are hereby

deemed appropriated upon receipt and may be expended for salaries, training, contracts, rent payments, fixtures, materials, supplies, and equipment that facilitate plan review and for payment of overtime for plan checking, permit processing, and inspections.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates by qualified individuals, to meet the approval of the building official. Final building permit valuation shall be set by the building official.

109.4 Work without a permit. When work for which a permit is required by this code is started or proceeded with before obtaining a permit, the fees as set forth in the annual budget ordinance shall be doubled or increased by an additional amount of \$500, whichever is the greater, but the payment of such fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in accordance with the Maui County code and any rules adopted by the department.

Inspections shall be required for any work commenced without a permit required by this code. It shall be the responsibility of the permit holder to cause the work to be accessible and exposed for inspection purposes. When any work has been concealed prior to inspection, the property owner may submit a certificate from a building contractor, an architect, or a structural engineer licensed in the State of Hawaii that all work done without inspection complies with the provisions of this code and a unilateral hold harmless agreement, releasing the county of all liability. This agreement shall be recorded with the Bureau of Conveyances. The contents of the certificate and the hold harmless agreement shall be in a form acceptable to the building official. The property owner or permittee shall pay for all recordation fees and any applicable fees for concealing work without inspection(s). The permit holder must still obtain a final inspection which the building official shall perform. Upon receiving an acceptable certificate and hold harmless agreement, the building official may issue a certificate of final inspection or a certificate of occupancy, subject to the terms and conditions contained in the aforementioned agreement, indicating that certain work has been exempted from inspections at the property owner's request.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in

connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. If requested in writing by the permittee, the building official may authorize refunding 50 percent of the permit fee paid when no work has been done under an unexpired permit. Work includes any earthwork covered by chapter 20.08 of the Maui County code.

If requested in writing by the permittee, the building official may authorize refunding 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any review of plans is initiated. The building official shall not authorize refunding of any fee paid if any work covered by the permit has been initiated.

SECTION 110 INSPECTIONS

16.25.110 Inspections.

110.1 General. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall be subject to inspection, as specified in this code. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.

A resurvey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

110.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The building official, upon notification, shall make the inspections set forth in the following sections.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For

concrete foundations, any required forms shall be in place prior to inspection. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94 or other approved nationally recognized standards, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

110.3.2 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire- blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.3 Lath, gypsum board and gypsum panel product inspection for partitions required to be fire rated. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception:

Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.4 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception:

Where special inspections are provided in accordance with this code.

110.3.5 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.6 Energy efficiency inspections. Inspections shall be made to determine compliance with the Maui County Energy code, as amended at the framing inspection and/or final inspection.

110.3.7 Other inspections. In addition to the inspections specified in this code, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.

110.3.7.1 Miscellaneous inspections. For any miscellaneous inspection not covered by an issued building permit, the person requesting the inspection shall pay the county a fee as set forth in the annual budget ordinance prior to the miscellaneous inspection.

Exceptions:

1. Exemption for adult residential care homes. Where inspections are required pursuant to chapter 100 of the Hawaii Administrative Rules of the State Department of Health, no fee shall be charged for such miscellaneous inspections.
2. Exemption for licensing of day care centers. Where inspections for day care centers are required pursuant to the rules governing licensing of group day care centers and group day care homes of the State Department of Social Services and Housing, no fee shall be charged for such miscellaneous inspections.

110.3.8 Special inspections. When special inspection is required by this code, the architect or structural engineer of record shall prepare an inspection program that shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals or firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work. When structural observation is required by this code, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

110.3.9 Final inspection. Final inspection shall be made after finish grading and the building is completed and ready for occupancy.

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability to the satisfaction of the building official.

110.5 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official when work is ready for inspection. The building official may require that every request for inspection be filed at least two working days

before such inspection is desired. The building official shall determine the method of making such request. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for the purpose and pay the reinspection fee as set forth in the annual budget ordinance. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

110.8 Certifications. The building official may require a letter of certification from any architect or engineer whose stamp appears on the approved building permit application or permit plans certifying that certain elements of the work authorized by a permit complies with this code before the final inspection is approved. Certification may be expressed as a professional opinion and may be subject to the scope of services provided contractually by said architect or engineer and facts known by said architect or engineer.

SECTION 111 CERTIFICATE OF OCCUPANCY

16.25.111 Certificate of occupancy.

111.1 Change of occupancy. A building, structure, or portion thereof shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception:

Certificates of occupancy are not required for work exempted from permits in accordance with section 105.2, Group R, Division 3 one- and two-family dwellings, and Group U Occupancies.

111.2 Certificate issued. After the building official inspects the building, structure, or portion thereof, and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which may include, but not be limited to the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of chapter 3 of this code.
9. The type of construction as defined in chapter 6 of this code.
10. If an automatic sprinkler system is provided and whether the sprinkler system is required.
11. Any special stipulations and conditions of the building permit.

A fee as set forth in the annual budget shall be paid prior to the issuance of any certificate of occupancy.

111.3 Temporary occupancy. If the building official finds that no substantial hazard will result from occupancy of any building or portions thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The building official shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Documents Issued. The owner or the owner's authorized agent shall keep a copy of the certificate of occupancy documents at the property and make it available for reviewing.

111.6 Violations. If a building, structure, or portion thereof occupied prior to obtaining a certificate of occupancy when a certificate of occupancy is required, the building official shall collect a \$1,000 fine prior to issuing the certificate. This shall not limit the ability of the department to avail itself of any other remedies available by law.

SECTION 112 BOARD OF VARIANCES AND APPEALS

16.25.112 Board of variances and appeals.

112.1 Variance and appeals. The board of variances and appeals shall hear and determine all variance requests and appeals under this code as follows:

112.1.1 Variance. The board of variances and appeals shall hear and determine all variance requests and appeals under this code as follows:

1. That the strict application, operation or enforcement of the code provision or provisions would result in practical difficulty or unnecessary hardship to the applicant;
2. That the granting of the variance shall not be detrimental to the public health, safety or welfare;
3. That the granting of the variance would not be injurious to the adjoining lots and the buildings thereon; and
4. That the granting of the variance would not be contrary to the purposes of this code and the public interest.

112.1.2 Appeals. The board of variances and appeals shall hear and determine all appeals alleging error from any person

aggrieved by a decision of the building official in the administration of this code. The board may grant an appeal only if it finds one of the following:

1. That the subject decision or order was based on an erroneous finding of material fact or erroneously applied the law;
2. That the subject decision or order was arbitrary and capricious in its application; or
3. That the subject decision or order was a manifest abuse of discretion.

SECTION 113 VIOLATIONS

16.25.113 Violations.

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code, or to otherwise violate any portion of this code, or to otherwise violate any portion of this code.

113.2 Notice of violation. The building official is authorized to serve a notice of violation and order or stop work order on any person responsible for the erection, construction, alteration, repair, moving, improvement, removal, conversion, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code or on any person responsible for any other violations of this code. An owner of property in violation of this code shall be considered a "person responsible" under this section. Such order shall be in accordance with section 19.530.030 of this code, as well as any rules adopted by the department.

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Violations of this code shall be subject to the enforcement procedures in sections 19.530.020 and 19.530.030 of this code, as well as any rules adopted by the department. Fines collected pursuant to this subsection shall be deposited in the "Plans Review, Permit Processing, and Inspection Revolving Fund."

The continuance of any such violation after the period set forth for correction in the citation, shall be deemed a separate offense for each day of the continuance.

SECTION 114 STOP WORK ORDER

16.25.114 Stop work order.

114.1 Authority. Whenever any work is being done contrary to the provisions of this code, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing, served on any persons engaged in the doing or causing such work to be done in accordance with any rules adopted by the department, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

16.25.115 Unsafe structures and equipment.

115.1 General. Buildings or structures which are structurally unsafe, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this code or any other provision in title 16, Maui County code, for the purpose of this section, are unsafe buildings. All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, removal, or other methods approved by the building official in accordance with the procedure specified in this section.

115.2 Notice to owner. The building official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this section, the building official shall give to any owner or tenant of such building or structure written notice stating the defects thereof. This notice may require the owner, tenant or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise required by the building official. If necessary, such notice also shall require the building, structure or portion thereof to be vacated immediately and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official.

Proper service of such notice shall be by personal service, registered mail or certified mail upon any owner of record, or by posting of such notice on a conspicuous location on the property. If such notice is by registered mail or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the building official shall begin as of the date of mailing.

115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time.

115.3 Posting of signs. The building official shall post at each entrance to buildings ordered vacated or at other visible locations on the property if access to the building is a hardship, a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY." Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the building official, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

In the event of a major natural disaster, the building official may post "Restricted Use" or "Unsafe" placards at each entrance to a building or on the property if an inspection warrants such posting. Entry or occupancy in a building or portion of a building posted with a "Restricted Use" placard shall be limited to the restrictions stated on the placard. No entry is permitted in a building or portion of a building posted "Unsafe." Placards shall not be removed or altered unless authorized by the building official.

115.4 Action of noncompliance. In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the building official may initiate enforcement proceedings against the owner or violator.

Nothing contained herein shall be construed to limit or restrict the building official from instituting, on behalf of the county, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice to repair, rehabilitate or to demolish and remove the building or structure or portion thereof, and to recover the cost of such work from the owner or attach alien to the property.

Article 2. Improvements to Public Streets

16.25.201 Applicability and Scope. Where public streets are adjacent to the property on which any new structures(s) will be situated or remodeling, reconstruction, repairs, additions and similar work on existing structure(s) are proposed, where the cost of the work over a period of twelve consecutive months exceeds 50 percent of the replacement value of existing structures on the property before work is started, improvements as may be required by the building official shall be constructed on those portions of the streets adjacent to the property. Improvements may include, but shall not be limited to, pavement widening, construction of sidewalks, curbs, gutters, swales, drainage improvements, driveways, curb ramps, striping, signage, relocation of utilities, and placement of utilities underground. Placement of utilities underground can be deferred provided that the owner, heirs, executors, and assigns agree to pay their pro rata share of the cost of utility and utility-related road improvements upon the adjacent public right-of-way(s) based on the actual cost of the capital improvements, divided by the total number of linear feet of the capital improvement, the quotient of which shall be multiplied by the number of lineal feet of the capital improvement adjacent to the property. An agreement shall be prepared by the owner for filing with the state bureau of conveyances. The deferral under this section shall include those developments which have previously entered into agreements deferring the placement of utilities underground. Road widening lot(s) shall be provided when necessary. In determining appropriate improvement and road widening requirements, the building official may take into consideration the Maui County General Plan, Community Plans, standards of title 18 of the Maui County code, future roadway improvement plans, or any other development standard on file with the department. If road widening lot(s) are required, a subdivision plat shall be filed, and the director may approve the building permit should the preliminary subdivision plat generally conform to the requirements of the road widening lot(s) request. The final plat shall be approved by the director prior to the occupancy of the structure.

Exception:

The requirements of this section shall not apply to single family dwellings when the total number of dwellings on a lot does not exceed three, projects involving the use of county funds or land, structures in the state agricultural district, structures which do not exceed the value of \$250,000, and other structures that do not include occupiable or habitable spaces.

Article 3. Post-Construction Stormwater Quality Best Management Practices

16.25.301 Applicability and Scope. Post-construction stormwater quality best management practices, as may be required by the building official, shall be implemented for property on which any new structure(s) will be situated, or for any work such as remodeling, reconstruction, repairs, additions, and similar work, where the cost of the work over a period of twelve consecutive months exceeds 50 percent of the replacement value of the existing structure(s) before work is started.

Exception:

The requirements of this section shall not apply to a single-family dwelling and its accessory structures, as the same shall be defined in title 19 of this code, provided that the dwelling is not part of a multiple-dwelling development plan or subdivision plan, as determined by the building official, and provided further that the total impervious surface area of the project does not exceed five thousand square feet.

Article 4. Hawaii Provisions for Indigenous Hawaiian Architecture

SECTION 401 GENERAL

16.25.401 General.

401.1 Scope. The provisions of this chapter shall apply exclusively to Indigenous Hawaiian Architecture Structures. The purpose of these provisions is to acknowledge and establish procedures for designing and constructing indigenous Hawaiian architecture structures.

401.2 Publications incorporated by reference. The following publications are incorporated by reference and made a part of these provisions. Where there is a conflict between the Hawaii Provisions for Indigenous Hawaiian Architecture and the referenced documents, the Hawaii Provisions for Indigenous Hawaiian Architecture shall prevail.

1. "Hawaiian Thatched House" (1971), by Russell A. Apple, published by the United States Department of the Interior.
2. "Hale Construction Standards" (2000), by Francis Sinenci and Bill Sides.
3. "The Hawaiian Grass House in Bishop Museum" (1988), by Catherine C. Summers.
4. "Arts and Crafts of Hawaii", Section II, Houses (1957) by Te Rangi Hiroa (Peter H. Buck).

401.3 Definitions. See chapter 2 of the building code, as amended, for general definitions. As used in this chapter:

“Certified hale builder” means a person who has obtained a certificate of completion for satisfactorily completing a course in Hawaiian hale construction from the University of Hawaii, or any of its community colleges, or as approved by the building official.

“Group of structures” means a group of indigenous Hawaiian architecture structures that are in close proximity to each other and have an aggregate floor area of 1,800 square feet or less.

“Hale or indigenous Hawaiian architecture” means a structure that is consistent with the design, construction methods and uses of structures built by Hawaiians in the 1800's, which uses natural materials found in the Hawaiian Islands, and complies with this chapter and references.

“Separation” means the clear distance between two structures.

“Setback” means the clear distance between a structure and a property line.

SECTION 402 MATERIAL REQUIREMENTS

16.25.402 Material requirements.

402.1 Hale materials. Hale shall be constructed using only materials grown and harvested in the State of Hawaii.

402.2 Wood framing material. The wood members for the hale, such as posts and rafters, shall be, but not limited to hardwoods of unmilled, straight sections of trunks or branches of the following species:

1. *Casuarina equisitafolia* (ironwood).
2. *Prosopis-allid* (kiawe).
3. *Eucalyptus robusta* (eucalyptus).
4. *Psidium cattleianum* (strawberry guava).
5. *Metrosideros polymorpha* (ohia).
6. *Rizophora mangle* (mangrove).

Exception:

Ardisia elliptica (inkberry) may be used only for roof purlins as an alternative to specified woods listed in items 1 through 6.

402.3 Roofing and siding. Thatched roofing and siding materials for the hale may be any grass or leaf material grown and harvested in the State of Hawaii, to include but not be limited to pili, kualohia, pueo, kāwelu, sugarcane leaves, and ti leaves.

402.4 Cord. Natural or synthetic cord used for lashing structural members of the hale shall be 400 pound test. Cord used for tying floating purlins and thatched materials shall be 100 pound

test. All cord used on the hale shall be shades of green, tan, brown or black.

402.5 Metal prohibited. Metal shall not be used for the construction of the hale.

SECTION 403 SIZE AND LOCATION

16.25.403 Size and location.

403.1 Height and size limitation. Hale shall be one-story, detached structure(s) not exceeding 1,800 square feet. Hale shall not exceed the size indicated in Table 403.1.

Table 403.1 - Maximum Size of Hale (feet)

Hale Hälawai	Hale Ku'ai	Hale Noa	Hale Wa'a
30 X 60	14 X 20	14 X 24	30 X 60

403.2 Zoning requirements. Hale shall comply with minimum yard requirements in the zoning codes.

403.3 Minimum separation. The minimum separation between a hale and another structure shall be at least 10 feet for a one-story structure;

15 feet for a two-story structure; or a distance equal to the height of the hale, whichever is more. The minimum separation between two hale shall be at least 10 feet or a distance equal to the height of the taller hale.

403.4 Hale Noa. Hale [noa] Noa structures may only be constructed on property where a separate residence exists on the property.

SECTION 404 ALLOWABLE AND PROHIBITED USES

16.25.404 Allowable and prohibited uses.

404.1 Allowable uses. To the extent permitted by other applicable law, allowable uses for hale structures shall be in accordance with Table 404.1.

Table 404.1 - Allowable Use for Each Hale Type

Use	Hale Hālāwai	Hale Ku‘ai	Hale Noa	Hale Wa‘a
Eating ('ai)	Allowed	Allowed	Not permitted	Allowed
Assembling (hālāwai)	Allowed	Allowed	Not permitted	Allowed
Sleeping (moe)	Not permitted	Not permitted	Allowed	Not permitted
Retailing (e.g., fruits) (ku‘ai)	Allowed	Allowed	Not permitted	Allowed
Storage (papa‘a)	Not permitted	Allowed	Not permitted	Allowed

404.2 Prohibited uses and activities. The following uses and activities shall be prohibited from occurring within or near the hale:

1. Cooking.
2. Open flames.
3. Generators.
4. Extension cords.
5. Electrical switches, fixtures, or outlets.
6. Plumbing faucets, fixtures, or drains.
7. Power tools.
8. No screen, mesh, plastic or any other similar material shall be attached to the hale.
9. Hale shall not be used as a food establishment as defined in the administrative rules adopted by the State of Hawaii, Department of Health.

404.3 Maintenance. The hale shall be maintained by the owner to ensure structural integrity. Repairs for maintenance of the hale shall not require additional building permits.

SECTION 405 FIRE PROTECTION

16.25.405 Fire protection.

405.1 Fire protection classifications. Fire protection for Indigenous Hawaiian architecture structures shall be as required in Table 405.1.

Table 405.1 - Fire Protection Requirements Based on Setback

Class	Setback Requirements	Fire Protection Requirements
A	<p>The structure (or a group of structures) is:</p> <ol style="list-style-type: none"> 1. Located at least 100 feet from any existing structure on the same or neighboring properties; and 2. Located at least 100 feet from any property line, except as follows: <ol style="list-style-type: none"> a. If the property line abuts a public way, the 100 feet minimum setback for that property line shall be reduced by the width of the public way, b. If the property line abuts the shoreline, the minimum setback for that property line shall be the shoreline setback, or c. For any hale ku'ai in the agricultural district that is less than 200 square feet, that is completely open on three sides, and that is used as an agricultural products stand and if the property line abuts a public way, the minimum setback for that property line shall be 15 feet. 	No fire protection is required for the structure.
B	<p>The structure (or a group of structures) that conforms to applicable zoning setback requirements but does not satisfy Class A setback requirements.</p>	<p>Automatic fire sprinkler system shall be installed in accordance with design standards in section 3805.2. An electrical permit is required for fire sprinklers systems.</p>

405.2 Automatic fire sprinklers. The design standards for automatic fire sprinklers for Class B indigenous Hawaiian architecture structures shall be in accordance with NFPA 13.

Exception:

The design standards for automatic fire sprinklers for Class B indigenous Hawaiian architecture structures shall be permitted as follows:

1. 18 gallons per minute for a single head at 140 square feet maximum coverage of roof area.
2. 13 gallons per minute for each subsequent head at 140 square feet maximum coverage of roof area per head.
3. The minimum supply pressure at the base of the

riser shall not be less than 40 pounds per square inch.

4. The minimum residual pressure at the highest sprinkler shall be not less than 12 pounds per square inch.
5. Sprinkler head spacing shall not exceed 14 feet.
6. Sprinkler heads shall be open type upright, pendent, or sidewall with 1/2-inch or 17/32-inch orifice and have a wax corrosion resistant coating.
7. The total number of sprinklers on a branch shall not exceed 6 heads.
8. The total number of sprinklers shall not exceed the quantity shown in Table 405.2(a).

Table 405.2(a) - Total Number of Fire Sprinklers Based on Pipe Size

Pipe Sizing	Number of Sprinklers
1 inch diameter	2 sprinklers
1 1/4 inch diameter	3 sprinklers
1 1/2 inch diameter	5 sprinklers
2 inch diameter	10 sprinklers
2 1/2 inch diameter	30 sprinklers
3 inch diameter	60 sprinklers

9. The pipe schedule in Table 405.2(a) shall not apply to hydraulically designed systems.
10. The water density shall not be less than 0.10 gpm per square foot.
11. The source of water may be by domestic water meters, detector check meter, underground well, storage tank, swimming pool, ponds, etc., but must meet the design requirements for adequate pressure and duration.
12. Water supply shall be sufficient to provide 30 minutes duration.
13. If domestic water meters are used as the source of water for the fire sprinklers, without a storage tank and booster pump, the maximum number of sprinklers shall not exceed the number shown in Table 405.2(b).

Table 405.2(b) - Total Number of Fire Sprinklers Based on Water Meter Size

Size of Water Meter	Number of Sprinklers
---------------------	----------------------

5/8 inch water meter	1 sprinkler
3/4 inch water meter	2 sprinklers
1 inch water meter	3 sprinklers
1½ inch water meter	7 sprinklers
2 inch water meter	11 sprinklers
3 inch water meter	27 sprinklers

- 14. The piping material shall be hard drawn copper with silver solder or brazed fittings, or carbon steel with corrosion-resistant coatings. Plastic pipes shall not be allowed, except for below grade supply pipes.
- 15. Fire sprinkler system shall be actuated by smoke detectors located at the highest points of the roof and spaced as recommended by the manufacturer.
- 16. Flow control valves shall be either hydraulically or electrically operated with a manual override switch.
- 17. Where the width of a roof exceeds the width allowed for one row of sprinklers, two or more rows of sprinklers shall be placed such that the entire roof area is protected.
- 18. Prevailing wind direction shall be considered in the placement of sprinklers.
- 19. Deflectors for sprinklers shall be parallel with the roof surface or tilted slightly towards the peak of the roof.
- 20. Fire sprinklers system shall have a local alarm activated by a smoke detector.

405.3 Certification of water supply. For any hale that requires fire protection pursuant to section 405, the applicant shall provide a certification from a licensed engineer or a licensed C-20 contractor that the water supply for the fire sprinkler system has been tested and is capable of delivering the required fire flow for 30 minutes duration.

405.4 Smoke alarm. Any hale used for sleeping shall have an approved battery-operated smoke alarm installed in the hale.

SECTION 406 DESIGN STANDARDS

16.25.405 Design standards.

406.1 General design standards. All types of hale shall be designed and constructed in accordance with the standards set out in this section.

1. The minimum diameter size of all structural members shall be measured at the member's midpoint, except that the minimum diameter size of posts shall be measured at the smaller end. For structure sizes not specifically shown in the tables, the requirements in the next larger width size shall be applicable.

2. The specifications for structural members were estimated based on no wind loads. Hale shall be constructed to allow all thatching materials to separate from the structure prior to adding significant loads.

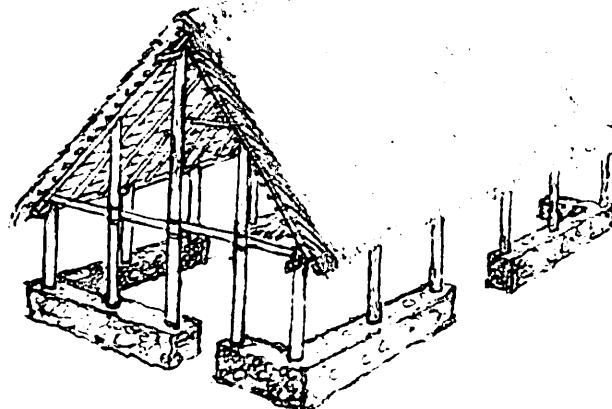
3. The mix formula for mortar specified in these rules shall be one part portland cement, four parts clean sand, and sufficient fresh water to make the mixture workable.

4. Every hale, except hale noa, shall have at least two sides completely open.

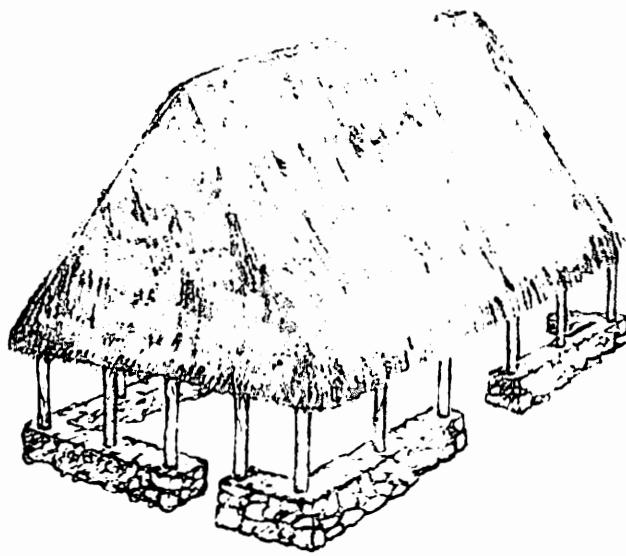
5. Lashing and thatching methods shall comply with illustrations found in "Arts and Crafts of Hawaii" or "The Hawaiian Grass House in Bishop Museum" referenced in section 401.2.

Section 406.2 Allowable designs. Hale shall be designed and constructed in accordance with the requirements in sections 406.2.1 through 406.2.4.

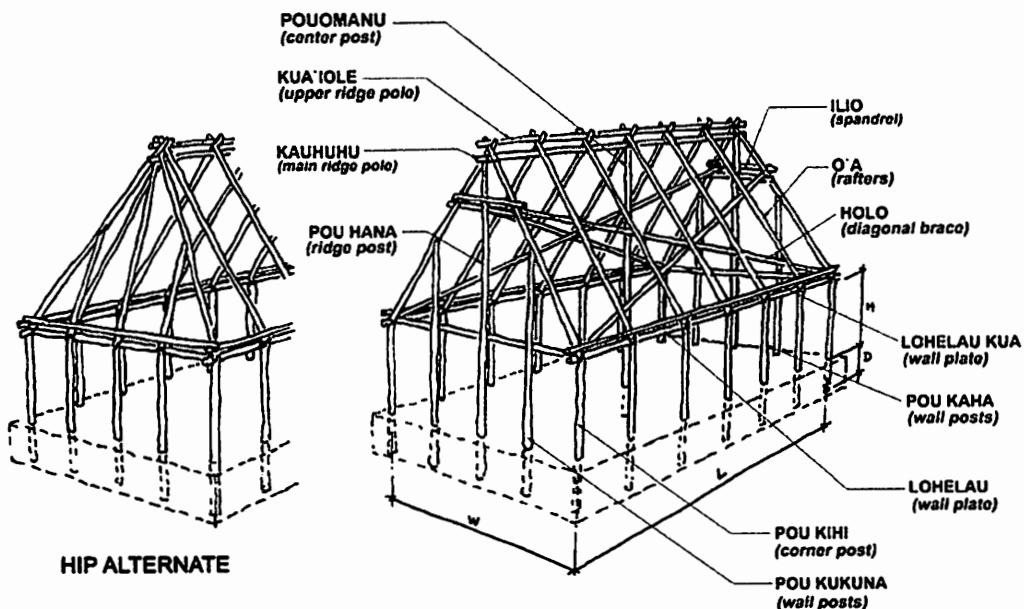
406.2.1 Hale Hālāwai. Each end of the Hale Hālāwai may be open or thatched. The ends may also be constructed with a thatched roof hip as an alternate design. Hale Hālāwai shall be designed in accordance with the following schematics and illustrations. Structural components for Hale Hālāwai shall meet the size and spacing requirements in Table 406.2.1(a). Foundations for Hale Hālāwai shall be designed in accordance with Table 406.2.1(b).



HALE HĀLĀWAI
OPEN END STYLE



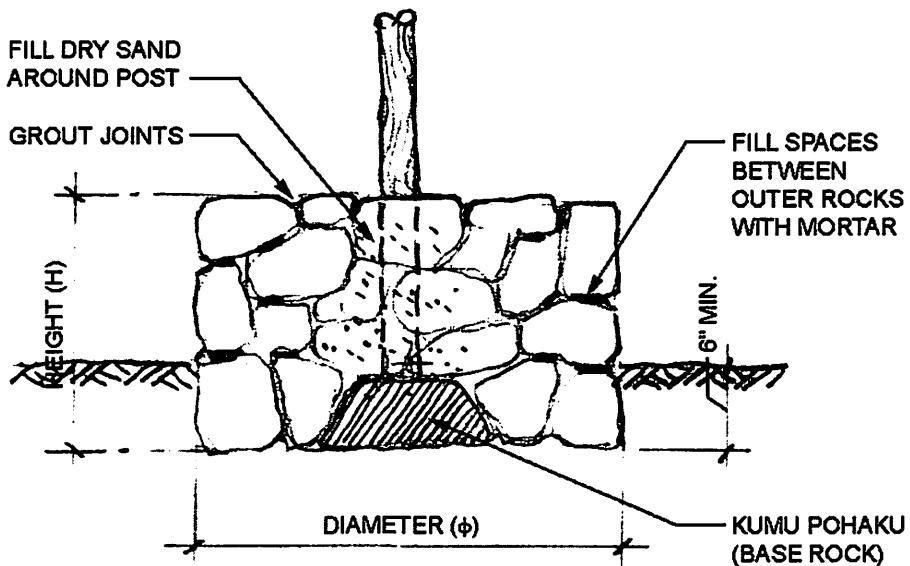
HALE HĀLĀWAI
THATCHED END STYLE



FRAMING SCHEMATIC

Table 406.2.1(a) - Size and Spacing Requirements for Structural Components used in Hale Hālāwai

Size W x L x H	pou kihi	pou kukuna & pou kaha	pou hana & pou manu	o'a	kuaiole & holo	kauhuu	lohelau	Maximum post spacing (feet)	Maximum rafter spacing (feet)
	Minimum Diameter (inches)								
12' x 20' x 7'	4	3 $\frac{1}{2}$	4	3 $\frac{1}{2}$	2 $\frac{1}{2}$	3	3	5	3
14' x 24' x 7'	4	4	4 $\frac{1}{2}$	3 $\frac{1}{2}$	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	5	3
24' x 30' x 7'	5	4 $\frac{1}{2}$	4 $\frac{1}{2}$	4	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	5	3
25' x 50' x 7'	5 $\frac{1}{2}$	5	5 $\frac{1}{2}$	4	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	5	3
30' x 60' x 7'	6	5 $\frac{1}{2}$	6	4 $\frac{1}{2}$	2 $\frac{1}{2}$	3	4	5	3



**KAHUA
(PEDESTAL)**

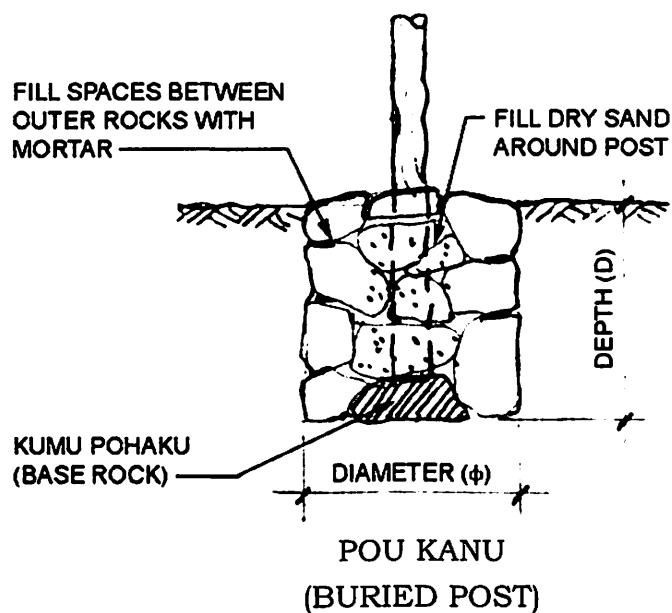
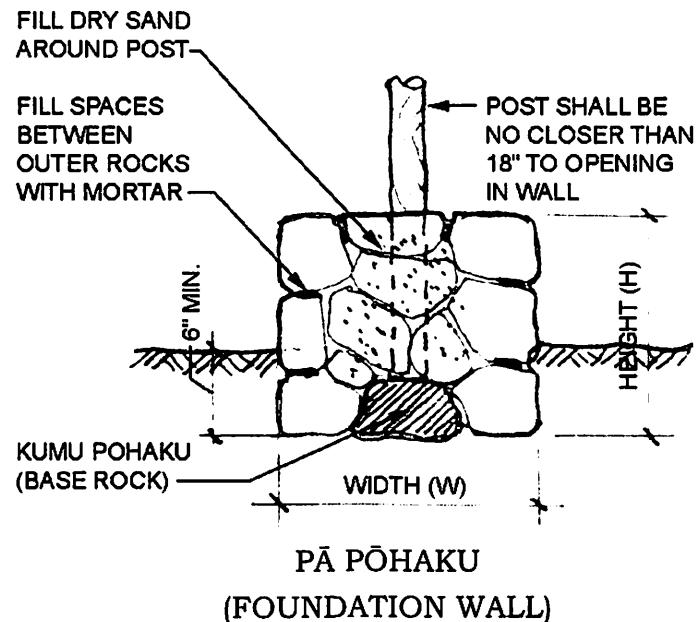
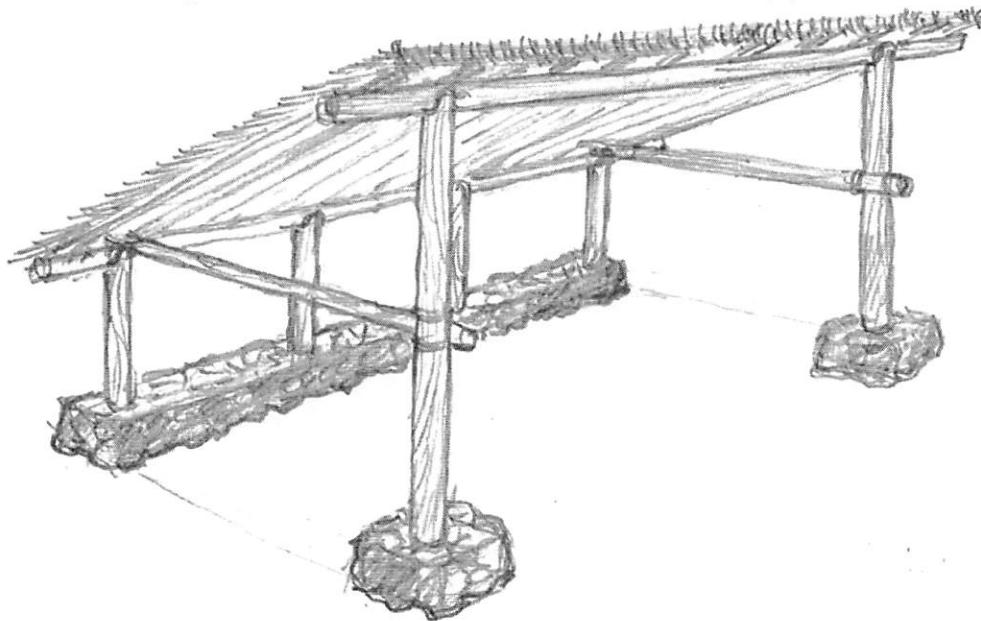


Table 406.2.1(b) - Foundation Design for Hale Hālāwai

Size (W x L x H)	Foundation Type		
	kahua Diameter x Height	pā pōhaku Width x Height x Length	pou kanu Diameter x Depth
12' x 20' x 7'	3'6"φ x 24"H	2'6"W x 2'8"H x 4'0"L	30"φ x 2'8"D
14' x 24' x 7'	3'8"φ x 24"H	2'6"W x 2'8"H x 4'0"L	30"φ x 2'9"D
24' x 30' x 7'	4'0"φ x 30"H	3'0"W x 3'0"H x 4'0)L	36"φ x 3'0"D
25' x 50' x 7'	4'0"φ x 30"H	3'0"W x 3'0"H x 4'0)L	36"φ x 3'0"D
30' x 60' x 7'	4'0"φ x 30"H	3'0"W x 3'3"H x 4'0)L	36"φ x 3'3"D

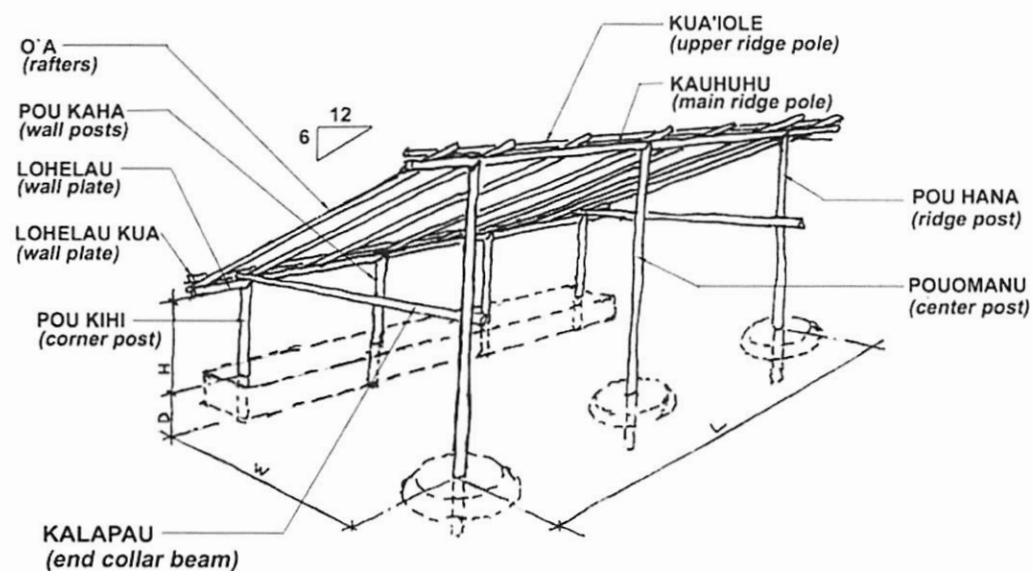
406.2.2 Hale Ku`ai. Hale Ku`ai shall be designed in accordance with the following schematics and illustrations. Structural components for Hale Ku`ai shall meet the size and spacing requirements in Table 406.2.2(a). Foundations for Hale Ku`ai shall be designed in accordance with Table 406.2.2(b).



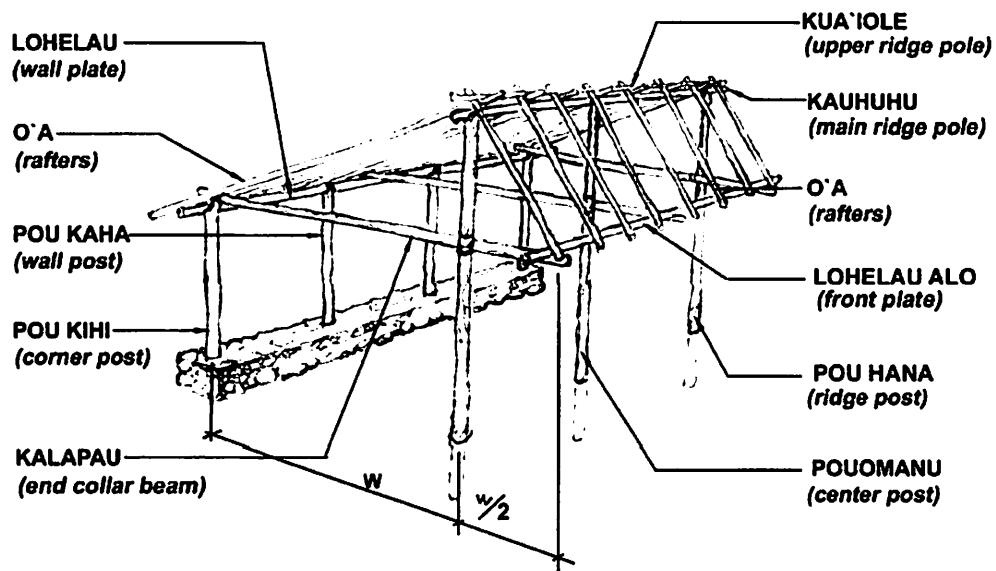
HALE KU`AI
SHED STYLE



HALE KU'AI
GABLE STYLE



FRAMING SCHEMATIC 1



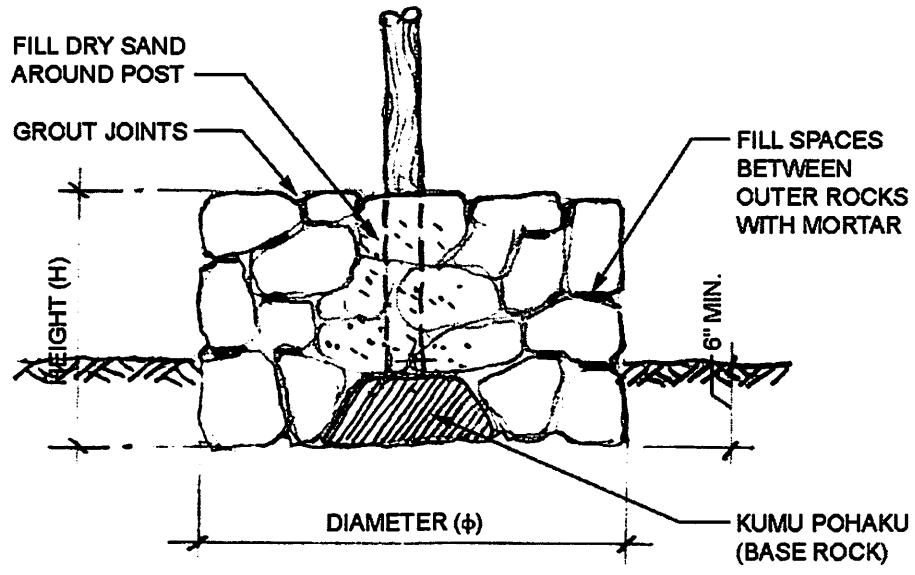
FRAMING SCHEMATIC 2

Table 406.2.2(a) - Size and Spacing Requirements for Structural Components used in Hale Ku'ai

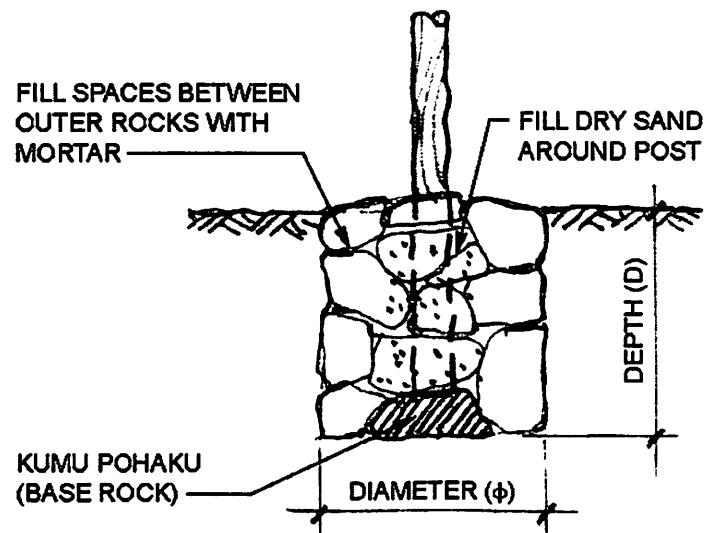
Size (W x L x H)	p o u k i h i a	p o u k a h a a	p o u h a n n b	p o u m a n n u	o'a	kuaiol e & hol o	kauhu h u	l o h e i a u	Maxi mum rafter spaci ng (feet)
	Minimum Diameter (inches)								
5' x 10' x 5'	4	3	3	4	3	2	3	2	4
9' x 12' x 5'	4	3	3	4	3	2	3½	2	4
12' x 16' x 5'	4 ½	3 ½	4	4	3 ½	2	4	2 ½	4
14' x 20' x 5'	4 ½	3 ½	4	4	3 ½	2 ½	4½	2 ½	4

^a The maximum post spacing for pou kihi and pou kaha is five feet.

^b The maximum post spacing for pou hana and pouomanu is twelve feet.



KAHUA
(PEDESTAL)



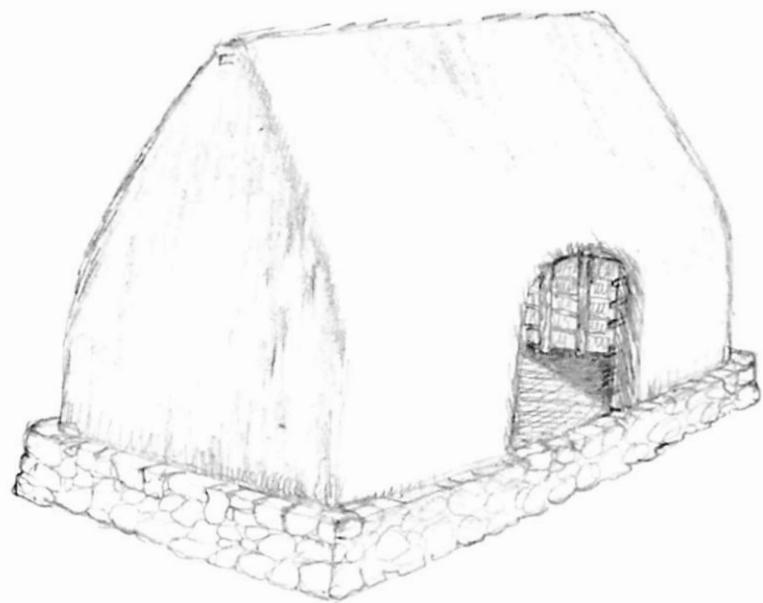
POU KANU
(BURIED POST)

Table 406.2.2(b) - Foundation Design for Hale Ku'ai

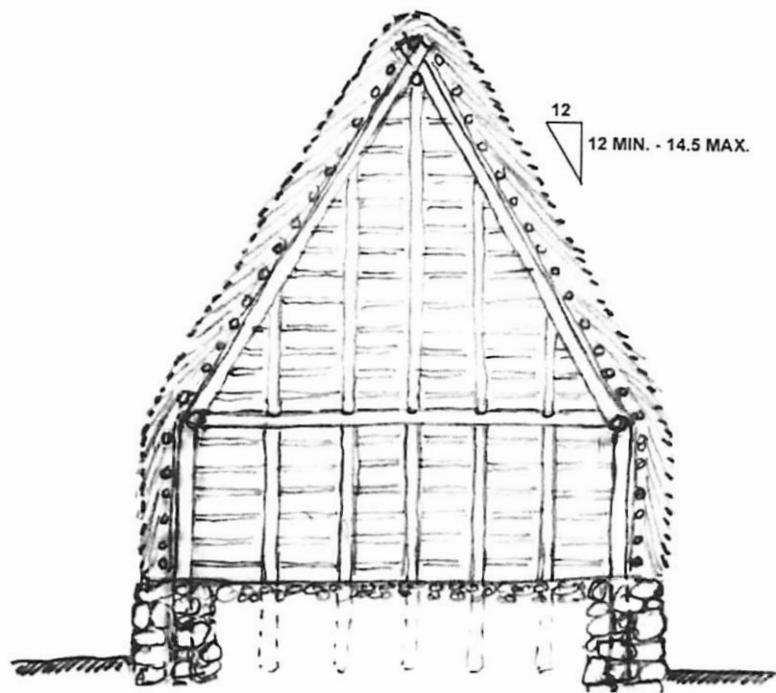
Size (W x L x H)	Foundation Type		
	kahua Diameter x Height	pā pōhaku Width x Height x Length	pou kanu Diameter x Depth
5' x 10' x 5'	3'0"φ x 24"H	2'6"W x 2'0"H x 4'0"L	30"φ x 2'6"D
9' x 12' x 5'	3'4"φ x 24"H	2'6"W x 2'0"H x 4'0"L	30"φ x 2'6"D
12' x 16' x 5'	3'6"φ x 24"H	2'6"W x 2'8"H x 4'0"L	30"φ x 2'8"D
14' x 20' x 5'	3'8"φ x 24"H	2'6"W x 2'8"H x 4'0"L	30"φ x 2'9"D

406.2.3 Hale Noa. Hale Noa shall have at least two openings.

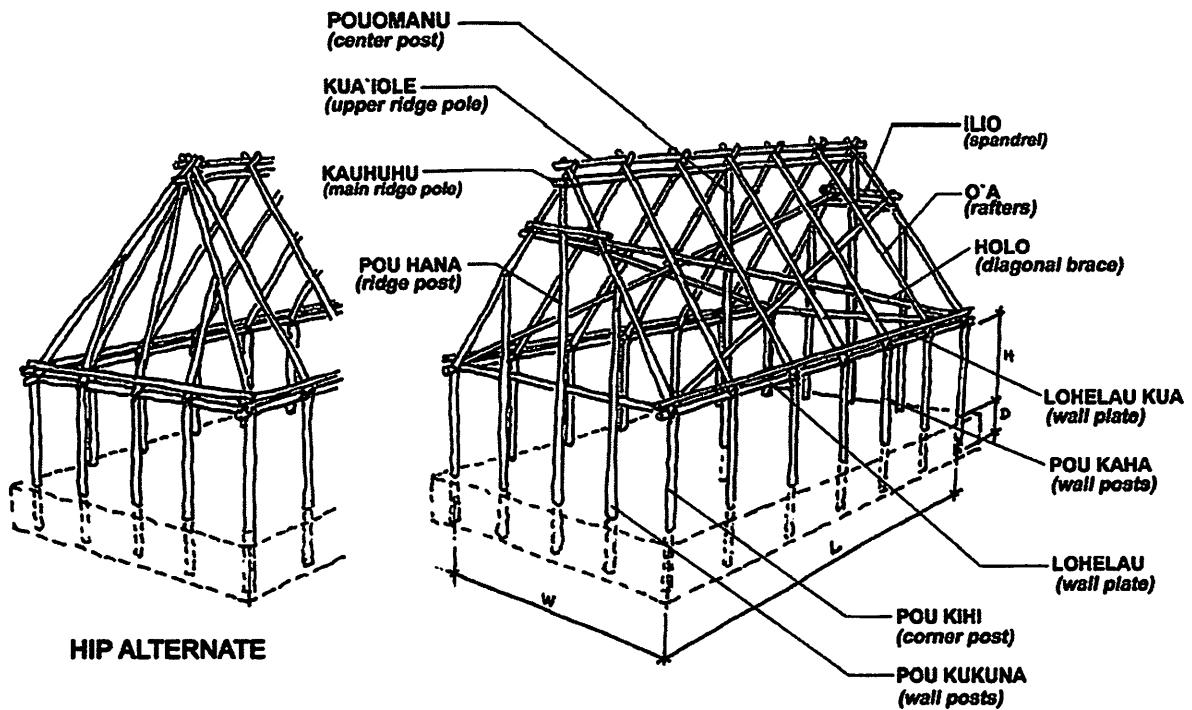
One opening shall be at least 3 feet wide and 5 feet high, and the other opening shall be at least 2 feet wide and 3 feet high. Hale Noa shall be designed in accordance with the following schematics and illustrations. Structural components for Hale Noa shall meet the size and spacing requirements in Table 406.2.3(a). Foundations for Hale Noa shall be designed in accordance with Figure 406.2.3(b).



HALE NOA



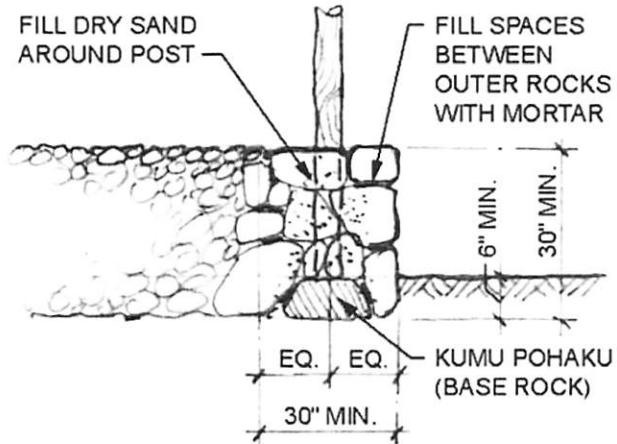
SECTION VIEW



FRAMING SCHEMATIC

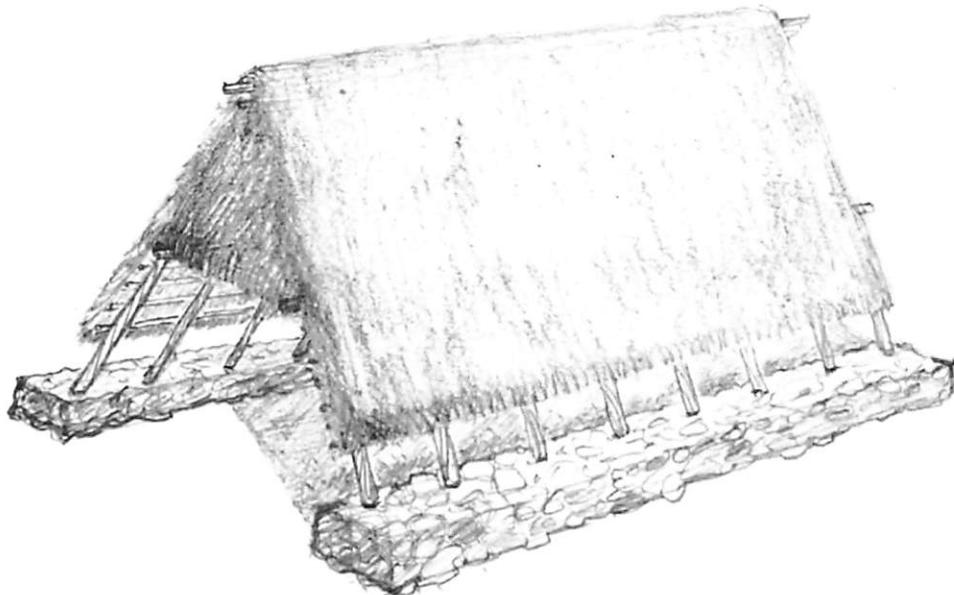
Table 406.2.3(a) - Size and Spacing Requirements for Structural Components used in Hale Noa

Size WxLxH	pou kihi	pou kukuna & pou kaha	pou hana	pouo manu	o'a	kua'iole & holo	kauhuu	lohelau	Maximum post spacing (feet)	Maximum rafter spacing (feet)
	Minimum Diameter (inches)									
9' x 12' x 7'	3½	3	4	3	3	2½	3½	2½	6	4
12' x 20' x 7'	4	4½	4	3	3½	2½	3½	2½	6	4
4' x 24' x 7'	5½	4½	4	3	3½	2½	3½	3	6	4

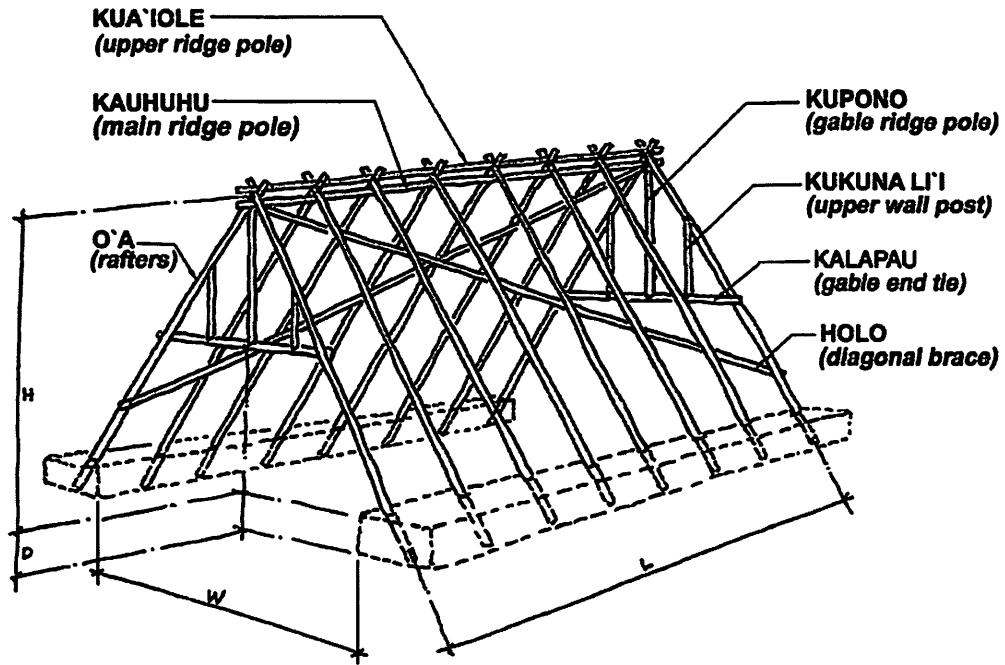


PAPAE
(HOUSE PLATFORM)
Figure 406.2.3(b)

406.2.4 Hale Wa'a. Hale Wa'a shall be designed in accordance with the following schematics and illustrations. Structural components for Hale Wa'a shall meet the size and spacing requirements in Table 406.2.4(a). Foundations for Hale Wa'a shall be designed in accordance with Figure 406.2.4(b).



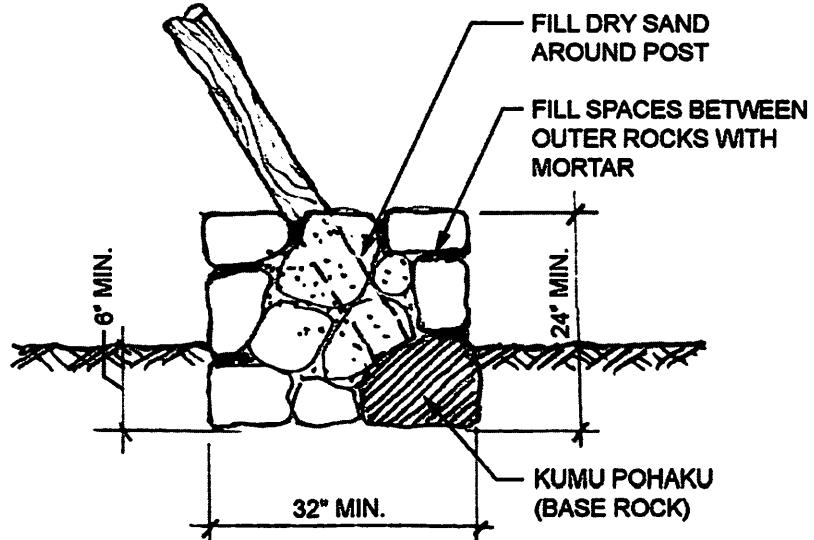
HALE WA'A



FRAMING SCHEMATIC

Table 406.2.4(a) - Size and Spacing Requirements for Structural Components used in Hale Wa`a

Size (W x L)	o'a	kua'iole & holo	kauhuhu	Spacing between Rafters	Minimum Ridge Height (H)
20' x 60'	4"	3"	4"	4' to 5'	22½'
25' x 60'	5"	3"	4"	4' to 5'	27½'
30' x 60'	5½"	3"	4"	4' to 5'	27½'



PĀ PŌHAKU
(FOUNDATION WALL)

Figure 406.2.4(b)

SECTION 3. Any building permit application received by the Director prior to the effective date of this Ordinance or any inspection conducted for a valid building permit that was issued prior to the effective date of this Ordinance may be approved if it meets the requirements of either this code or Chapter 16.26B, Maui County Code.

SECTION 4. This Ordinance takes effect on approval; however, for a period of 180 days after the effective date, an applicant for a permit or approval under this Ordinance may elect to have an application processed under the County Building Code in place prior to the effective date of this Ordinance.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

paf:jpp:23-103b

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Alice L. Lee".

ALICE L. LEE
Upon the request of the Mayor.

WE HEREBY CERTIFY that the foregoing BILL NO. 14, CD1, FD1 (2023)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 28th day of April, 2023, by the following vote:

Alice L. LEE Chair	Yuki Leil K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Noheleani U'U-HODGINS
Aye	Aye	Aye	Aye	Excused	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 28th day of April, 2023.

DATED AT WAILUKU, MAUI, HAWAII, this 28th day of April, 2023.


ALICE L. LEE, CHAIR
Council of the County of Maui

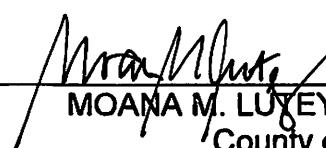

MOANA M. LUTEY, COUNTY CLERK
County of Maui

RECEIVED
THE FOREGOING BILL IS HEREBY APPROVED THIS

DAY OF May 1 , 2023.


RICHARD T. BISSEN, JR. MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5507 of the County of Maui, State of Hawaii.


MOANA M. LUTEY, COUNTY CLERK
County of Maui

Passed First Reading on April 11, 2023
Effective date of Ordinance May 1, 2023

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. , the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

RECEIVED

2023 MAY - 2 AM 8:17

OFFICE OF THE
COUNTY CLERK