

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

24 NOV 14 AIO:46

Notice is hereby given that the Kaua'i County Council will hold a public hearing on December 18, 2024, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, on the following:

Bill No. 2938

A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE

This Bill proposes to amend Chapter 15A, Kaua'i County Code 1987, as amended, relating to the Kaua'i County Fire Code, to allow the County's Fire Code to align with the 2021 State Fire Code. This amendment also reflects the State's acceptance of the 2021 National Fire Protection Association (NFPA) Fire Code.

Any person may testify at the public hearing, and at any Council and Committee Meeting (at which time any Bill may be amended). Meeting notices and full-text Bills are available at least six (6) days in advance at the Office of the County Clerk, Council Services Division and kauai.gov/Government/Council/Webcast-Meetings. Written testimony may be submitted via counciltestimony@kauai.gov, mail, or fax. For further information, please call (808) 241-4188.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the Kaua'i County Council passed on first reading and ordered to print Bill No. 2938 during the November 13, 2024 Council Meeting, by the following vote:

AYES:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihue, Hawaii
November 13, 2024

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – November 19, 2024)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO THE KAUA'I COUNTY FIRE CODE**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the 2021 State Fire Code as adopted by the State of Hawai'i on January 20, 2023, subject to certain amendments that shall apply to the County of Kaua'i.

SECTION 2. Chapter 15A, Article 1, Kaua'i County Code 1987, as amended, is amended as follows:

“ARTICLE 1. GENERAL PROVISIONS

Sec. 15A-1.1 Purpose.

To adopt Chapter [12-45.3] 12-45.4 of the Hawai'i Administrative Rules, entitled “State Fire Code,” as adopted by the State of Hawai'i on [August 15, 2014, (hereinafter “State Fire Code”),] January 20, 2023 (State Fire Code), which adopts, with modifications, the [NFPA 1, Fire Code, 2012 Edition, (hereinafter “NFPA 1”),] national model fire code, as copyrighted and published by the National Fire Protection [Association;] Association (NFPA 1); to provide amendments to the State Fire Code; and to repeal the previous Fire Code of the County of Kaua'i, adopted on [December 1, 2011.] May 9, 2016 and amended effective April 28, 2020.

Sec. 15A-1.2 Title.

This Code shall be known as the Fire Code of the County of Kaua'i and may be cited as the “Fire Code.””

SECTION 3. Chapter 15A, Article 2, Kaua'i County Code 1987, as amended, is amended as follows:

“ARTICLE 2. ADOPTION OF THE STATE FIRE CODE

Sec. 15A-2.1 Fire Code of The County of Kaua'i.

Chapter [12-45.3] 12-45.4 of the Hawai'i Administrative Rules, entitled “State Fire Code,” as adopted by the State of Hawai'i on [August 15, 2014] January 20, 2023 pursuant to Section 132-3 of the Hawai'i Revised [Statutes, (hereinafter “State Fire Code”),] Statutes (State Fire Code), which adopts, with modifications, the NFPA 1, Fire Code, [2012] 2021 Edition, [(hereinafter “NFPA 1”),] as copyrighted and published by the National Fire Protection Association, is by reference incorporated and made a part of this Chapter, subject to the following

amendments, which, unless stated otherwise, are stated in the form of amendments to the NFPA 1. The Fire Code of the County of Kaua'i, adopted on [December 1, 2011,] May 9, 2016 and amended effective April 28, 2020, is hereby repealed.

Sec. 15A-2.2 Amendments.

Amendments are as follows:

(1) Amending Section 1.1.2. Section 1.1.2 of the NFPA 1, as amended by the State Fire Code, is amended to read:

"1.1.2 Title. This Code shall be known as the Fire Code of the County of Kaua'i and may be cited as the ['Fire Code.']. "Fire Code."

(2) Adding Section 1.7.13. Section 1.7.13 of the NFPA 1 is added to read:

"1.7.13 Inspection of Construction and Installation

1.7.13.1 Every request for an inspection shall be filed not less than three working days before such inspection is desired.

1.7.13.2 The County shall not be liable for expenses incurred in the removal or replacement of any material required to allow inspection."

[(2)] (3) Amending Section 1.10. Section 1.10 of the NFPA 1 is amended to read:

"1.10 Board of Appeals. Any appeal from the decision of the Fire Chief in the administration of the Fire Code involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances, or any petition for varying the application of the Fire Code may be submitted to the Board for hearing and determination as specified in the Building Code."

[(3)] (4) Adding Section 1.12.8. Section 1.12.8 of the NFPA 1, which was deleted by the State Fire Code, is added as a new Section 1.12.8 to read:

"1.12.8 Permits, Licenses, and Fees. A permit or license shall be obtained from the Fire Prevention Bureau or other agency designated by the Authority Having Jurisdiction [(hereinafter "AHJ"),] (AHJ), prior to engaging in the following activities, practices, or functions:

1. Places of Assembly. The operation of a place of assembly requires an annual permit. The annual permit fee is \$50.00. For permit requirements see Section 20.1.1.1.

2. Tents and canopies. Permit fee: \$30.00. For permit requirements see Section 25.1.2.

3. Application of Flammable Finishes. Annual permit fee: \$50.00. For permit requirements see Section 43.1.1.4.

4. Flammable and Combustible Liquid Tank Installation. Permit fee: \$50.00 for tank capacities of 61 to 4,999 gallons; \$100.00 for tank capacities of 5,000 or more. For permit requirements see Section 66.1.5.

5. Liquefied Petroleum Gas Container (Tank) Installation. Permit fee: \$50.00 for a single container or the aggregate of interconnected containers of 125-gallon water capacity more. For permit requirements see Section 69.1.2.

6. Certificates of Fitness Licenses. Licenses to inspect, test, and maintain the following fire protection systems:

Fire Alarm Systems, Three-Year License Fee: \$100

Portable Fire Extinguishers, Three-Year License Fee: \$100

Private Fire Hydrants, Three-Year License Fee: \$100

Water Based Systems, Three-Year License Fee: \$100

Other Fire Extinguishing Systems, Three-Year License Fee: \$100

[5.1] 6.1 Any fees paid and collected pursuant to Section 1.12.20 1 through 5 shall be deposited into a special revenue account. The Director of Finance is hereby authorized to establish and create said special revenue account to be known as the "Fire Department Permit Fees" within Fund 251. The fees paid and collected pursuant to Section 1.12.8 1 through 5 are hereby deemed appropriated upon receipt and may be expended to fulfill the duties required of Fire Department staff related to overseeing the permits including the inspection of inventory and storage facilities, maintenance of required records, and the training related to overseeing and implementing the permits. The fees shall not be used for any other purpose and shall not be transferred to other accounts within the Kaua'i Fire Department. The fees shall not lapse at the close of the fiscal year.

[6.] 7. Fireworks permits, as authorized by Chapter 132D, Hawai'i Revised Statutes, [as amended,] shall be required as follows:

[6.1] 7.1 Individual purchase and use of non-aerial common fireworks for the following designated holidays - New Year's Eve, Chinese New Year, and the Fourth of July. Permit fee: \$25.00.

[6.2] 7.2 Individual purchase and use of non-aerial common fireworks for cultural purposes, events, and special occasions, at times other than designated holidays. Permit fee: \$25.00.

[6.3] 7.3 Use or purchase of aerial common fireworks, special fireworks or both for public displays or exhibition. Permit fee: \$110.00.

[6.4] 7.4 To import, store, offer to sell, or sell at wholesale or retail aerial common fireworks, special fireworks, or non-aerial common fireworks, unless the person has a valid license under Chapter 132D, Hawai'i Revised Statutes, as amended. License fees shall be as follows:

[6.4.1] 7.4.1 Importation. Annual license fee: \$3,000.00.

[6.4.2] 7.4.2 Wholesale. Annual license fee: \$2,000.00.

[6.4.3] 7.4.3 Storage. Annual license fee: \$1,000.00.

[6.4.4] 7.4.4 Retail. Annual license fee: \$500.00.

[6.5] 7.5 Any fees paid and collected pursuant to Section 1.12.8 [(6)] (7) shall be deposited into a special revenue account to be known as the "Fire Department Fireworks Permit Fees" within Fund 251. The Director of Finance is hereby authorized to establish and create said special revenue account. The fees paid and collected pursuant to Section 1.12.8 [(6),] (7) are hereby deemed appropriated upon receipt and may be expended pursuant to Hawai'i Revised Statutes ("HRS") Section 132D-11. The fees shall not be used for any other purpose and shall not be transferred to other accounts within the Kaua'i Fire Department. The fees shall not lapse at the close of the fiscal year."

[(4) Adding Section 1.14.6. A new Section 1.14.6 is added to read:]

(5) Amending Section 1.14.6. Section 1.14.6 of the NFPA 1 is amended to read:

“1.14.6 Plan Review. A plan review fee shall be paid at the time of submitting plans and specifications for review. There is hereby established and created an account to be known as the “Fire Department Plan Review, Processing, and Inspection Revolving Account” within Fund 251. The fees collected are hereby deemed appropriated upon receipt and shall be expended for use exclusively by the Fire Prevention Bureau for costs associated with the training and education of plans review, code enforcement and fire investigations. This account shall also be used for materials and equipment related to the Fire Prevention Bureau, and public education. Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee equivalent to the original plan review fee shall be charged. The fees shall not lapse at the close of the fiscal year.

The AHJ may authorize the refunding of not more than fifty percent of the plan review fee paid when any applicant withdraws or cancels the application before any plan reviewing is done.”

[(5)] (6) Adding Section 1.14.7. A new Section 1.14.7 is added to read:

“1.14.7 Fees. The plan review fee shall be 12% of the building permit fee as shown in the Building Code. Residential plan reviews will be charged a flat rate of \$25.00. A Certificate of Occupancy Inspection fee of \$25.00 is included in the plan review fee. Subsequent Certificate of Occupancy Inspections for the same Building Permit will be \$25.00. Any fees paid and collected pursuant to this Section shall be deposited into the “Fire Department Plan Review, Processing, and Inspection Revolving Account” within Fund 251.”

[(6)] (7) Adding Section 1.14.8. A new Section 1.14.8 is added to read:

“1.14.8 Witness Acceptance Tests. Witness Acceptance Tests for: Commercial Kitchen Cooking Hood Air Test, Aboveground and Underground Hydrostatic Tests. Initial fee: \$100.00. Retest Fee: \$100.00. Subsequent Retest fee: \$200.00. Any fees paid and collected pursuant to this Section shall be deposited into the “Fire Department Plan Review, Processing, and Inspection Revolving Account” within Fund 251.”

[(7)] (8) Adding Section 1.14.9. A new Section 1.14.9 is added to read:

“1.14.9 Fire Alarm Systems Acceptance Test. Fees are as follows: 1-100 devices or appliances Initial Fee: \$100.00, Retest Fee: \$100.00, Subsequent Retest Fee: \$200.00, 101-250 devices or appliances Initial Fee: \$250.00, Retest Fee: \$250.00, Subsequent Retest Fee: \$500.00, more than 250 devices or appliances Initial Fee: \$500.00, Retest Fee: \$500.00, Subsequent Retest Fee: \$1000.00. Any fees paid and collected pursuant to this Section shall be

deposited into the “Fire Department Plan Review, Processing, and Inspection Revolving Account” within Fund 251.”

~~[(8)]~~ (9) Amending Section 1.16.4.1. Section 1.16.4.1 of the NFPA 1 is amended to read:

“1.16.4.1 Citations. Any person, firm or corporation who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate shall be guilty of a misdemeanor upon conviction.”

~~[(9)]~~ (10) Amending Section 1.16.4.3. Section 1.16.4.3 of the NFPA 1 is amended to read:

“1.16.4.3 Failure to Comply. Failure to comply with the time limits of an order or notice of violation issued by the AHJ shall result in each day that the violation continues being regarded as a separate offense and subject to a separate penalty. Upon conviction of any such violation, such person shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment.”

~~[(10)]~~ (11) Amending Section ~~[10.11.1.]~~ 10.10.1. Section ~~[10.11.1.]~~ 10.10.1 of the NFPA 1, as amended by the State Fire Code, is amended to read:

~~“[10.11.1]~~ “10.11.1 Open Burning Fires. Open burning shall be conducted in accordance with this Section. Open burning may be prohibited when the AHJ determines such fires are a fire hazard.”

~~[(11)]~~ (12) Amending Section ~~[10.11.1.1.]~~ 10.10.1.1. Section ~~[10.11.1.1.]~~ 10.10.1.1 of the NFPA 1, as amended by the State Fire Code, is amended to read:

~~[“10.11.1.1.]~~ “10.10.1.1 Open burning shall comply with the following:

1. Fires for Cooking of Food. Persons responsible for such fires not contained within an appliance, such as an imu, shall telephone the fire dispatch center on the non-emergency number 15 minutes before lighting the fire.

2. Fires for Recreational, Decorative, or Ceremonial Purposes. Written permission must be granted from the property owner. A letter shall be submitted to the AHJ at least 14 days prior to the event, noting the date, time and location of the fire. Persons responsible shall also telephone the fire dispatch center on the non-emergency number 15 minutes before lighting such fires.

3. Fires to Abate a Fire Hazard. Written permission must be granted from the property owner. A letter shall be submitted to the

AHJ for approval at least 14 days prior to the event, noting the date, time and location of the fire. Persons responsible shall also telephone the fire dispatch center on the non-emergency number fifteen (15) minutes before lighting such fires.

Abatement of a fire hazard shall take place on property owned by the permittee, or with the permission of the owner, on property two (2) acres or more in size, and shall be subject to the following conditions:

3.1. The burn pile shall be no more than eight feet (8') in diameter, and no more than four feet (4') high. Combustibles may be added to a burning pile to maintain the maximum size of the pile allowed, but the burn pile shall be the only pile burning at any time.

3.2. All burning shall be done not less than one hundred feet (100') from any building, structure, grass, brush, or other combustibles.

3.3. The burn pile shall be arranged to prevent soil and combustibles overlapping in a manner that may cause burning underground and flare-up at a later time.

3.4. Permittee shall not transport, or cause to be brought upon the burn site, any other materials to be burned.

3.5. Permittee shall not use gasoline or any explosive types of flammables to start or continue the burn.

3.6. All debris hauled from the burn site shall be completely extinguished before loading for transport.

3.7. Permittee shall not burn before 9:00 a.m. nor after 6:00 p.m., by which time the fire shall be completely extinguished.

3.8. Permittee shall burn only during "no wind" conditions. If during burning the wind picks up, or smoke or embers become a hazard or a nuisance to neighbors, all fires shall be extinguished.

3.9. Permittee shall have a constant water supply and sufficient hose to reach all areas of the fire, and other fire extinguishing equipment specifically approved by the Fire Department.

3.10. Permittee shall have at least two capable adults responsible for constantly attending the fire until it is completely extinguished.

3.11. Permittee shall have a person available on a 24-hour basis to be summoned should there be a flare-up or rekindling of the fire.

3.12. Permittee shall notify the Fire Prevention Bureau 48 hours in advance of the initial burning for an on-site inspection. Permittee shall also notify the fire station in permittee's area before lighting the fire. Permittee shall provide starting and extinguishing times and weather conditions in permittee's area.

3.13. Permittee shall notify the police station in permittee's area of the burning and extinguishing times.

3.14. The issuance of a permit to abate a fire hazard shall not release permittee from any obligation to obtain a permit from the State Division of Forestry and Wildlife or an AHJ pursuant to Chapter 185, Hawai'i Revised Statutes.

3.15. During fire danger periods, as established by the AHJ, no fires shall be permitted within 500 feet (500') of forest, pasture, or brush lands unless a permit is first obtained from the State Division of Forestry and Wildlife or an AHJ.

3.16. The issuance of a permit by the State Division of Forestry and Wildlife or the AHJ shall not release permittee from the requirement to obtain a permit for a fire to abate a fire hazard.

3.17. An indemnification provision, which shall be part of the permit application, shall be signed by the permittee in the presence of a notary public. The indemnification provision shall also be signed and notarized by the owner of the burn site if the permittee is not the owner of the property.

3.18. If smoke and odors become a nuisance to occupants of the neighboring property, the fire shall be immediately extinguished.

3.19. The Fire Department, Police Department, or State Department of Health may cancel any permit for the abatement of a fire hazard if any condition of this subsection is not followed.

3.20. The permit to abate a fire hazard shall be in effect for a period not to exceed thirty (30) calendar days.

4. Fires for Prevention or Control of Disease or Pests. Written permission must be granted from the property owner. A letter shall be submitted to the AHJ for approval at least fourteen (14) days prior to the event, noting the date, time and location of the fire. Persons responsible shall also telephone the fire dispatch center on the non-emergency number fifteen (15) minutes before lighting such fires.

5. Fires for Training of Fire Fighting Personnel. Fires for the training of fire fighting personnel shall follow the guidelines of the National Fire Protection Association's Standard 1403, the Fire Department procedures manual, and shall be conducted only with the approval of the AHJ. Persons responsible shall also telephone the fire dispatch center on the non-emergency number fifteen (15) minutes before lighting such fires.

6. Fires for Disposal of Dangerous Materials. A letter shall be submitted to the AHJ for approval at least fourteen (14) days prior to the event, noting the date, time and location of the fire. Persons responsible shall also telephone the fire dispatch center on the non-emergency number fifteen (15) minutes before lighting such fires.

7. Fires for Residential Bathing Purposes. Fires for residential bathing purposes must be approved by the Department of Health, Clean Air Branch, before lighting of such fires.

8. Fires for Agricultural Purposes. Fires for agricultural purposes must be approved by the Department of Health, Clean Air Branch, before lighting of such fires."

[(12)] (13) Amending Section [10.11.1.2.] 10.10.1.2.
Section [10.11.1.2] 10.10.1.2 of the NFPA 1 is amended to read:

["10.11.1.2] "10.10.1.2 Responsibility. Fires for open burning allowed by Section 10.11.1 shall be the responsibility of the person igniting and maintaining the fire."

[(13)] (14) Amending Section [10.11.1.3.] 10.10.1.3.
Section [10.11.1.3] 10.10.1.3 of the NFPA 1 is amended to read:

["10.11.1.3] "10.10.1.3 Incinerators. Private incineration is prohibited by State Department of Health laws. Clearance by the State Department of Health for and notification of all agricultural fires either by telephone or written notice shall be on file with the AHJ before these fires are permitted.

Exception: Closed incinerators approved by the State Department of Health shall be in accordance with NFPA Standard 82."

[(14)] (15) Adding Section [10.11.1.3.1.] 10.10.1.3.1. A new Section [10.11.1.3.1] 10.10.1.3.1 is added to read:

["10.11.1.3.1] "10.10.1.3.1 An "incinerator" is a structure, or portion thereof, container, device or other appliance designed, or used or intended to be used, for the disposal of combustible rubbish by burning."

[(15)] (16) Adding Section [10.11.11.] 10.10.11. A new Section [10.11.11] 10.10.11 is added to read:

["10.11.11] "10.10.11 Open flame performances before a proximate audience.

[10.11.11] 10.10.11.1 Open flame performances before a proximate audience shall comply with the following:

A. Performances that use an open flame, such as but not limited to 'fire dancing' and 'logo burns,' shall be held outdoors or within a building protected with an automatic sprinkler system in accordance with section 20.1.5.3.

B. Performances shall be in an area provided with at least twenty-five (25) feet of clearance to readily combustible materials.

C. A minimum clearance of twenty (20) feet shall be kept between the performance and the audience at all times. This distance may be reduced, provided an AHJ approved, non-combustible safety net is in place in accordance with section 20.1.5.3.

(1) Gasoline, white-gas, or any Class I flammable liquid shall not be used as the fuel source.

(2) Fuel storage shall be kept in an approved container at least twenty-five (25) feet away from the performance and the audience. The quantity of fuel stored shall only suffice for a single performance.

(3) Performers shall not throw any open-flame props over the audience.

(4) A CO₂ fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within thirty (30) feet of the performance. The fire extinguishers shall be constantly attended by a competent adult trained in the use of portable fire extinguishers.

(5) Fire props shall be adequately extinguished immediately after performances by soaking in a bucket of water.

(6) Additional clearances and/or means of fire extinguishment shall be provided if deemed necessary by the AHJ.”

(17) Adding to Section 10.13.2.1 . Section 10.13.2.1 is added to read:

A fire hazard shall be defined as combustible vegetation that can rapidly transmit fire such as but not limited to *Megathyrsus maximus* or commonly known as “Guinea Grass” and *Leucaena leucocephala* or commonly known as “*Haole Koa*.”

[(16) Adding Section 10.14.10.4. A new Section 10.14.10.4 is added to read:

“10.14.10.4 Clearance of Brush or Vegetative Growth from Structures. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (30') of such buildings or structures; and

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located from thirty (30) feet to one hundred (100) feet from such buildings or structures, when required by the AHJ because of extra-hazardous conditions causing a firebreak of only thirty (30) feet to be insufficient to provide reasonable fire safety; and

Exception: Grass and other vegetation located more than thirty feet (30') from buildings or structures and less than eighteen inches (18”) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within ten feet (10') of the outlet of a chimney; and

4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.”]

(18) Adding to Section 10.13.2.1 . Section 10.13.2.1 is added to read:

“10.13.2.1.1 Clearance of brush. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon, or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective clearance as follows:

a. Brush 18 inches to 3 feet in height shall have 30-foot clearance from structures.

b. Brush greater than 3 feet to 6 feet in height shall have 50-foot clearance from structures.

c. Brush 6 feet to 9 feet in height shall have 75-foot clearance from structures.

d. Brush greater than 9 feet in height shall have 100-foot clearance from structures.

2. Maintain an effective fuel break near developed lots. Large vacant land shall maintain an effective fuel break as follows:

a. Brush 18 inches to 6 feet in height shall have 50-foot clearance from structures. Where required, a 50-foot fuel break shall be measured from the property line.

b. Brush greater than 6 feet in height shall have 100-foot clearance from structures. Where required, a 100-foot fuel break shall be measured from the property line.

c. Exception:

1. Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet of the outlet of a chimney.”

[(17)] (19) Adding Section 11.5.1.12. A new Section 11.5.1.12 is added to read:

“11.5.1.12 Unsafe Heating or Electrical Equipment and Structural Hazards. When the AHJ deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally recognized standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create a hazard, the AHJ is authorized to serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such fixture, equipment or appurtenance.”

[(18)] Amending Section 13.1.2. Section 13.1.2 of the NFPA 1, as amended by the State Fire Code, which added Section 13.1.2.1, is amended by adding new Sections 13.1.2.2 and 13.1.2.3 to read:

“13.1.2.2 Condition of acceptance of halon and clean agent systems shall be satisfactory passage of a final approval of installation test, in accordance with nationally recognized standards and the manufacturer’s instructions, prior to final acceptance of the system. The test shall be witnessed by the AHJ.

13.1.2.3. Upon completion of the installation of a non-water based fire extinguishing system that is required by this code, a satisfactory final approval of installation test of the system shall be made in accordance with nationally recognized standards and the manufacturer’s instructions.

Non-water based systems include, but are not limited to, dry chemical and carbon dioxide extinguishing systems. The test shall be witnessed by the AHJ.”]

(20) Deleting Section 17 Wildland Urban Interface. Section 17 of the NFPA 1 is deleted in its entirety.

[(19)] (21) Amending Section 18.2.3.2.1. Section 18.2.3.2.1 of the NFPA 1 is amended to read:

“18.2.3.2.1 A Fire Department access road shall extend to within fifty (50) feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. For one- or two-family dwellings, this distance shall be increased to three hundred (300) feet.”

[(20)] (22) Amending Section 18.2.3.2.1.1. Section 18.2.3.2.1.1 of the NFPA 1 is amended to read:

“18.2.3.2.1.1 Where a townhouse is protected with an approved automatic sprinkler system that is installed in accordance with NFPA 13D or NFPA 13R, as applicable, the distance in 18.2.3.2.1 shall be permitted to be increased to one hundred fifty (150) feet. For a one- or two-family dwelling, this distance shall be permitted to be increased to six hundred (600) feet.”

[(21)] Adding Section 18.2.3.4.1.1.1. A new Section 18.2.3.4.1.1.1 is added to read:

“18.2.3.4.1.1.1 A Fire Department access road serving less than twenty (20) residential units shall be a minimum unobstructed width of sixteen (16) feet with a minimum twelve (12) feet wide driving surface.”]

[(22)] (23) Amending Section 18.2.3.4.2. Section 18.2.3.4.2 of the NFPA 1 is amended to read:

“18.2.3.4.2 Surface. As determined by the AHJ, Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.”

[(23)] (24) Amending Section 18.2.3.4.4. Section 18.2.3.4.4 of the NFPA 1 is amended to read:

“18.2.3.4.4 Dead-Ends. Dead-end Fire Department access roads in excess of one hundred fifty (150) feet in length shall be provided with approved provisions for the fire apparatus to turn around. For one- or two-family dwellings, a dead-end Fire Department access road longer than three hundred (300) feet is required to provide provisions for the turning around of fire apparatus within one hundred fifty (150) feet of the end of the access road.”

[(24)] (25) Adding Section 18.2.3.4.4.1. A new Section 18.2.3.4.4.1 is added to read:

“18.2.3.4.4.1 A Fire Department access road less than twenty (20) feet wide, exceeding three hundred (300) feet in length, may be required by the AHJ to make provisions for the passing of fire apparatus by providing approved pullouts.

As determined by the AHJ, pullouts shall be reasonably located, based on sight distance, road curvature, and grade; and shall be a minimum size of eight (8) feet wide and thirty (30) feet long with tapered ends.”

(26) Amending Section 18.3 of the NFPA 1, as amended by the State Fire Code, is amended to read:

“18.3.1 A water supply approved by the County, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the County. When any portion of the facility or building is in excess of one hundred fifty (150) feet from a water supply on a Fire Department access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site hydrant requirements see Section 18.5.1.

a. Exceptions:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system, the provisions of Section 18.3.1 may be modified by the AHJ.

2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in Section 18.3.1.1, as amended in this Code.

3. When there are not more than two dwellings, or two private garages, carports, sheds, and agricultural occupancies, the requirements of Section 18.3.1 may be modified by the AHJ.

4. For one- or two-family dwellings, when a water supply to be used for firefighting acceptable to the AHJ is farther than six hundred (600) feet to the structure, an automatic fire sprinkler system may be required by the AHJ.”

(27) Adding Section 18.4.6. Section 18.4.6 of the NFPA 1 as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.4.6 to read as follows:

“18.4.6 Fire Flow requirements for land use development

18.4.6.1 Fire flow, hydrant spacing, and dedicated water supply for fire protection shall be in accordance with the requirements for designated land-use.

Agriculture: 250 GPM, Duration 1 Hour, hydrant spacing 500 feet

Single Family, Duplex, PUD Townhouses, Apartments: Fire flow, Duration, and Hydrant Spacing shall be dictated by the following zoning district designations described in the Kauai County Code.

R-2 500 GPM, Duration 1 Hour, hydrant spacing 500 feet.

R-4 750 GPM, Duration 2 Hours, hydrant spacing 500 feet.

R-6 1,000 GPM, Duration 2 Hours, hydrant spacing 500 feet.

R-10 1250 GPM, Duration 2 Hours, hydrant spacing 350 feet.

R-20 1500 GPM, Duration 2 Hours, hydrant spacing 350 feet.

RR-10 1500 GPM, Duration 2 Hours, hydrant spacing 350 feet.

RR-20 2000 GPM, Duration 2 Hours, hydrant spacing 350 feet.

Schools, Retail Stores, or Shops, Shopping Centers, Hotels, and Hospitals: 2,000 GPM, Duration 2 Hours, hydrant spacing 350 feet.

Industry: 3,000 GPM, Duration 3 Hours, hydrant spacing 350 feet.

18.4.6.1.1 For structures over 1,500 square feet on agricultural zoned land use, the AHJ may use 2021 Version of NFPA 1 and all other referenced 2021 version of NFPA publications to determine minimum fire flow requirements.

18.4.6.1.2 Alternative Methodology to satisfy minimum fire flow requirements for both residential and non-residential structures: The AHJ may use the 2021 NFPA 1 and all referenced 2021 NFPA publications.”

[(25)] (28) Amending Section 18.5.4. Section 18.5.4 of the NFPA 1, as amended by the State Fire Code, is amended by adding the following sentence to the end of the paragraph:

“Records of the acceptance test shall be made available for inspection by the AHJ.”

[(26)] (29) Amending Section 20.1.1.1. Section 20.1.1.1 of the NFPA1 is amended to read:

“20.1.1.1 Permits. A permit is required for places of assembly with an occupant load capacity of three hundred (300) or more persons, such as restaurants, nightclubs, dancing, and drinking establishments. See also added Section 1.12.8.”

[(27)] (30) Amending Section 20.1.5.10.3.1. Section 20.1.5.10.3.1 of the NFPA 1 is amended to read:

“20.1.5.10.3.1 Every room constituting an assembly occupancy shall have the occupant load of the room posted in a conspicuous place near the main exit from the room. The occupant load shall be established per the current Building Code.”

[(28)] (31) Amending Section 25.1.2. Section 25.1.2 of the NFPA 1 is amended to read:

“25.1.2 Permits. A permit is required to erect or operate a tent or canopy having an area of two thousand one hundred (2,100) square feet or more. See also added Section 1.12.8.”

[(29)] (32) Amending Section 50.4.3.3. Section 50.4.3.3 of the State Fire Code is amended to read:

“50.4.3.3. Prior to the commencement of initial cooking operations, a satisfactory air acceptance test of the system shall be made in accordance with the manufacturer’s instructions. The acceptance test shall be of an approved method and witnessed by the AHJ.”

[(30)] (33) Amending Section 66.1.5. Section 66.1.5 of the NFPA 1, as amended by the State Fire Code, is amended to read:

“66.1.5. Permits and Plans. Tank installations within the jurisdiction of the County of [Kauai] Kaua’i shall be approved of by the County of Kaua’i, Planning Department, prior to the submission of an application for the tank installation permit to the Fire Chief. For installations on State of [Hawaii] Hawai’i conservation zoned areas, tank installations shall be reviewed and approved of by the State of [Hawaii’s] Hawai’i’s Department of Land and Natural Resources. See also added Section 1.12.8.”

[(31)] (34) Amending Section 69.1.2. Section 69.1.2 of the NFPA 1 is amended to read:

“69.1.2 Permits. Permits are not transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit.

LP-gas installations requiring a permit shall have its permits on site and available for inspection by the Fire Chief. Additionally, the permit applicant shall submit to the Fire Chief, concurrently with the permit application, a copy of the plot and cross-sectional plans for the property indicating distances from property lines, surrounding buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameters, piping, location of fire extinguishers, and necessary signage and placarding.

Container installations on Kaua'i must have received approval by the County of Kaua'i Planning Department before submitting an application to the County of Kaua'i Fire Department for a LP-gas container installation permit. For installations on State of [Hawaii] Hawai'i conservation zoned areas, container installations shall be reviewed by the State Department of Land and Natural Resources. See also added Section 1.12.8."

[(32)] (35) Amending Section 69.3.6.1.2. Section 69.3.6.1.2 of the NFPA 1 is amended to read:

"69.3.6.1.2 LP-Gas containers or systems of which they are a part shall be protected from damage from vehicles in accordance with Section 60.5.1.9, as amended by the State Fire Code."

[(33)] Amending Section 12-45.3-86. Section 12-45.3-86 of the NFPA 1, as amended by the State Fire Code, is amended to read:

"12-45.3-86 Required Water Supply for Fire Protection. Section 18.3.1 is amended to read as follows: 18.3.1 A water supply approved by the County, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the County. When any portion of the facility or building is in excess of one hundred fifty (150) feet from a water supply on a Fire Department access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site hydrant requirements see Section 18.5.1.

Exceptions:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system, the provisions of Section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in Section 18.3.1.1, as amended in this Code.
3. When there are not more than two dwellings, or two private garages, carports, sheds, and agricultural occupancies, the requirements of Section 18.3.1 may be modified by the AHJ.
4. For one- or two-family dwellings, when a water supply to be used for firefighting acceptable to the AHJ is farther than six hundred (600) feet to the structure, an automatic fire sprinkler system may be required by the AHJ."}]

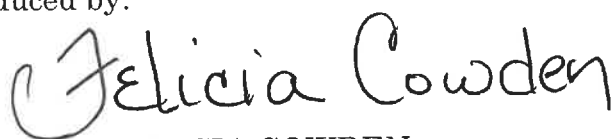
SECTION 4. If any provision of this Ordinance or the application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given

effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 6. This Ordinance shall take effect sixty (60) days after the date of approval, but nothing in this Ordinance shall be construed to prohibit any person from complying with the provisions of the new Code and the amendments thereto adopted hereunder.

Introduced by:



FELICIA COWDEN
(By Request)

DATE OF INTRODUCTION:

November 13, 2024

Lihu'e, Kaua'i, Hawai'i

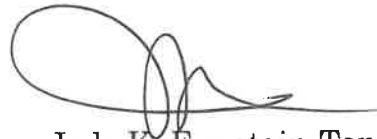
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2938, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on November 13, 2024, by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kuali'i, Rapozo	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
November 13, 2024



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i