

Chapter 9

ELECTRICITY

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Chapter 9**ELECTRICITY****Article 1. General Provisions.****Section 9-1. Title.**

This chapter shall be known and may be cited as the County electrical code.
(1994, Ord. No. 94-72, sec. 3.)

Section 9-2. Purpose.

The purpose of this chapter is to reduce the hazards to persons and property from electrical causes. To accomplish this, the requirements set forth herein are intended to provide a minimum standard for electrical installations in the County.
(1994, Ord. No. 94-72, sec. 3.)

Section 9-3. Scope; exceptions.

The provisions of this chapter shall apply to all electrical work and installations in the County, with exceptions as noted in the 2008 National Electrical Code as adopted by the State of Hawai'i and the following:

- (1) Electrical work on buildings or premises owned by or under the direct control of the Federal government.
- (2) Electrical work by employees of a public utility within the State under a franchise or charter granted by the State which is regulated by the public utility commission and, while so employed, pursuant to section 448E-13, Hawai'i Revised Statutes.
- (3) The provisions of this chapter shall not apply to public State and County road right of ways for utility installations, street lighting, traffic signal or police and fire alarm where installed outside the proposed premises or boundary lines in a subdivision under development, or an approved subdivision, where the work is in the planned or actual roadways or other common infrastructure areas.
- (4) Existing electrical installations which complied with the laws, ordinances and regulations in effect when the electrical work thereon was performed, provided that such installations shall be subject to the provisions of section 9-4.
- (5) All buildings moved into or relocated within the County shall comply with all requirements of this chapter for new buildings and all unused or abandoned wiring and devices shall be removed.
- (6) Electrical work related to work regulated by chapter 397, Hawai'i Revised Statutes, as amended relating to the Elevator Code, but not including electrical work for the supply of power to the control panels of elevators, dumbwaiters, escalators, moving walks, and manlifts.
- (7) Replacement or repair of devices and apparatus of air conditioning, refrigeration, and heating systems, except electrical work on overcurrent devices which are not physically attached to, or physically mounted on, such systems.
- (8) The construction, alteration or repair of electrical devices commonly used in the home such as portable appliances as defined in section 9-5.

(1994, Ord. No. 94-72, sec. 3; Am 2005, Ord. No. 05-129, sec. 1; Am. 2011, Ord. No. 11-69, sec. 1.)

Section 9-4. Similar provisions; greater safety to prevail.

If there are two or more provisions in this chapter or any other chapter, ordinance or statutes, covering the same subject matter, the provisions which provide the greater safety to life or limb, property or public welfare shall prevail.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-5. Definitions.

As used in this chapter, the following words shall have the meaning ascribed to them unless it is apparent from the context that a different meaning is intended:

“Apprentice” means any person who performs electrical work under the direct supervision and in the presence of a supervising electrician, supervising specialty electrician, journeyman electrician, or journeyman specialty electrician.

“Assistant” means the authorized representative(s) of the authority having jurisdiction.

“Authority having jurisdiction” means the director of public works of the County or the director’s authorized representative.

“Board” means the board of appeals.

“Demolition” means removal of electrical work when a demolition building permit is issued.

“Department” means the department of public works of the County.

“Ductline” means electrical conduit installation.

“Electrical contractor” means any person who is licensed under the provisions of chapter 444, Hawai‘i Revised Statutes, and possesses a valid, and active license qualifying such person to perform electrical work.

“Electrical specialty contractor” means any person who is licensed under the provision of chapter 444, Hawai‘i Revised Statutes, and possesses a valid, and active license qualifying such person to perform electrical specialty work.

“Electrical specialty work” means the installation of any electronic equipment, electronic controls, including but not limited to public address systems, intercommunication systems, music distribution systems, CATV systems, master and program clock systems, electronic teaching devices, fire and security systems, telephone, computer, and data systems.

“Electrical wiring” means any conductor, material, device, fitting, apparatus, appliance, fixture, or equipment constituting a part of or connected to any electrical installation, attached or fastened to any building, structure, or premises and which installation or portion thereof is designed, intended, or used to generate, transmit, transform, or utilize electrical energy within the scope and purpose of the National Electrical Code.

“Electrical work” means the installation, alteration, reconstruction, or repair of electrical wiring.

“Emergency electrical work” means the repair of electrical wiring to restore electrical service to a building following a fire, to remedy a power failure, and to protect persons and property against short circuiting and open circuits.

“Inundation level” means the maximum expected water level due to flooding by rainfall runoff, wind, waves, and tsunamis as established by the authority having jurisdiction.

“Journeyman electrician” means any person who has been licensed by the board of electricians and plumbers as a journeyman electrician under the provisions of chapter 448E, Hawai‘i Revised Statutes.

“Journeyman specialty electrician” means any person who has been licensed by the board of electricians and plumbers as a journeyman specialty electrician under the provisions of chapter 448E, Hawai‘i Revised Statutes.

“Maintenance work” means the keeping in repair and operation of any electrical installation, apparatus, fixture, appliance, or equipment.

“Permanent electrical service” means permanent power as provided by the serving utility company after notification by the authority having jurisdiction.

“Person” means any individual, firm, partnership, association or corporation. However, a firm, partnership, association or corporation is not included within the meaning of person found in the definitions for journeyman electrician, journeyman specialty electrician, supervising electrician, and supervising specialty electrician.

“Portable appliances” means any device that is readily moveable and cord/plug connected.

“Supervising electrician” means any person licensed by the board of electricians and plumbers as a supervising electrician under the provisions of chapter 448E, Hawai‘i Revised Statutes.

“Supervising specialty electrician” means any person licensed by the board of electricians and plumbers as a supervising specialty electrician under the provisions of chapter 448E, Hawai‘i Revised Statutes.

“Water-tight,” when referring to construction below the inundation level, means constructed to exclude moisture and withstand the hydraulic pressure resulting from the anticipated depth of inundation.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 2; Am. 2011, Ord. No.11-69, secs. 2, 3, and 4; Ord. No. 11-114, sec. 1.)

Article 2. Administration and Enforcement.

Section 9-6. Administration and enforcement.

Unless otherwise provided for by law, the department of public works of the County shall have jurisdiction over and administer all matters covered by this chapter.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-7. Nonliability of the County or its employees for damages.

(a) This chapter shall not be construed to relieve from or lessen the responsibility of such person owning, operating or installing any electrical wires, appliances, apparatus, construction, or equipment for damages to anyone injured by any defect therein.

(b) Neither the County nor any department, board, commission, officer, employee, or the authority having jurisdiction shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of any permit issued, or any inspection or approval or issuance of a certificate of inspection, made under the provisions of this chapter.

(c) The authorized personnel charged with the enforcement of this code, acting 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 personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the authorized personnel because of such act or omission performed by the authorized personnel in the enforcement of any provision of this code or other pertinent laws or ordinances implemented through the enforcement of this code shall be defended by the County until final termination of such proceedings, and any judgment resulting there shall be assumed by the County.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, secs. 3 and 5.)

Section 9-8. Right of entry.

Upon presentation of proper credentials, the authority having jurisdiction or such person’s assistants may enter at reasonable times any building or premises in the County to perform any duty imposed by this code provided that such entry shall be made in such a manner as to cause the least possible inconvenience to the persons in possession. An order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, secs. 3 and 6.)

Section 9-9. Inspections.

(a) All electrical wiring, for which a permit is required, shall be inspected and approved by the authority having jurisdiction before being concealed, energized, or used. All fees required by this chapter shall be paid by the permit applicant prior to the energizing or use of such wiring.

(b) No person shall use, operate, or maintain, or cause or permit to be used, operated, or maintained, any electric wiring until it is approved.

- (c) No serving agency shall supply or cause or permit to be supplied, permanent electric energy to any electric service until the service has been inspected and approved by the authority having jurisdiction.
 - (d) No person shall conceal, enclose, or cover, or cause or permit to be concealed, enclosed, or covered, any portion of any electric wiring or equipment in any manner which will interfere with or prevent the inspection and approval thereof.
 - (e) Fixtures, appliances, devices, or equipment shall not be connected to any electric wiring until the rough electric wiring, including conductors, have been inspected and approved by the authority having jurisdiction.
 - (f) All obstructions, covers, plates, tapes, light fixtures, etc., which make impracticable the making of a thorough inspection of electric wiring shall be removed upon notice (either verbal or in writing) to do so, and shall be kept removed until the electric wiring has been inspected and approved.
 - (g) The supervising electrician or electrical contractor shall be present on the job site upon request of the authority having jurisdiction.
- (1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 3; Am. 2011, Ord. No. 11-69, secs. 3 and 7.)

Section 9-10. Nonconforming and defective installations.

Whenever any electrical installation is found to have been installed, altered, changed, or reconstructed contrary to the provisions of this chapter or any other law, whenever any electrical installation is found to be in use contrary to the provisions of this chapter or any other law, or whenever any electrical installation, which complied with the existing laws, ordinances, and regulations in effect when the electrical work therein was performed, is found to be unsafe or dangerous to persons or property, the administrative authority shall give the owner or the person in control of that installation a written notice stating the findings with respect to that installation and order the owner or other person in control to make the corrections to be set forth in the written notice. When found to be unsafe or dangerous to persons or property, the defective installation shall be disconnected from the power source and tagged as unsafe to operate until corrective action is made, inspected, and approved.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 4.)

Section 9-11. Request for inspection.

- (a) Whenever any work regulated by this chapter, or any portion thereof, is ready for inspection, the authority having jurisdiction shall be notified by the permit holder that same is ready for inspection. The notice shall be in writing on forms furnished by the authority having jurisdiction, by e-mail to the area inspectors or may be faxed or by telephone at the option of the authority having jurisdiction. The notice shall be filed with the department not less than forty-eight hours and not more than seventy-two hours before any such inspection is desired.
- (b) The authority having jurisdiction shall proceed to inspect the same or notify the contractor of a reschedule within forty-eight hours, not including weekends or holidays, after receipt of such notice. When work conforms in all respects with the provisions of this chapter, a notice granting authority to proceed with installations shall be given.
- (c) No electrical wiring shall be covered or concealed until forty-eight hours have expired after the scheduled inspection or until the authority having jurisdiction has approved the installation and given permission to cover or conceal the same. If the permitted work is covered or concealed without inspection, the electrical contractor will provide verification that the concealed work complies with all the provisions of this chapter. Should the authority having jurisdiction condemn any of said work or equipment as not being in accordance with the provisions of this chapter, notice in writing to that effect shall be given to the permit holder engaged in the work or posted at the job site.

- (d) Within a reasonable time thereafter, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment may fully comply with the provisions of this chapter before further work is connected on or with the condemned work or equipment. In default, the electrical contractor shall be liable to the penalties provided in this chapter, and any and every owner, contractor or other person engaged in construction of the building or structure, or otherwise, covering or allowing to be covered such portion of work or equipment, or removing any notice not to cover same placed thereon by the authority having jurisdiction shall likewise be liable to the penalties provided for in this chapter.
- (1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 5; Am. 2011, Ord. No. 11-69, secs. 3 and 8.)

Section 9-12. Final inspection required.

- (a) A final inspection is required after all work required by the electrical permit is completed and complies with all the requirements of this chapter.
- (b) A certificate of inspection may be issued upon request by the electrical contractor on record, provided all fees required by this chapter have been satisfied.
- (c) The supervising electrician shall be present on the job site upon the request of the authority having jurisdiction.
- (1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 6; Am. 2011, Ord. No. 11-69, sec. 9.)

Section 9-13. Permanent electrical service.

Permanent electrical service shall be authorized by the authority having jurisdiction upon completion of the following requirements:

- (1) All permanent service equipment shall be inspected by the authority having jurisdiction;
- (2) For non residential installations, all rooms containing permanent service equipment shall be completed and securable by means of a temporary or permanent door and lock system;
- (3) For residential installations, permanent service equipment shall be installed on permanent buildings, meter poles or meter pedestals with provisions for locking out the main service disconnects; and
- (4) The electrical contractor shall be responsible and in control of all permanent power access and usage.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, secs. 10 and 11.)

Article 3. National Electrical Code.

Division 1. General.

Section 9-14. National Electrical Code adopted.

The National Electrical Code, 2008 Edition, copyrighted 2007 by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169-7471, is hereby adopted by reference and made a part hereof. A copy of this code shall be kept on file and be available for public inspection in the clerk's office. The scope, technical specifications, and exemptions set forth in this code are hereby adopted as the standard for electrical work covered by this chapter, provided there are no specific provisions in any other section of this chapter covering the particular matter.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 7; Am. 2011, Ord. No. 11-69, sec. 12.)

Section 9-15. Compliance; standards of performance.

- (a) No person shall do or cause to be done any electrical work which does not comply with the provisions of this chapter.
- (b) No person shall perform any work covered by this chapter in violation of the provisions of chapter 448E, Hawai'i Revised Statutes.
- (1994, Ord. No. 94-72, sec. 3.)

Section 9-16. Qualification to perform work.

- (a) It shall be unlawful for any permit applicant to perform or allow to be performed any work covered by the permit issued under this chapter in violation of chapter 444, Hawai‘i Revised Statutes, relating to the licensing of contractors, and chapter 448E, Hawai‘i Revised Statutes, relating to the licensing of electricians and plumbers.
 - (b) Any person engaged in a business involving performance of electrical work covered by this chapter, shall maintain a place of business in a business or industrial zone in accordance to the provisions of chapter 25, with a listed telephone number and be principally engaged in said business during the normal business hours for said place of business.
- (1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 8.)

Division 2. Violations, Enforcement, and Penalties.**Section 9-16.1. General provisions.**

- (a) It shall be unlawful for any person, firm, or corporation to perform any electrical work or permit the same to be done in violation of this code.
 - (b) Failure to comply with any provision of this code, any rule adopted pursuant to this code, or with conditions imposed as part of any permit or variance from the provisions of this code, shall constitute a violation of this code.
- (2011, Ord. No. 11-69, sec. 12; Am. 2011, Ord. No. 11-114, sec. 2.)

Section 9-16.2. Notice of violation.

- (a) Whenever the authority having jurisdiction determines that there exists a violation of any provision of this code, the authority having jurisdiction shall serve a notice of violation upon the parties responsible for the violation, which may include, but shall not be limited to the owner and any lessee of the property where the violation is located, to make the building or portion thereof comply with the requirements of this code. Such notice of violation shall include:
 - (1) The date of the notice;
 - (2) The name and address of the person noticed, and the location of the violation;
 - (3) The section number of the ordinance, code or rule which has been violated;
 - (4) The nature of the violation; and
 - (5) The deadline for compliance with the notice.
 - (b) Proper service of such notice shall be by personal service, registered mail, or certified mail upon the owner of record, provided, that 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 authority having jurisdiction shall begin as of the date the owner or person in charge receives such notice.
- (2011, Ord. No. 11-69, sec. 12; Am. 2011, Ord. No. 11-114, sec. 2.)

Section 9-16.3. Administrative enforcement.

- (a) If the authority having jurisdiction determines that any person, firm or corporation is not complying with a notice of violation, the authority having jurisdiction may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this division.
- (b) Contents of the Order.
 - (1) The order may require the parties responsible for the violation, including but not limited to the owner/lessee of the property where the violation is located, to do any or all of the following:
 - (A) Correct the violation within the time specified in the order;
 - (B) Pay a civil fine not to exceed \$1,000 in the manner, at the place and before the date specified in the order;

- (C) Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
 - (2) The order shall advise the party responsible for the violation that the order shall become final thirty calendar days after the date of its delivery. The order shall also advise that the authority having jurisdiction's action may be appealed to the board of appeals.
 - (c) Effect of order; right to appeal. The provisions of the order issued by the authority having jurisdiction under this section shall become final thirty calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the board of appeals as provided by section 9-19. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the board of appeals shall not stay any provisions of the order.
 - (d) Judicial enforcement of order. The authority having jurisdiction may institute a civil action in any court of competent jurisdiction for the enforcement of any final order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by such final order, the authority having jurisdiction need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.
- (2011, Ord. No. 11-69, sec. 12; Am. 2011, Ord. No. 11-114, sec. 2.)

Section 9-16.4. Criminal prosecution.

- (a) General provisions. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a petty misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, continued or permitted; and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than thirty days, or by both fine and imprisonment.
 - (b) Any officer or inspector designated by the authority having jurisdiction, who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of the building, plumbing, electrical or housing codes (hereinafter referred to as "authorized personnel"), pursuant to Section 803-6, Hawai'i Revised Statutes, may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.
 - (c) Any authorized personnel designated by the authority having jurisdiction, upon making an arrest for a violation of the building, plumbing, electrical or housing codes, may take the name and address of the alleged violator and shall issue to the violator in writing a summons or citation hereinafter described, notifying the violator to answer the complaint to be entered against the violator at a place and at a time provided in the summons or citation.
 - (d) There shall be provided for use by the authority having jurisdiction a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawai'i and County of Hawai'i.
 - (e) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving to the violator a copy of the citation and provide for the disposition of the original and any other copies.
 - (f) Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.
- (2011, Ord. No. 11-69, sec. 12; Am. 2011, Ord. No. 11-114, sec. 2.)

Section 9-16.5. Injunctive action.

The County may maintain an action for an injunction to restrain or remedy any violation of the provisions of this code and may take any other lawful action to prevent or remedy any violation.
(2011, Ord. No. 11-69, sec. 12.)

Division 3. Variances and Appeals.**Section 9-17. Variances.**

Whenever strict application of any provision of this code, except for the provisions relating to materials, methods of construction, equipment, fixtures, devices, or appliances, would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, the owner may petition the board of appeals for a variance from the provision. In granting a variance, the board of appeals shall prescribe any conditions that it deems to be necessary or desirable. However no variance from the strict application of this code shall be granted by the board of appeals unless it finds that all of the following are present:

- (1) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the neighborhood or surrounding property, and that the circumstances or conditions are such that the strict application of the provisions of this code would deprive the applicant of the reasonable use of the land or building;
- (2) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted is the minimum variance that will accomplish this purpose; and
- (3) That the granting of the variance will be consistent with the intent and purpose of this code, and will not be injurious to persons or property or create additional fire hazards, and will not otherwise be detrimental to the public welfare. In making its determination, the board of appeals shall take into account the character, use and type of occupancy and construction of adjoining buildings, buildings on adjoining lots, and the building or land involved.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 9; 2011, Ord. No. 11-69, sec. 12.)

Section 9-18. Appeals regarding alternate materials and methods of construction.

Any person denied the use of new or alternate materials, methods of construction, equipment, fixtures, devices, or appliances by the authority having jurisdiction, may, within thirty days after the authority having jurisdiction's decision, appeal the decision to the board of appeals. In considering an appeal, the board may require any reasonable test of the proposed material, method of construction, equipment, fixture, device, or appliance, and the appellant shall pay all expenses necessary for the test. The board of appeals may affirm the decision of the authority having jurisdiction, or it may reverse the decision if it finds:

- (1) That the new or alternate materials, methods of construction, equipment, fixtures, devices, or appliances meet standards established by this code;
- (2) That permitting the requested use will not jeopardize the safety of persons or property; and
- (3) That the requested use will not be contrary to the intent and purpose of this code.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 10; Am. 2011, Ord. No. 11-69, secs. 3 and 12.)

Section 9-19. Other appeals.

Any person aggrieved by the decision of the authority having jurisdiction in the administration or application of this code, other than that prescribed in sections 9-17 and 9-18, may, within thirty days after the date of the authority having jurisdiction's decision, appeal the decision to the board of appeals. The board of appeals may affirm the decision of the authority having jurisdiction, or it may reverse or modify the decision if the decision is:

- (1) In violation of this code or other applicable law;
- (2) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record;
or
- (3) Arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 02-129, sec. 11; Am. 2011, Ord. No. 11-69, secs. 3 and 12; Ord. No. 11-114, sec. 2.)

Section 9-20. Rules; Adoption of rules by the board of appeals.

The board of appeals shall adopt rules pursuant to chapter 91, Hawai‘i Revised Statutes, necessary for the purposes of this article.

(1994, Ord. No. 94-72, Am. 2011, Ord. No. 11-69, sec. 12; Ord. No. 11-114, sec. 2.)

Section 9-21. Reserved.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 12; Am. 2011, Ord. No. 11-69, sec. 12.)

Section 9-22. Prior offenses.

Nothing contained in any provision of this chapter shall apply to an act done or omitted, or to an offense committed at any time before the enactment of this chapter. Such act or omission shall be governed by, and any such offense shall be punished according to the provisions existing when such act, omission or offense occurred in the same manner as if this chapter had not been enacted.

(1994, Ord. No. 94-72, sec. 3.)

Article 4. Modifications to National Electrical Code.

Section 9-23. Deleting Annex H, Administration and Enforcement of the 2008 NEC.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 13.)

Section 9-24. Amending the National Electrical Code by adding material; rain water and sea water flooding standards.

The National Electrical Code is amended by adding the following:

Rain Water and Sea Water Flooding Standards. The following paragraphs shall supplement the requirements of the National Electrical Code for electrical work subject to inundation by rainfall run-off or sea waves in areas designated as FLOOD ZONE by a Federal, State, or County agency. All installations shall comply with chapter 27, Floodplain Management Ordinance.

1. Services:
 - a. Location. Service equipment shall be located above the inundation level or shall be installed in water-tight enclosure, room, or vault, and shall be readily accessible in any case.
 - b. Ground Fault Protection. Ground fault protection shall be provided for all grounded wye electrical services.
2. Ground Fault Protection:
 - a. Approved ground fault circuit protection shall be provided for all feeder and branch circuits below or extending into inundation level.

3. **Wiring Method and Material:**
 - a. **Distribution Equipment.** Equipment such as transformers, fuses, panelboards, switchboards, disconnects, circuit breakers, controllers and other devices used for control, disconnecting means, ground fault protection, or overcurrent protection shall be located above the inundation level, unless made of water-tight construction.
4. The director of public works shall have the authority to consider exceptions to the provisions of the requirements of this section and may grant variance from the provisions thereof, if local topographic conditions clearly indicate that the possibility of flooding is not present.
5. Contractor will provide a certified bench mark on jobsite for flood zone elevation reference point.
6. Residential and nonresidential electrical only permit application requirements: Electrical design drawings stamped and signed by an electrical engineer registered in the State of Hawai'i. Plans shall include a site or plot plan showing the certified flood zone elevation mark.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 13.)

Section 9-25. Reserved.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 13; Am. 2011, Ord. No. 11-69, sec. 13.)

Article 5. Permits for Electrical Work.

Division 1. Application, Issuance and Contents.

Section 9-26. Permit required; exceptions.

No person shall perform any electrical work or cause or permit the same to be done, unless a permit therefor has been obtained from the authority having jurisdiction with the following exceptions:

- (1) Electric work and installations to which the provisions of this chapter are expressly declared to be not applicable.
- (2) Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug, and if such cord or cable is permitted by this chapter.
- (3) Repair of any fixed motor, water heater, air conditioning controls or other appliance, or replacement of any fixed motor with another having the same horsepower rating and situated at the same location.
- (4) Replacement of receptacles and switches.
- (5) Maintenance work by a licensed electrician per chapter 448E, Hawai'i Revised Statutes.
- (6) Emergency electrical work by a person to whom a permit may be issued (see sections 9-28 and 9-41 of this chapter).
- (7) The provisions of the foregoing exceptions shall not apply to any repairs or replacement of electrical devices, apparatus, or appliances which were originally installed without a permit, when such permit is required for the original installation, or when energized by or a part of any hazardous or illegal wiring system.
- (8) The foregoing exceptions from permit requirements shall not be deemed to allow any electrical wiring to be done in a manner contrary to other provisions of this chapter.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 14; Am. 2011, Ord. No. 11-69, secs. 3 and 14.)

Section 9-27. Permit scope.

- (a) The issuance of a permit is not an approval or an authorization of work specified therein. A permit is merely an application for inspection, the issuance of which entitles the permittee to inspection of the work which is prescribed therein.
 - (b) Neither the issuance of a permit nor the approval by the authority having jurisdiction of any document shall constitute an approval of any violation of any provision of this chapter or of any other law or ordinance, and a permit or other document purporting to give authority to violate any law shall not be valid with respect thereto.
- (1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Section 9-28. Emergency work.

When emergency electrical work is commenced without a permit, an application for a permit for the work shall be made pursuant to the provisions of section 9-30, as soon as possible after the work is commenced.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-29. Separate permits required.

A separate electrical permit shall be obtained for each building permit.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 15.)

Section 9-30. Permit application; filing; content.

- (a) To obtain a permit, the applicant shall file an application on forms furnished by the authority having jurisdiction. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.
 - (b) The application shall be accompanied by approved plans and specifications or a suitable diagram when and as required by section 9-33.
- (1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Section 9-31. Permit issuance; fees.

When the authority having jurisdiction determines that the information on the application and plans is in conformance with this chapter, the authority having jurisdiction shall issue a permit upon receipt of the total fees.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Section 9-32. Permit application; immediate action not required.

Nothing contained in this chapter shall be construed to require the authority having jurisdiction to immediately accept or reject any application, whenever it is necessary to investigate the proposed wiring and premises as to its compliance with this chapter, or it is necessary to check plans and specifications accompanying the application.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Section 9-33. Plans and specifications requirements; deviations.

- (a) Plans and specifications giving such details of the proposed installation as may be required by the authority having jurisdiction shall be filed with the application. Such plans and specifications shall bear the approval of a professional electrical engineer registered in the State of Hawai'i.

EXCEPTIONS:

- (1) If the demand load of the proposed installation is less than thirty kilovoltamperes, this requirement shall be applicable only if the authority having jurisdiction so directs.

- (2) For single family dwellings, plans and specifications shall not be required provided the installation meets all of the following criteria:
 - (A) The installation shall not be located in a rain water or sea water flood zone; and
 - (B) Service size disconnect does not exceed 200 amperes.
 - (b) All photovoltaic systems for residential and non residential installations shall require a building permit. Plans and specifications for building work shall bear the approval of an architect or structural engineer registered in the State of Hawai'i. Electrical design drawings and specifications shall bear the approval of an electrical engineer registered in the State of Hawai'i.
 - (c) No person shall materially deviate from any reviewed plan or specifications or fail, neglect or refuse to comply herewith, unless permission to do so has first been obtained from the electrical engineer on record. Revised drawings and or a letter approving such deviations shall be submitted to the authority having jurisdiction for review.
- (1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 15; Am. 2011, Ord. No. 11-69, secs. 3 and 16.)

Section 9-34. Issuance.

If the authority having jurisdiction is satisfied that the installation described in the application will conform to the provisions of this chapter and all pertinent laws, and the fee prescribed in division 2 of this article has been paid, the authority having jurisdiction may issue a permit to the persons specified in section 9-35.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Section 9-35. Persons to whom permit may be issued.

A permit to do electrical work regulated by this chapter may be issued only to:

- (1) A contractor who is licensed under the provisions of chapter 444, Hawai'i Revised Statutes, and possesses a valid, unexpired, unrevoked license which qualifies the contractor to perform electrical or electrical specialty work.
- (2) A permit may also be issued to a homeowner for electrical work on a single-family dwelling which the owner will personally occupy and use exclusively for living purposes, provided the owner is a journeyman electrician, journeyman specialty electrician, supervising electrician, or supervising specialty electrician licensed under chapter 448E, Hawai'i Revised Statutes. Only one such permit may be issued to such homeowner unless the authority having jurisdiction finds the strict application would result in practical difficulty and hardship and that the granting of a second permit would not be contrary to the purpose of the Code. This does not preclude the homeowner from obtaining additional permits for the same building or accessory building on the same lot.
- (3) A supervising electrician or supervising specialty electrician:
 - (A) Who is employed as a maintenance electrician by someone other than a contractor described above;
 - (B) Who is employed by the County or State; or
 - (C) Who is applying for electrical work for such person's own dwelling.
- (4) A journeyman electrician licensed per chapter 448E, Hawai'i Revised Statutes, and employed by the County of Hawai'i.

(1994, Ord. No. 94-72, sec. 3; Am. 2005, Ord. No. 05-129, sec. 16; Am. 2011, Ord. No. 11-69, secs. 3 and 17.)

Section 9-36. Permit content; posting; time limit for suspension of work.

Every permit shall be issued in such form and detail as shall be prescribed by the authority having jurisdiction, shall specify the geographical location of the premises whereon the work authorized thereby is to be done, shall be valid only for the location so specified, and shall be conspicuously posted by the holder thereof on the premises. If the work authorized by any permit is continuously suspended for a period of one hundred twenty days, such permit shall thereupon, and thereafter, be null and void.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, secs. 3 and 18.)

Section 9-37. Permit transferability.

No permit shall be assigned, transferred or loaned to another by the person to whom it was issued.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-38. Suspension or revocation of permit.

The authority having jurisdiction may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit has been issued in error or on the basis of incorrect information supplied, or in violation of any ordinance, regulation or provision of this chapter. In such event, the permit fee shall not be refunded.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Division 2. Fees and Charges.

Section 9-39. Fee payment.

A fee in accordance with the schedule set forth in this division shall be paid to the director of finance for each electrical permit.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-39.1. Refunds.

Refunds for permits shall be made in accordance with section 2-12 of the Hawai'i County Code.

(2011, Ord. No. 11-69, sec. 19.)

Section 9-40. Fee schedule.

(a) Issuing Permits.

A fee shall be paid for issuing each permit in addition to all other charges specified herein..... \$5 each

(b) Service Installations.

For required size of service equipment of single phase construction (including meter loop).	
Not over 100 amperes	\$ 8
Over 100 but not over 200 amperes	10
Over 200 but not over 400 amperes	12
Over 400 amperes	14

For required size of service equipment of three phase construction (including meter loop).

Not over 100 amperes	\$10
Over 100 but not over 200 amperes.....	12
Over 200 but not over 400 amperes.....	14
Over 400 amperes	16

(c) Feeder Circuits.

For required size of feeder equipment.

Not over 100 amperes.....	\$ 6
Over 100 but not over 200 amperes.....	8
Over 200 but not over 400 amperes.....	10
Over 400 amperes	12

(d) Wiring circuits in or about commercial and industrial buildings, including hotels, multiple-family dwellings and apartment house.

Each circuit for general light and convenience outlets	\$ 4
Each outlet for radio and television antenna system and loudspeaker.....	1
Control wiring air conditioning and refrigeration for each compressor unit	6
Fire and burglar alarm system	30
For any other type of circuits and outlets	12

(e) Wiring circuits in or about a single-family dwelling.

Each circuit of the first five circuits for general lighting and convenience outlets	\$ 6
Each additional circuit for such outlets.....	4
Fire and burglar alarm system	6
For any other type of circuits and outlets	4

(f) Cooking Appliances.

Single- and multiple-family dwellings and apartments:

For each electric range circuit.....	\$ 6
For each built-in counter-top range circuit	6
For each built-in oven circuit.....	6

NOTE: For the purpose of this code, “range” shall mean a complete self-contained, freestanding, cooking unit, containing top cooking units and ovens, which is connected to one outlet; a “built-in counter-top range” shall mean an assembly of cooking units which is installed in a counter and connected to an outlet separately from an oven; a “built-in oven” shall mean an oven for the preparation of food in a residence and which is connected to a separate outlet. Each oven and each counter-top cooking unit assembly shall be served by separate branch circuits.

- (g) Commercial Cooking Appliances. (Bakers, restaurants, cafeterias, and other establishments preparing food for sale to public.)

Range, fry-kettles, oven steam table broiler, roaster and other cooking devices:

For each circuit not over 12 kw	\$ 6
For each circuit over 12 kw but not over 24 kw	8
For each circuit over 24 kw	10

- (h) Heaters.

- (1) Single- and Multiple-Family Dwellings and Apartments.

For each water heater circuit.....	\$ 6
For each air heater circuit, capacity up to 1,650 watts.....	4
For each air heater circuit, capacity 1,650 watts or more	6

- (2) Commercial or Industrial.

Water heaters:

Each circuit	\$ 6
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Air and/or space heaters:

For each circuit not over 5 kw	\$ 6
For each circuit over 5 kw but not over 15 kw	8
For each circuit over 15 kw	10

Electric kilns:

For each circuit not over 6 kw	\$ 6
For each circuit over 6 kw but not over 12 kw	8
For each circuit over 12 kw but not over 24 kw	10
For each circuit over 24 kw	12

Electric furnaces:

For each circuit not over 12 kw	\$ 8
For each circuit over 12 kw but not over 24 kw	10
For each circuit over 24 kw but not over 48 kw	12
For each circuit over 48 kw but not over 96 kw	14
For each circuit over 96 kw	16

Infra-red heat-treating and paint baking:

For each circuit not over 5 kw	\$ 6
For each circuit over 5 kw but not over 15 kw	8
For each circuit over 15 kw but not over 50 kw	10
For each circuit over 50 kw but not over 100 kw	16
For each circuit over 100 kw	4

(i) Laundry Dryer Circuit.

- (1) Single- and Multiple-Family Dwellings and Apartments.
For each circuit\$ 6
- (2) Commercial Laundry Dryer Circuit.
For each circuit, the fee shall be \$4 plus any additional charge for driving motor according to HP as set forth in the schedule under section 9-40(o).

(j) High Potential Gas Tube Lighting and Signs.

- For each sign or decorative outline tubing\$ 6
- For gas tubing lighting (exclusive of fluorescent lighting)..... 4
- For each flasher in connection with a sign 4
- For installing flasher on an existing sign 6
- For connecting a sign after moving to a new location 6
- For reconnecting a removed sign at the previous location 6

(k) Temporary Lights.

- Not over 50 lamps.....\$ 8
- Over 50 but not over 100 lamps 14
- Each succeeding 100 lamps or fraction thereof 6

(l) Permanent Decorative Lighting, etc.

- Decorative lighting, and footlights borders and strips in theatres,
where 100 or less sockets are installed\$12
- Additional 50 sockets or fraction thereof 8

(m) Portable Electric Signs.

A “portable electric sign” means a small advertising contrivance operated with electricity and used in interior of buildings only which is capable of being moved or removed at will without damaging or altering the structure or finish at or adjacent to the location thereof, and which is not attached or fastened in place by nails, screws, bolts, conductors, wiring enclosures or in any other manner. No fee shall be required for such portable electric signs when the outlet and circuit to which it is attached has been installed pursuant to a valid permit.

(n) Lighting Fixtures.

- For each set of ten fixtures or fraction thereof:
(Fees to be charged only when circuit wiring is excluded.)\$ 8

(o) Motors.

For each separate motor fixed:

Not over 1/3 HP	\$ 4
Over 1/3 HP but not over 1 HP	6
Over 1 HP but not over 3 HP	8
Over 3 HP but not over 8 HP	10
Over 8 HP but not over 15 HP	12
Over 15 HP but not over 50 HP	14
Over 50 HP but not over 100 HP	16
Over 100 HP	40

(p) Temporary Motors, Installation.

First 2 circuits	\$12
Each additional circuit	8

No fee shall be required for moving any temporary construction motor from one place to another, when such temporary motor is attached to an outlet for which a permit has been issued and the permit fee therefor has been once paid.

Temporary motor installations for carnival rides, etc., a flat fee of \$50 shall be charged.

(q) Generators, Capacitors, Reactors, Transformers Fixed, and all other alternate energy power sources. For the purpose of this subsection 1 kw is equivalent to 1 kva.

Not more than 5 kw	\$10
Over 5 kw but not over 15 kw	24
Over 15 kw.....	40

(r) Miscellaneous.

Each motion picture projection machine using 35 mm or larger film	\$30
Each X-ray machine outlet.....	10
Each dental chair outlet.....	12
Each electric organ outlet.....	8
Each electric welder outlet.....	10
Each street lighting standard or fixture	8
Each transfer switch (double throw)	20

For conduit and raceway installation, a fee of \$6 shall be charged for each two hundred lineal feet of conduit and raceway or any fraction thereof. (Fees are to be charged only when circuit wiring is excluded.)

(s) Repairs, Alterations, Additions.

Permit fees for additions to or alterations of existing work shall be the same as for new work.

Permit fees for repair or for work for which a permit is required but for which no fee is herein provided shall be \$5.

(1994, Ord. No. 94-72, sec. 3.)

Section 9-41. Additional fee for work begun without permits.

Where work for which a permit is required by this chapter is started or proceeded prior to obtaining of said permit, the fee shall be \$100 plus the fees specified by section 9-40, or the fees specified by section 9-40 shall be doubled, whichever is greater, but payment of such fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed herein. This provision does not apply to emergency work when proved to the satisfaction of the authority having jurisdiction that such work was urgently necessary and it was not practical to obtain a permit therefor before the commencement of work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such a permit, the penalty will be charged.

(1994, Ord. No. 94-72, sec. 3; Am. 2011, Ord. No. 11-69, sec. 3.)

Section 9-41.1. Amnesty Period.

(REPEALED. 2006, Ord. No. 06-122, sec. 2)

Section 9-41.2. Requirements for as built work.

Penalty fees per section 9-41 shall apply. Residential and Nonresidential work will require electrical as built drawings certifying that all work has been installed and complies with all applicable ordinances and codes. These drawings shall bear the stamp and signature of an electrical engineer duly licensed in the State of Hawai‘i.

(2011, Ord. No. 11-69, sec. 20.)

Section 9-42. Permit fee exemptions.

- (1) The County and all contractors performing work under authority of the County shall be exempt from the requirements to pay permit fees.
- (2) Habitat for Humanity Hilo and Habitat for Humanity Kona shall be exempt from the requirement of paying any permit fee. This exemption shall not apply to penalty fees when required under this chapter.

(1994, Ord. No. 94-72, sec. 3; Am. 2007, Ord. No. 07-113, sec. 3.)

Section 9-43. Additional and miscellaneous inspections.

For a requested or scheduled inspection wherein the work to be inspected is not complete or ready for inspection, the permit holder of the permit shall pay the director of finance \$50 for each inspection. For a requested inspection wherein no permit has been issued or for general requirements regarding the health, safety or welfare of the people, the person requesting the inspection shall pay the director of finance \$50 for each inspection.

(1994, Ord. No. 94-72, sec. 3.)