CHAPTER 5

CONSTRUCTION ADMINISTRATIVE CODE

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CHAPTER 5
BUILDING
(Rep 2020, ord 20-61, sec 12.)

CHAPTER 5

CONSTRUCTION ADMINISTRATIVE CODE

Article 1. General Provisions.

Section 5-1-1. Title.

This chapter shall be known as the "construction administrative code."
(2020, ord 20-61, sec 2.)

Section 5-1-2. Purpose.

This chapter consolidates the administrative provisions relating to the County's construction code, including chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code into one chapter. These administrative provisions relate to: permitting; enforcement; inspections; and related procedures. This consolidation will enable the County to develop a system based on a single permit, rather than multiple construction permits and generally promote consistency in procedures across construction disciplines. The purpose of these policy changes is to enable the County to implement its responsibilities in this area with greater efficiency and effectiveness.
(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 3.)

Section 5-1-3. Scope; exceptions.

The provisions of this chapter shall apply to the administrative, permitting, enforcement, inspection, and related procedures of chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code.

This chapter shall apply to all building, electrical, and plumbing work related to the construction, alteration, movement, addition, replacement, repair, establishment of and changes in use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the County inland of the shoreline high-water line.

This chapter shall not apply to:

(1) Work on buildings or premises owned by or under the direct control of the Federal government;
(2) Work in public State or County road right-of-ways for utility installations, street lighting, traffic signals, police and fire alarms, bridges, poles, hydraulic flood control structures, and mechanical equipment not specifically regulated in this code where installed:
    (A) Outside the proposed premises or boundary lines in a subdivision under development; or

(B) In an approved subdivision, where the work is in planned or actual roadways or other common infrastructure areas;

(3) Pursuant to section 448E-13, Hawaiʻi Revised Statutes, 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 utilities commission and community antennae television company, while so employed;

(4) Electrical work related to work regulated by chapter 397, Hawaiʻi Revised Statutes, 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;

(5) Replacement or repair of electrical devices and apparatus for air conditioning, refrigeration, and heating systems, except electrical work on overcurrent devices that are not physically attached to, or physically mounted on, such systems;

(6) The construction, alteration or repair of electrical devices commonly used in the home such as portable appliances as defined in section 5-1-5;

(7) Plumbing work related to work regulated by chapter 397, Hawaiʻi Revised Statutes, relating to boilers and pressure vessels; and

(8) Agricultural buildings, structures, and appurtenances without electrical power and plumbing systems are exempt from permit and construction code requirements pursuant to section 46-88, Hawaiʻi Revised Statutes, except as otherwise provided for in this construction code. No electrical power and no plumbing systems shall be connected to a building or structure without first obtaining a permit for electrical or plumbing work.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 4.)

Section 5-1-4. Existing buildings.

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

(b) Alteration, repair, addition, and change of occupancy. Alteration, repair, addition, and change of occupancy to a building or structure in existence at the time of the adoption of this code shall comply with the requirements of chapter 34 of the International Building Code, relating to existing structures, until the adoption by the County of the International Existing Building Code. *

(2020, ord 20-61, sec 2.)

* **Editor's Note:** The County adopted the International Existing Building Code on September 8, 2021, in Ordinance 21-41.

Section 5-1-5. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

"Accessory structure" means a structure not greater than 3,000 square feet (279 m^2) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

"Agricultural building" means a development, including a nonresidential building or structure, built for agricultural or aquacultural purposes, located on a commercial farm or ranch constructed or installed to house farm or ranch implements, agricultural or aquacultural feeds or supplies, livestock, poultry, or other agricultural or aquacultural products, used in or necessary for the operation of the farm or ranch, or for the processing and selling of farm or ranch products. An agricultural building for personal use shall be excluded from this definition.

"Architect" means a person who is licensed and in good standing as an architect in the State of Hawai'i.

"Authority having jurisdiction" means the director of the department of public works, or the director's authorized representative.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on wheels such as a trailer, wagon, or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

To the extent context otherwise permits and/or requires, the definitions of "building" as used in chapters: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.

"Building work" means the design, construction, alteration, relocation, enlargement, replacement, repair, removal, demolition of any building or structure, or any other activities regulated by this chapter.

"Construction code" means collectively: chapter 5, the construction administrative code; chapter 5A, the building code; chapter 5B, the residential building code; chapter 5C, the existing building code; chapter 5D, the electrical code; chapter 5E, the energy conservation code; chapter 5F, the plumbing code; and all administrative rules adopted pursuant to these chapters.

"Director" means the director of public works of the County of Hawai'i or the director's duly authorized representative.

"Dwelling" means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Electrical wiring" means any conduit, raceway, manhole, handhole, 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.

"Engineer" means a person who is licensed and in good standing as a professional engineer in the State of Hawaiʻi.

"Existing building" means a building erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

"Existing structure" means a structure erected prior to the effective date of this chapter, or one for which a legal permit has been issued.

"Factory-built home" means a dwelling or dwelling unit, any structure or portion thereof, which is either entirely prefabricated or assembled at a place other than the building site.

"International building code" means the International Building Code published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5795, including appendices, as adopted in chapter 5A.

"Multi-family dwelling" means any building that contains more than two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

"Owner" means any individual, firm, partnership, association, or corporation, its or their successors or assigns, according to the context thereof as owners or lessees of property.

"Owner-builder" means owners or lessees of property who build or improve buildings or structures on their property for their own use, or for use by their immediate family. This definition shall not preempt owner-builder by exemption as defined by section 444-2.5, Hawaiʻi Revised Statutes.

"Permit" means a formal authorization issued by the authority having jurisdiction that authorizes performance of specified work, pursuant to the construction code, including the following chapters and all administrative rules adopted pursuant to the following chapters:

(1) 5, the construction administrative code;
(2) 5A, the building code;
(3) 5B, the residential building code;
(4) 5C, the existing building code;
(5) 5D, the electrical code;
(6) 5E, the energy conservation code; and
(7) 5F, the plumbing code.

"Person" means any individual, firm, partnership, association, or corporation; or its or their successors or assigns, according to the context thereof.

"Plumbing work" means the design, installation, alteration, construction, reconstruction, or repair of plumbing, gas, and drainage systems.

"Portable appliances" means any cord/plug connected device that is readily movable.

"Regulatory inspection" means an inspection that is requested to satisfy the requirements of laws that are other than the construction code and that relate to health, safety, or public welfare.

"Responsible party" means, at a minimum, the owner of a building, structure, portion thereof, or installation. "Responsible parties" may also include, but shall not be limited to any lessee or tenant of the building, structure, or portion thereof, and the owner of the property where the building, structure, or portion thereof, or installation is located.

"Special inspection" means an inspection of the materials, installation, fabrication, erection or placement of components and connections requiring special expertise to ensure compliance with approved construction documents and referenced standards.

"Structure" means that which is built or constructed.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, secs 5-7; am 2024, ord 24-45, sec 1.)

Section 5-1-6. Licenses.

When this construction administrative code or any of the construction codes require that a person be licensed pursuant to chapters 444, 448E, or 464, of the Hawai'i Revised Statutes, such license must be valid in the State of Hawai'i, unexpired, and unrevoked.
(2020, ord 20-61, sec 2.)

Section 5-1-7. Computation of time.

In computing any period of time prescribed or allowed by the construction administrative code, or by any applicable law or rule, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday. When the period of time prescribed or allowed is less than seven consecutive days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. As used in the construction administrative code, "holiday" includes any day designated as such pursuant to section 8-1, Hawai'i Revised Statutes.
(2020, ord 20-61, sec 2.)

Section 5-1-8. Additional time after service by mail.

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party, if the notice or paper is served upon the party by mail, two days shall be added to the prescribed period. This period shall begin as of the date of mailing.
(2020, ord 20-61, sec 2.)

Article 2. Administration.

Division 1. General.

Section 5-2-1. Department having jurisdiction.

Unless otherwise provided for by law, the director of public works, in the director's capacity as the authority having jurisdiction, shall have jurisdiction over and administer all matters covered by the construction code.
(2020, ord 20-61, sec 2.)

Section 5-2-2. Duties of the authority having jurisdiction.

The authority having jurisdiction shall administer the provisions of the construction code and amendments thereto and shall perform the following duties:

(1) Administer and enforce the provisions of the construction code, including chapters: 5, the construction administrative code; 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; in a manner consistent with the intent thereof;

(2) Render interpretations of the construction code and adopt policies and procedures that are consistent with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the construction code;

(3) Require submission of, examine, and check plans and specifications, drawings, descriptions and diagrams necessary to show clearly the character, kind, and extent of work covered by applications for a permit, and upon approval, shall issue the permit applied for;

(4) Inspect all building, electrical, and plumbing work authorized by permit to assure compliance with provisions of the construction code or amendments thereto, approving or condemning said work in whole or in part as conditions require;

(5) Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of the construction code and amendments thereto;

(6) Order changes in workmanship and materials essential to obtain compliance with all provisions of the construction code;

(7) Issue upon request a certificate of occupancy or certificate of completion for any work approved by the authority having jurisdiction;

(8) Investigate any construction or work regulated by the construction code and issue such notices and orders as provided in the construction code;

(9) Keep a complete record of all essential transactions; and

(10) Maintain public office hours necessary to administer the provisions of the construction code and amendments thereto.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 8.)

Section 5-2-3. Compliance required.

(a) Permit holders and their agents shall comply with the requirements of permits issued pursuant to the construction code including chapters: 5, the construction administrative code; 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code.

(b) Any approval or permit issued pursuant to the provisions of the construction code shall comply with all applicable requirements of the construction code. Any approval or permit that presumes to authorize violation of the provisions of the construction code, or other applicable laws, shall be invalid, except insofar as the work or use it authorizes is lawful.

(c) The granting of a permit, variance, or approval of plans or specifications pursuant to the construction code does not dispense with the necessity to comply with any applicable law to which a permit holder may also be subject.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 9.)

Section 5-2-4. Conflict.

(a) If any provisions of the construction code conflict with or contravene provisions of the Hawai‘i State Building Codes, International Building Code, International Residential Code, International Existing Building Code, National Electrical Code, Uniform Plumbing Code, or the International Energy Conservation Code, that have been incorporated by reference, the provisions of the construction code shall prevail as to all matters and questions arising out of the subject matter of that provision.

(b) In situations where two or more provisions of the construction code and any applicable law, other than those provided for in subsection (a), cover the same subject matter, the stricter shall be complied with.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 10.)

Section 5-2-5. Adoption of rules.

The authority having jurisdiction may adopt rules pursuant to chapter 91, Hawai‘i Revised Statutes, necessary for the purposes of the construction code.

(2020, ord 20-61, sec 2.)

Section 5-2-6. Right of entry.

Upon presentation of proper credentials, the authority having jurisdiction may enter a building, structure, premises, or building site at reasonable times to inspect or to perform any duty imposed by the construction code. Such entry shall be made in such a manner as to cause the least possible inconvenience to the persons in possession. If such building, structure, premises, or building site is unoccupied, the authority having jurisdiction shall first make a reasonable effort to locate the owner, owner’s agent, or person responsible for the building, structure, premises, or building site and request entry. An order of a court authorizing such entry shall be obtained in the event such entry is denied or resisted.

(2020, ord 20-61, sec 2.)

Section 5-2-7. Deputies.

In accordance with applicable procedures the authority having jurisdiction shall have the authority to:

(1) Appoint technical officers, inspectors, plan examiners, and other personnel necessary to support the department;

(2) Deputize inspectors or employees who shall have powers delegated to them by the authority having jurisdiction; and

(3) Deputize volunteers to temporarily carry out functions of the department in the event of an emergency as defined in chapter 127A, Hawai‘i Revised Statutes.

(2020, ord 20-61, sec 2.)

Section 5-2-8. Limited liability of authorized personnel.

(a) The authorized personnel charged with the administration and enforcement of the construction code, while acting in good faith and without malice in the discharge of the duties required by the construction code or other applicable law, 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 the construction code or other applicable law implemented through the enforcement of the construction code shall be defended by the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

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

(c) The construction code shall not be construed to relieve from or lessen the responsibility of any person for damages from any defect, arising out of the ownership, operation, or installation of any:
   (1) Electrical wires, appliances, apparatus, construction, or equipment; or
   (2) Plumbing, gas, or drainage systems.

(2020, ord 20-61, sec 2.)

Division 2. Materials, equipment, devices, design, and methods of construction.

Section 5-2-21. Approved materials, equipment, and devices.

Materials, equipment, and devices approved by the authority having jurisdiction shall be constructed and installed in accordance with such approval.
(2020, ord 20-61, sec 2.)

Section 5-2-22. Used materials, equipment, and devices.

The use of used materials that meet the requirements of the construction code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the authority having jurisdiction.
(2020, ord 20-61, sec 2.)

Section 5-2-23. Alternative materials, equipment, design, or methods of construction.

(a) The provisions of the construction code are not intended to prevent the installation of any material or equipment; or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the authority having jurisdiction.

(b) Requests for qualified and approved alternative materials, equipment, design, or methods of construction shall include a stamped certification from a person who is licensed in the State of Hawai'i as an architect or professional engineer, that the proposed alternative meets or exceeds the standards set in subsection (c). Supporting data as prescribed in subsections (d) and (e) shall be required to support the request.

(c) An alternative material, equipment, design, or method of construction may be approved where the authority having jurisdiction finds that the proposed design is satisfactory and complies with the intent of the provisions of the construction code, and that the material, equipment, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

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

(e) Tests. Whenever there is insufficient evidence of compliance with the provisions of the construction code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the authority having jurisdiction shall have the authority to require tests as evidence of compliance to be made at no expense to the County. Test methods shall be as specified in the construction code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the authority having jurisdiction for the period required for retention of public records.

(2020, ord 20-61, sec 2.)

Section 5-2-24. Modifications.

(a) Wherever there are practical difficulties involved in carrying out the provisions of the construction code, the authority having jurisdiction may grant modifications for individual cases, upon application by an owner or owner's representative. As used in this section, "modification" means an exception to the provisions of the construction code that may be granted in individual cases, by the authority having jurisdiction.

No modification from the strict application of any provision of the construction code shall be granted by the authority having jurisdiction unless it finds all of the following:

(1) That an individual reason exists that in this instance renders compliance with the strict letter of the construction code impractical;

(2) The modification will be consistent with the intent and purpose of the construction code; and

(3) That the granting of the modification will not lessen health, accessibility, life and fire safety, or structural requirements.

(b) In granting a modification, the authority having jurisdiction may prescribe conditions that it deems to be necessary or desirable.
(c) The details of actions granting modifications shall be recorded and entered in the files of the authority having jurisdiction.

(2020, ord 20-61, sec 2.)

Article 3. Permits; When Required.

Division 1. Permits required.

Section 5-3-1. Permit required; generally.

(a) Except as provided in division 2, no person shall perform any of the following work or cause or permit the same to be done on any building or structure in the County, without first obtaining a permit for this work from the authority having jurisdiction:
  (1) Erect, construct, enlarge, alter, repair, relocate, improve, remove, convert, or demolish any building or structure;
  (2) Erect, install, enlarge, alter, repair, remove, convert, or replace any electrical work; or
  (3) Erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing, fire sprinkler, gas, or drainage piping work, or any fixture, gas appliance, water heating, or water treating equipment.

(b) A permit shall be required for, but not limited to, the following:
  (1) Gas tanks and piping.
  Installation, removal, alteration, repair, or replacement of all gas tanks and piping on private property.
  (2) Handicap accessible routes.
  Construction or renovation of handicap accessible routes from parking lot to building or from building to building on a lot.
  (3) Retaining walls.
  Erection, construction, enlargement, alteration, repair, moving, conversion, or demolition of retaining walls four feet and higher. Stepped or terraced retaining walls within eight feet of each other are considered to be one wall when determining wall height.
  (4) Solar photovoltaic systems.
  Complete new installations of all solar photovoltaic residential and non-residential systems, or the replacement of an existing system with all new components, or relocation of panels from roof to ground or vice versa.
  (5) Solar water heating systems or components.
  Complete new installations of all solar water heating systems, the complete replacement of existing system with all new components, or relocation of panels from roof to ground or vice versa.

(6) Television or radio communication towers.
Erect, construct, enlarge, alter, repair, relocate, convert, or demolish any television or radio communication tower that is not regulated by the public utilities commission.
(7) Water tanks or catchments.
Installation, removal, alteration, repair, or replacement of water tanks or catchments intended for potable use, household use, or fire protection, regardless of height or size. For additional requirements where water tank or catchment systems are used as means of fire protection, see chapter 26, Hawai'i County Code.
(8) Air conditioning systems. Installation, removal, alteration, repair, or conversion of any heating, ventilation, or air conditioning system.

(2020, ord 20-61, sec 2.)

Section 5-3-2. Factory-built housing.

(a) No person shall perform any of the following work or cause or permit the same to be done on any factory-built housing in the County, without first obtaining a permit for this work from the authority having jurisdiction:
(1) Manufacture, install, erect, construct, enlarge, alter, repair, relocate, improve, remove, convert, or demolish any factory-built housing;
(2) Manufacture, erect, install, enlarge, alter, repair, remove, convert, or replace any electrical work; or
(3) Manufacture, erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing, fire sprinkler, gas, or drainage piping work, or any fixture, gas appliance, water heating, or water treating equipment.
(b) To obtain a permit, an applicant shall comply with sections: 5-4-1; 5-4-2, 5-4-3, 5-4-4, 5-4-5, 5-4-6, 5-4-7, and 5-4-8.
(c) For the purposes of this section, "manufacture" means the process of making, fabricating, constructing, forming, or assembling a FBH at a place other than the building site.

(2020, ord 20-61, sec 2.)

Section 5-3-3. Relocation of buildings.

(a) A permit is required to relocate a building pursuant to section 5-3-1.
(b) Buildings moved into or within the jurisdiction shall comply with the provisions of the construction code for new structures.
Exception:
R3 dwellings are exempted from this subsection but existing plumbing and electrical systems contained within R3 dwellings shall be brought up to current code.

(c) No permit shall be issued to relocate any dwelling, accessory to a dwelling, or portion thereof, that has sustained substantial damage. As used in this section, "substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its undamaged condition would equal or exceed fifty percent of the market value of the structure before damage occurred.
(d) Except as otherwise provided in subsection (b), the foundation, plumbing, and electrical work at the final destination of the relocated building shall comply with the provisions of the construction code for new structures and shall comply with flood hazard regulations, land use ordinances and all other applicable laws.

(2020, ord 20-61, sec 2.)

Section 5-3-4. Temporary permits; required.

(a) The authority having jurisdiction may authorize a permit for temporary structures and temporary uses. A temporary permit for tents and similar structures shall be limited to a period of not more than one hundred eighty consecutive days unless regulated by the fire code. The authority having jurisdiction may grant one or more extensions of time for additional periods not exceeding ninety consecutive days each. Prior to the deadline, requests for extension shall be filed in writing with the authority having jurisdiction, and demonstrate that circumstances beyond the applicant's control justify granting the extension request. A $50 fee is required for a temporary permit.
(b) A temporary permit shall be required for, but not limited to, installation or construction of the following structures for a period of not more than one hundred eighty consecutive days:
    (1) A tent or similar structure which is to be used for commercial or religious purposes, such as rallies, festivals, amusements and sideshows;
    (2) Props for films, television, or live plays and performances; or
    (3) Structures, buildings, platforms, construction trailers, water tanks, or fences used during the construction of a permitted structure.
(c) Tents of canvas, plastic or similar material shall not be used as a residence.
(d) The grant of a temporary permit pursuant to this section shall not be deemed to grant authorization for any electrical or plumbing work to be done in a manner that violates the provisions of the construction code or any other applicable laws.
(e) The permit may be canceled for cause by the authority having jurisdiction or the fire department at any time before expiration of the time stated in the permit. Upon such cancellation or upon the expiration of the time stated therein, the structure or structures shall be promptly removed.

(2020, ord 20-61, sec 2.)

Section 5-3-5. Separate permit; required.

A separate permit shall be required for each building or structure, provided that one permit may be obtained for:

(1) Building or constructing a dwelling and its accessories, such as a fence, wall, pool, and a garage;

(2) Electrical work for a dwelling and a private garage, shed, or accessory building located on the same premises as the main building, and supplied electrical power by a feeder or circuit from the main building; and
(3) Plumbing work for a dwelling and a private garage, shed, or accessory building located on the same premises as the main building and served by the same building water supply and building sewer as that serving the main building.

(2020, ord 20-61, sec 2.)

Division 2. Permits not required.

Section 5-3-21. Permit exemptions.

(a) Any person who is undertaking an action that is exempted from the requirement for a permit may be required to obtain a declaration from the authority having jurisdiction that the proposed action:
(1) Is exempt from the requirement to obtain a permit;
(2) Complies with chapter 27, relating to flood control; and
(3) Complies with chapter 205A, Hawai'i Revised Statutes, relating to special management areas.
(b) Exemption from the permit requirements of the construction code shall not be deemed to authorize violation of other provisions of this code or other applicable laws.

(2020, ord 20-61, sec 2.)

Section 5-3-22. Building work; exempt.

(a) A permit shall not be required for any of the following building work, provided no electrical work or plumbing work is proposed:
(1) Installation and/or construction of:
(A) Awnings projecting up to four feet and attached to the exterior walls of buildings of Group R-3 or U Occupancy; provided that the awnings do not violate the provisions for "yards" in chapter 25 (zoning), Hawai'i County Code; or
(B) Cabinets or wall mounted shelving not affecting fire resistance or structural members of walls for R-3 Occupancy and individual units of R-1, R-2, and U Occupancies which are not regulated under cooking unit clearances of the construction code. Cooking unit clearances refers to clearances between cooking surfaces and combustible materials, including but not limited to cabinets; or
(C) Detached decks or platforms that are less than thirty inches in height above grade. Buildings cannot violate the provisions for "yards" in chapter 25 (zoning). Verify setback requirements with the planning department; or

(D) Detached one-story accessory structures of U occupancy, used as a tool shed, storage shed, greenhouse, gazebo, playhouse, animal shed, or for a similar use, provided that:
  (i) The structures are located on residential or agricultural zoned land;
  (ii) In the case of accessory structures on residential zoned land, total floor area does not exceed two hundred square feet and is not greater than fifteen feet above finish grade;
  (iii) In the case of accessory structures on agricultural zoned land, the total floor area does not exceed one thousand square feet; and
  (iv) The building is not located less than ten feet from the property line or other structures; and does not violate the provisions for "yards" in chapter 25 (zoning). Structures shall be limited as defined per chapter 25; or

(E) Standard electroliers not over thirty-five feet in height above finish grade; or

(F) Fences six feet or less in height; or

(G) Floor covering; or

(H) Playground equipment, excluding assembly or similar waiting areas; or

(I) Re-roofing work with like material and installation of siding to existing exterior walls which will not affect the structural components of the walls for Groups R-3 and U Occupancies; or

(J) Wallpaper or wall coverings which are exempted under the provisions of section 801.1, Interior Finishes, chapter 8, IBC; or

(K) Water features and swimming pools less than twenty-four inches in depth, for one and two-family dwelling units; or

(L) Wells and reservoirs pursuant to chapter 178, Hawaiʻi Revised Statutes; or

(M) Television and radio equipment (i.e. antenna, dishes) accessory to R-3 Occupancies. Supports or towers for television and radio equipment six feet or less in height; or

(N) Air conditioners that are: in Residential R-3 Occupancy, window-mounted, and do not impair emergency egress; or portable air conditioning systems; or

(2) Installation and/or construction of temporary tents or other coverings used for private family parties or for camping on approved campgrounds, in accordance with article 4 (camping), and article 5 (picnics) of chapter 15; or

(3) Painting and decorating; or

(4) Repairs, excluding any installation or construction work otherwise exempted in subsection (a), that involve only the replacement of component parts or existing work with similar materials for the purpose of maintenance and do not cost over $25,000 per structure in any twelve-month period, and do not affect or modify any existing electrical or mechanical installations. Repairs that cost over $25,000 per structure in any twelve-month period or that include additions, changes, or modifications to construction or structures, exit facilities, permanent fixtures, or equipment shall not be exempted from this section; or

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

(b) The foregoing exemptions from permit requirements shall not be deemed to:
(1) Allow any building work to be done in a manner contrary to other provisions of the construction code; or
(2) Authorize violation of article 3, pertaining to other work, or of other applicable laws.

(2020, ord 20-61, sec 2; am 2024, ord 24-93, sec 1.)

Section 5-3-23. Electrical work; exempt.

(a) A permit shall not be required for the following electrical work:
(1) Electrical work and installations to which the provisions of this chapter and chapter 5D, the electrical code, are expressly declared to be not applicable.
(2) Existing electrical installations which complied with the applicable laws in effect when the electrical work thereon was performed, provided that such installations shall be subject to the provisions of section 5D-2-3.
(3) Installation of any portable motor or other portable appliance energized by means of a cord or cable, having an attachment plug, if such cord or cable is permitted by chapter 5D, the electrical code.
(4) 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.
(5) Replacement of receptacles and switches to tamper-resistant receptacles and switches.
(6) Maintenance work by a licensed electrician pursuant to chapter 448E, Hawai‘i Revised Statutes, provided, that maintenance work that involves or requires the repair, replacement, or rearrangement of wiring does require a permit as it is not included in this exemption.

(b) The provisions of the foregoing exemptions 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.

(c) The foregoing exemptions from permit requirements shall not be deemed to:
   (1) Allow any electrical work to be done in a manner contrary to other provisions of the construction code; or
   (2) Authorize violation of chapter 5D, the electrical code, or other applicable laws.

(2020, ord 20-61, sec 2.)

Section 5-3-24. Plumbing work; exempt.

(a) A permit shall not be required for the following plumbing work:
   (1) Plumbing work and installations to which the provisions of this chapter and chapter 5F, the plumbing code, are expressly declared to be not applicable.
   (2) Clearing stoppages or repairing leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
   (3) Replacement or repair of disposals, faucets, and fixtures, to include sinks and water closets, for non-commercial residential and County of Hawaiʻi government occupancies only. Repairs that involve or require the replacement or rearrangement of valves or pipes do require a permit as they are not included in this exemption. All repair or replacement work shall be done by licensed plumbers in accordance with section 444, Hawaiʻi Revised Statutes.
   (4) Maintenance work by a licensed plumber pursuant to chapter 448E, Hawaiʻi Revised Statutes, provided, maintenance work that involves or requires the repair, replacement, or rearrangement of valves or pipes requires a permit as it is not included in this exemption.

(b) The foregoing exemptions from permit requirements shall not be deemed to:
   (1) Allow any plumbing work to be done in a manner contrary to other provisions of the construction code; or
   (2) Authorize violation of chapter 5F, the plumbing code, or other applicable laws.

(2020, ord 20-61, sec 2.)

Section 5-3-25. Emergency work.

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

(1) Emergency building work including the repair of any legally erected existing structure that was damaged during an emergency. The damage resulting from the emergency must be to an extent that it requires immediate action to prevent substantial physical harm to persons or property. As used in this section, "repair" means any restoration, reconstruction, or other work performed to return a structure to its former condition that does not increase the floor area of the structure beyond that of the structure prior to the major disaster, and is in conformance with the construction code, flood hazard regulations, land use ordinances, and other applicable laws.
(2) Emergency electrical work, including work on electrical wiring to restore electrical service to a building following a fire, to remedy a power failure, and to protect persons and property against short circuiting and open circuits.
(3) Emergency plumbing work, including work to remedy leaks in drains, soil, waste, vent pipes, or conditions that are otherwise dangerous to human health or public welfare.

(b) A one-time emergency inspection may be conducted to verify that the immediate threat to public health, life and safety has been remedied. Upon issuance of the emergency work permit pursuant to subsection (a), regular inspections shall be conducted pursuant to sections 5-8-4 and 5-8-5.
(c) This section shall not be interpreted to authorize violation of other provisions of the construction code or other applicable laws. Structures or portions thereof that were illegally erected or constructed shall not be repaired under this section.

(2020, ord 20-61, sec 2.)

Article 4. Permit Application.

Division 1. Application.

Section 5-4-1. Application for permit.

(a) To obtain a permit, an applicant shall file an application in writing or online on a form furnished by the authority having jurisdiction for that purpose. Applications shall:
(1) Identify and describe the work to be covered by the permit for which the application is made and the owner of the property;
(2) Describe the property on which the proposed work is to be done in sufficient detail to determine the precise location of the property involved, including legal description, tax map key number, street address, or similar description that will readily identify and definitely locate the proposed building or work;
(3) Indicate the use and occupancy for which the proposed work is intended;
(4) Be accompanied by plans, specifications, construction documents and other information as required in this article;

(5) If submitting plans, specifications, or construction documents pursuant to section 464-13(b), Hawaiʻi Revised Statutes, the applicant shall include proof of recordation with the bureau of conveyances in accordance with section 464-13(c), Hawaiʻi Revised Statutes;
(6) State the estimated value of the proposed work;
(7) Indicate that the owner or the owner's authorized agent consents to the permit application, by inclusion of the owner or the owner's authorized agent's signature on the application;
(8) Declare the phases of work, if any, that will be performed by a contractor or specialty contractor, or both, as required by law;
(9) Provide the name and license number of all specialty contractors involved in the project, in compliance with the provisions of chapter 444, Hawaiʻi Revised Statutes;
(10) Be signed by the responsible managing employee or authorized employee of each contractor designated in paragraphs (8) and (9);
(11) Provide email and telephone number of applicant or agent;
(12) Include a non-refundable permit plan review fee pursuant to section 5-7-1; and
(13) Contain any other information necessary to enforce the provisions of the construction code as may be required by the authority having jurisdiction.

(b) Applications and required documents shall be filed in writing. After the authority having jurisdiction implements its electronic filing system, applicants may submit documents in writing or electronically.
(c) Applications that do not conform to the provisions of division 2 shall not be accepted by the authority having jurisdiction.

(2020, ord 20-61, sec 2.)

Section 5-4-2. Plans, specifications, and other data.

(a) The following documents shall be submitted with each application for a permit: plans; specifications; engineering calculations; diagrams; soil investigation reports; code search; special inspection and structural observation programs; and other data as may be required by the authority having jurisdiction.
(b) Number of sets of documents to be submitted with each application:
(1) Two sets for single and two-family dwellings or town houses (R-3 Occupancy);
(2) Two sets for accessory structures; and
(3) Three sets for all other occupancies.
(c) Plans and specifications shall:
(1) Be drawn to scale upon substantial paper that is of sufficient size that the plans and specifications when in print form, are legible without magnification;
(2) Be of sufficient clarity to indicate the nature and extent of work proposed and show in detail that it will conform to the provisions of the construction code and all applicable laws;
(3) Display the following information on the first sheet of each set of plans:
(A) The tax map key number of the job site;

(B) The name and address of the owner as referenced on real property records;
(C) The name and address of the person who prepared the plans;
(D) The following code search information:
(i) The basis of the building design including but not limited to the following: type of construction; occupancy; basic allowable floor areas; separation for mixed occupancy; number of occupants, wind speed (basic, effective), wind exposure, seismic zone, and exposure, etc. In lieu of detailed specifications, the authority having jurisdiction may approve references on the plans to a specific section or part of the construction code or other ordinances or laws;
(ii) Calculations, stress diagrams, and other data sufficient to show the correctness of the plans, shall be submitted when required by the authority having jurisdiction;
(iii) All plans other than R-3 and U occupancies shall have on the plans information of occupancy, type of construction, floor area computations, allowable area increases, separation wall if used, fire resistive substitution, fire sprinkler, exits, etc.;
(iv) Code search information for building design; and
(v) Additional forms required in the construction code; and
(E) Floor area computations, including major and accessible floor area, that are clearly labeled; and

(4) Include a plot plan showing the location of:
(A) The proposed building;
(B) Every existing building and/or structure on the property, including but not limited to retaining walls, water tanks, pools, etc.;
(C) Distances between buildings;
(D) Setbacks; and
(E) Certified flood zone elevation mark, as applicable.

(2020, ord 20-61, sec 2.)

Section 5-4-3. Engineers and architects; work.

(a) All plans and specifications relating to work which affects the public safety or health and for which a permit is required shall be prepared, designed, and stamped by a duly licensed architect or professional engineer in the State of Hawai‘i in accordance with chapter 464, Hawai‘i Revised Statutes and section 16-115, Hawai‘i Administrative Rules unless the work is exempt pursuant to section 464-13(b), Hawai‘i Revised Statutes.

(b) The following plans and specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai‘i as an architect or professional structural engineer:
(1) All wood trusses of more than 24’ - 0” spans; and
(2) All pre-engineered trusses and metal trusses.

(c) For residential (R-3 Occupancies) and accessory (U Occupancies) only, the following plans and specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawaiʻi as an architect or professional structural engineer, unless exempt pursuant to section 464.13(b), Hawaiʻi Revised Statutes. Whenever the exemption provided for in section 464.13(b) is applied to the construction of a new building, the applicant shall include with the application, proof that the exemption has been recorded with the bureau of conveyances pursuant to section 464-13(c), Hawaiʻi Revised Statutes.
   (1) All plans for post and pier type construction with/without perimeter foundation walls of R-3 Occupancies.
   (2) Single story or two-story structure for R-3 Occupancy unless exempt pursuant to section 464.13(b), Hawaiʻi Revised Statutes.
   (3) Single story or two-story structure of mixed occupancies (R-3 and U Occupancies) pursuant to section 464.13(b), Hawaiʻi Revised Statutes.
   (4) Structures of R-3 or U Occupancies that are three or more stories in height.
   (5) Structural members that are concrete, masonry or structural steel.
   (6) Proposed construction in special hazard flood zones: AE, AH, AO, V, and VE, as prescribed in chapter 27, relating to flood control; electrical installations per chapter 5D, relating to the electrical code; and plumbing installations per chapter 5F, relating to the plumbing code.
   (7) Structures in high seismic zones. (Category E or Sv > 0.75)

(d) All plans and specifications for retaining walls over four feet in height shall be prepared, designed, and stamped by a person who is licensed in the State of Hawaiʻi as an architect or professional structural engineer.

(e) Electrical plans and specifications giving such details of the proposed installation as may be required by the authority having jurisdiction to be submitted with the application. Such plans and specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawaiʻi as a professional electrical engineer.
   Exception:
   For single and two-family dwellings, townhouses and accessory structures, plans and specifications shall not be required provided the installation meets all of the following criteria:
   (1) The installation shall not be located in a rain water or sea water flood zone; and
   (2) Service size disconnect does not exceed 200 amperes.

(f) Installation of photovoltaic systems shall require:
   (1) Electrical design drawings and specifications that have been prepared, designed, and stamped by a person who is licensed in the State of Hawaiʻi as a professional electrical engineer for residential installations with a cumulative total greater than 10 kilowatts and non-residential installations; and
   (2) Plans and specifications for building work that have been prepared, designed, and stamped by a person who is licensed in the State of Hawaiʻi as an architect or a professional structural engineer for:
      (A) Non-residential installations; or

(B) Residential installations that do not utilize a preapproved system or that are not consistent with approved standards including but not limited to, those relating to span tables, older homes or site-built trusses.

(g) Installation of electrical work on residential and nonresidential electrical work in special flood hazard areas shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as a professional electrical engineer.

(h) Mechanical plans, included but not limited to plumbing installation and HVAC installation drawings, specifications shall be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as a professional mechanical engineer, and shall be according to State statutes when required by the authority having jurisdiction. Plans for single- or two family dwellings are not required to show plumbing piping plans or diagrams unless requested by the authority having jurisdiction.

Exception:

For single and two-family dwellings and residential accessory structures, plans and specifications may be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional mechanical engineer.

(i) Plumbing plans and diagrams shall be required for R-3 single and two family dwellings and townhouses that include four or more bathrooms.

(j) The authority having jurisdiction may require plans, computations, and specifications to be prepared, designed, and stamped by a person who is licensed in the State of Hawai'i as an architect or professional engineer, if prescriptive requirements of the construction code are not being adhered to.

(k) 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 person who is licensed in the State of Hawai'i and listed as the architect or professional engineer of record. Revised drawings or a letter, or both, that show such deviations and have been prepared, designed, and stamped by the architect or professional engineer of record, shall be submitted to the authority having jurisdiction for review and approval.

(2020, ord 20-61, sec 2; am 2023, ord 23-88, sec 1.)

Section 5-4-4. Contractors and specialty contractors; work.

(a) Prior to issuance of a permit, applicants for a permit shall file a statement with the authority having jurisdiction that includes the following:

(1) Name; address, email address and telephone number of each contractor or specialty contractor engaged to work upon the building, structure, or project;

(2) Name of the responsible managing employee or authorized employee of each contractor or specialty contractor;

(3) Phase or phases of work to be performed by each contractor or specialty contractor;

(4) License numbers for each contractor or specialty contractor and a statement that such licenses are in full force and effect, or if the applicant is exempt from chapter 444, Hawaiʻi Revised Statutes, the basis for the claimed exemption, pursuant to section 444-9.1, Hawaiʻi Revised Statutes; and
(5) A signature by the responsible managing employee or authorized employee of each contractor and specialty contractor.

(b) Whenever used in this section, in accordance with section 444-7, Hawaiʻi Revised Statutes, "specialty contractor" means a contractor whose operations as such are the performance of construction work requiring special skill such as, but not limited to, electrical, drywall, painting and decorating, landscaping, flooring, carpet laying by any installation method, plumbing, or roofing work, and others whose principal contracting business involves the use of specialized building trades or crafts.

(2020, ord 20-61, sec 2.)

Section 5-4-5. Review of application.

(a) The application, plans, specifications, and other data filed by an applicant for a permit shall be reviewed by the authority having jurisdiction. Plans shall also be reviewed by other appropriate departments and divisions of the County and the State to verify compliance with laws under their jurisdiction.
(b) Nothing contained in the construction code shall be construed to require the authority having jurisdiction to accept or reject any permit application before completion of reviews required pursuant to the construction code and other applicable laws.

(2020, ord 20-61, sec 2.)

Section 5-4-6. Action on application.

(a) If the application, plans, specifications, and other data filed by an applicant for a permit do not conform to the requirements of pertinent laws, the authority having jurisdiction shall reject such application in writing, stating the reasons therefor.
(b) If the authority having jurisdiction finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the construction code and all other pertinent laws, and the fees specified in article 7 have been paid, the authority having jurisdiction shall issue a permit therefor to the applicant.

(2020, ord 20-61, sec 2.)

Section 5-4-7. Withdrawal of application.

(a) An applicant shall have one hundred eighty days from the date of submission to obtain a permit.
(b) The application will be determined to be abandoned and therefore withdrawn by the applicant if after the one hundred eighty days:
(1) The applicant fails to submit, dispute, or otherwise act on errors or deficiencies noted on the application; or
(2) The applicant fails to pay the permit fee.

(c) The authority having jurisdiction may grant one or more extensions of time for additional periods not exceeding ninety consecutive days each, either at the request of the applicant or at the discretion of the authority having jurisdiction. Requests by the applicant for extension shall be filed in writing with the authority having jurisdiction prior to one hundred eighty days after the date of submission.

(d) Restarting permit application.
If a permit application is abandoned and therefore withdrawn, the application process must be restarted. In order to restart an application after it is abandoned and therefore withdrawn, the applicant shall resubmit plans with alterations to meet provisions of this code in effect at the time of resubmittal and pay a new plan review fee.

(e) If an application is abandoned and therefore withdrawn, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the authority having jurisdiction.

(2020, ord 20-61, sec 2; am 2023, ord 23-87, sec 2.)

Section 5-4-8. Applications made prior to subsequent changes in applicable laws.

An applicant for a permit who has filed an application with the authority having jurisdiction prior to the effective date of a subsequent change in applicable law shall be required to obtain the permit no later than one hundred eighty consecutive days after the effective date of such law. If the permit has not been obtained within one hundred eighty consecutive days after the effective date of the subsequent law, the application and plans shall comply with the requirements set forth in the subsequent law. Where the subsequent law specifies a time period for obtaining a permit other than the one hundred eighty-day period stated above, the time period specified in the subsequent law shall govern.

(2020, ord 20-61, sec 2.)

Division 2. Pre-approval.

Section 5-4-21. Plans for dwellings; pre-approval.

(a) Plan pre-approval.

Plans for dwellings and multi-family dwellings may be pre-approved by the authority having jurisdiction. The application process for a permit that is based on plans for dwellings or multi-family dwellings that have been pre-approved and filed with the authority having jurisdiction shall exclude the plan and specification review required in sections 5-4-1 and 5-4-2. This exemption shall not apply to reviews by other appropriate departments and divisions of the County and the State required pursuant to section 5-4-5.

(b) Pre-approved plans.
  (1) Eligible plans shall have no limitation on size.
  (2) Mirrored or reversed versions of previously approved plans, will be considered to be separate and additional plans subject to paragraph (1) of this subsection.
  (3) Any revisions to pre-approved plans will require resubmittal of the entire set of revised plans and documents for approval. A proposed revision to an already pre-approved plan will be considered to be a separate and additional plan subject to paragraph (1) of this subsection.

(c) Application for plan pre-approval.
  (1) To apply for pre-approval of a plan, complete working drawings and specifications that bear the seal and signature of a person who is licensed in the State of Hawaiʻi as an architect or professional structural engineer shall be submitted to the authority having jurisdiction.
  (2) A plan review fee for pre-approved plans shall be assessed per plan in accordance with section 5-7-2.

(d) The authority having jurisdiction shall approve the application, and assign a model number to the pre-approved plan, if it finds that:
  (1) The plans submitted for pre-approval conform with the requirements of the construction code and with all other applicable laws; and
  (2) The fees specified in section 5-7-2 have been paid.

(e) Expiration of plan pre-approval.

Pre-approved plans shall remain valid until a new edition of the building code is adopted by the authority having jurisdiction.

(f) Owner/contractor application for permit.
  (1) When applying for a permit with a pre-approved plan the owner/contractor shall:
    (A) Submit complete working drawings showing the pre-approved model number along with the manufacturer's seal and authorizing signature. The authority having jurisdiction will verify the seal and signature.
    (B) Pay the permit plan review fee pursuant to section 5-7-1.
    (C) Obtain required approvals from other departments or agencies.
  (2) Construction drawings for pre-approved plans, with the exception of the plot plan and/or cover sheet will not be required to be individually stamped by a person who is licensed in the State of Hawaiʻi as an architect or professional structural engineer in accordance with this chapter and chapter 464, Hawaiʻi Revised Statutes. The plot plan and/or cover sheet shall bear the same architect or professional engineer's seal and signature as submitted on the pre-approved plan, pursuant to subsection (c)(1).

(3) After the requisite approvals from other departments or agencies have been obtained, the authority having jurisdiction will either approve the application or inform the applicant of deficiencies in the application within six working days after the authority having jurisdiction receives notice that all approvals have been obtained.
(4) Once approved, the authority having jurisdiction shall issue the permit in accordance with section 5-5-1.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 11; am 2024, ord 24-45, sec 2.)

Article 5. Permits.

Section 5-5-1. Issuance.

(a) Permits shall be issued in such form and detail as shall be prescribed by the authority having jurisdiction. They shall specify the geographical location of the premises whereon the work authorized thereby is to be done, be valid only for the location so specified, and be endorsed in writing or stamped on all sets of plans and specifications "REVIEWED."
(b) Once a permit is issued, plans and specifications shall not be changed, modified, or altered without authorization from the authority having jurisdiction, and all work shall be done in accordance with the approved plans.
(c) The authority having jurisdiction may issue a permit for the construction of part of the building or structure before complete plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted that are sufficient to indicate compliance with all pertinent requirements of the construction code. The holder of such permit shall proceed at the holder's own risk, without assurance that the permit for the entire building or structure will be granted.
(d) The issuance of a permit shall not prevent the authority having jurisdiction from thereafter:
    (1) Requiring the correction of errors in the plans and specifications;
    (2) Revoking or suspending any permit when issued in error, on the basis of incorrect information supplied, or in violation of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law;
    (3) Halting building operations when in violation of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law;
    (4) Preventing occupancy or use of a structure, when violations of the construction code, any permit or variance issued pursuant to the construction code, or other applicable law have occurred; or
    (5) Initiating criminal enforcement and the imposition of penalties or fees, or both, when authorized by the construction code or other applicable law.

(2020, ord 20-61, sec 2.)

Section 5-5-2. Posting.

Work requiring a permit shall not be commenced until the permit holder or their agent shall have posted the permit in a conspicuous place on the job site. The permit shall be readily visible for the authority having jurisdiction to identify and make all required inspections. The permit shall remain posted in a conspicuous place on the job site until the work has passed a final inspection by the authority having jurisdiction. Failure to comply with this provision shall subject the violator to a $100 fine.
(2020, ord 20-61, sec 2.)

Section 5-5-3. Designation of person, contractor, or subcontractor who will do work.

(a) No permit issued shall authorize any person or contractor to work upon any phase of a building, structure, or project unless they have been specifically identified in the permit application, including any attachment or amendments thereto, as the contractor or subcontractor designated to do that particular phase of work.
(b) No permit shall be loaned to another by the person to whom it was issued.
(c) If subsequent to the issuance of a permit, a homeowner either ceases to employ the owner-builder exemption and engages a contractor for any phase of work, or there is a change in the designation of any contractor for any phase of work, the permit holder shall file a written request to the authority having jurisdiction for approval of these changes. The request shall include: the change in designation; a revised declaration form for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure, or project; and a non-refundable fee of $100.

(2020, ord 20-61, sec 2.)

Section 5-5-4. Expiration.

(a) All permits issued after August 17, 2020, shall expire, and become null and void six years after the date of issuance of the permit.
(b) Upon expiration of a permit, all work shall cease and shall not be recommenced until a new permit is obtained.
(c) If a permit expires prior to work being completed, an application for a new permit shall be submitted.

(2020, ord 20-61, sec 2; am 2023, ord 23-87, sec 3.)

Section 5-5-5. Extension.

(a) An extension of a permit may be granted if the authority having jurisdiction finds that circumstances beyond the permit holder's control have significantly impeded the progress of the construction project, that construction is substantially complete, and that an extension is justified.

(b) Requests for permit deadline extensions shall be submitted in writing to the authority having jurisdiction at least thirty days prior to the permit expiration date and an acknowledgement by the authority having jurisdiction will be sent upon receipt. The written request shall include:
  (1) A written statement explaining how unforeseen circumstances have affected the progress of the construction project;
  (2) Supporting documentation demonstrating a legitimate need for the extension; and
  (3) The duration of time during which work was suspended, and the proposed timeline to complete the project.
(c) A decision on the request for a permit deadline extension will be sent within thirty days of receipt of the request. If the authority having jurisdiction fails to render a decision within thirty days of the request, the permit shall not expire until such time as a decision is rendered.
(d) Permit extensions shall not exceed one extension of one hundred eighty days.
(e) A permit holder whose request for a permit extension is denied may appeal the decision to the board of appeals within thirty days of receiving notice of the denial pursuant to section 5-11-3.

(2020, ord 20-61, sec 2; am 2023, ord 23-87, sec 4.)

Section 5-5-6. Retention of plans.

One set of approved plans, specifications, and computations shall be retained by the authority having jurisdiction for a period of not less than ninety calendar days from the date of completion of the work covered therein. In addition, one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which the work authorized thereby is in progress.

(2020, ord 20-61, sec 2.)

Article 6. Eligibility to Work.

Section 5-6-1. Persons to whom a permit may be issued.

(a) A permit to do building work regulated by the construction code may be issued only to:
  (1) A contractor or specialty contractor who is licensed pursuant to chapter 444, Hawai‘i Revised Statutes; or
  (2) An “owner-builder” pursuant to the owner-builder exemption as defined by section 444-2.5, Hawai‘i Revised Statutes.
(b) A permit to do electrical work regulated by the construction code, may be issued only to:
  (1) An electrical contractor licensed pursuant to chapter 444, Hawai‘i Revised Statutes;

(2) A homeowner for electrical work on a single-family dwelling which the homeowner will personally occupy and use exclusively for living purposes, provided the homeowner is a journey worker electrician, journey worker specialty electrician, supervising electrician, or supervising specialty electrician licensed pursuant to chapter 448E, Hawaiʻi Revised Statutes. Only one such permit may be issued to such homeowner unless the authority having jurisdiction finds that strict application of this provision would result in practical difficulty and hardship and that the granting of a second permit would not be contrary to the purpose of the construction 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 licensed pursuant to chapter 448E, Hawaiʻi Revised Statutes:

(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; or

(4) A journey worker electrician licensed pursuant to chapter 448E, Hawaiʻi Revised Statutes, and employed by the County of Hawaiʻi.

(c) A permit to do plumbing work regulated by the construction code may be issued only to:

(1) A plumbing contractor licensed pursuant to chapter 444, Hawaiʻi Revised Statutes;

(2) A homeowner for plumbing work on a single-family dwelling which the homeowner will personally occupy and use exclusively for living purposes, provided the homeowner is licensed pursuant to chapter 448E, Hawaiʻi Revised Statutes. Only one such permit may be issued to such a homeowner, unless the authority having jurisdiction finds that strict application would result in practical difficulty and hardship and that the granting of a second permit would not be contrary to the purposes 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 master plumber licensed pursuant to chapter 448E, Hawaiʻi Revised Statutes:

(A) Who is employed as a maintenance plumber by someone other than a contractor described above;

(B) Who is employed by the County or State; or

(C) Who is applying for plumbing work for such person's own dwelling; or

(4) A journey worker plumber licensed pursuant to chapter 448E, Hawaiʻi Revised Statutes, and employed by the County of Hawaiʻi or by a gas utility.

(2020, ord 20-61, sec 2.)

Section 5-6-2. Eligibility to perform work.

(a) Except as otherwise provided in this section, work regulated by the construction code shall be performed only by:
   (1) A contractor licensed pursuant to chapter 444, Hawai‘i Revised Statutes; or
   (2) An "owner-builder" pursuant to section 444-2.5, Hawai‘i Revised Statutes.

(b) Electrical work regulated by the construction code, and specifically chapter 5D, the electrical code, shall be performed only by:
   (1) A journey worker electrician, journey worker specialty electrician, supervising electrician, or supervising specialty electrician license licensed pursuant to chapter 448E, Hawai‘i Revised Statutes; or
   (2) A homeowner for electrical work on a single-family dwelling which the homeowner will personally occupy and use exclusively for living purposes, provided the homeowner is a journey worker electrician, journey worker specialty electrician, supervising electrician, or supervising specialty electrician licensed pursuant to chapter 448E, Hawai‘i Revised Statutes.

(c) Plumbing work regulated by the construction code, and specifically chapter 5F, the plumbing code, shall be performed only by:
   (1) A master plumber or journey worker plumber licensed pursuant to chapter 448E, Hawai‘i Revised Statutes; or
   (2) A homeowner for plumbing work on a single-family dwelling which the homeowner will personally occupy and use exclusively for living purposes, provided the homeowner is a master plumber or journey worker plumber licensed pursuant to chapter 448E, Hawai‘i Revised Statutes.

(d) No person shall allow any other person to do or cause to be done any work under a permit except individuals employed by the permit holder.

(2020, ord 20-61, sec 2.)

Article 7. Fees.

Section 5-7-1. Permit plan review; general.

(a) A fee shall be assessed for plan reviews. The fee shall be in the amount of twenty percent of the permit fee, with a minimum fee of $50 and shall accompany the application, plans, and specifications that are filed for review pursuant to section 5-4-1. Plan review fees shall be assessed in addition to the permit fee.

(b) No additional plan review fee will be assessed for a second submittal. Plan review fees for subsequent submittals shall be: $250 for a third submittal; $500 for a fourth submittal; and $1,000 for each additional submittal.

(c) A fee shall be assessed for plan reviews resulting from revisions of permits that have already been issued, where a new permit is not required. The fee shall be in the amount of twenty percent of the original permit fee, or $50, whichever is greater.

(2020, ord 20-61, sec 2.)

Section 5-7-2. Plan review fee for pre-approved plans.

Each pre-approved plan shall be subject to a plan review fee based on the schedule below.

PLAN REVIEW FEE FOR PRE-APPROVED PLANS	
Category	**Fees**
A. Plans with enclosed roof coverage of 1,100 sq. ft. or less.	$150
B. Plans with enclosed roof coverage of 1,101 sq. ft. up to 1,400 sq. ft.	$200
C. Plans with enclosed roof coverage of 1,401 sq. ft. or more.	$20 per 100 sq. ft. or fraction thereof

(2020, ord 20-61, sec 2; am 2024, ord 24-45, sec 3.)

Section 5-7-3. Permit.

(a) A fee shall be assessed for each permit. The fee shall be submitted at the time of permit issuance. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until any applicable additional fee, has been paid.

(b) Fee schedule.

Permit fees shall be based on a schedule of fees applied to a valuation of average construction costs and shall be imposed in the amounts set out in the following table:

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PERMIT FEES	
General Construction	
Valuation	**Fees**
$0 to $500	$10
$501 to $2,000	$10 for the first $500 plus $1.50 for each additional $100 or fraction thereof, to and including $2,000.
$2,001 to $25,000	$32.50 for the first $2,000 plus $7.50 for each additional $1,000 or fraction thereof, to and including $25,000.
$25,001 to $50,000	$205 for the first $25,000 plus $6 for each additional $1,000 or fraction thereof, to and including $50,000.
$50,001 and up	$355 for the first $50,000 plus $3 for each additional $1,000 or fraction thereof.
Other	
Carport, garages, porches, patios or lanais and detached U structures.	$10 per 100 sq. ft. or fraction thereof.

(c) Valuation.

The determination of average construction costs shall be based upon the most recent building valuation data published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5795. This valuation data is based on typical construction methods and for the purpose of determining permit fees necessary to fund code compliance activities.

The valuation shall consist of the total average construction cost, per square foot, of all construction work for which the permit is issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work, permanent equipment, or work exempt from permitting.

Differences in actual bids or contracts for specific construction projects and valuations derived from International Code Council building validation data, shall not invalidate the latter figure.

(d) Work begun without permit.

When work for which a permit is required by the construction code has commenced without obtaining a permit, the fees shall be either $1,000 plus the fees specified by this code, or the fees specified by this code shall be doubled, whichever is greater.

The payment of such fees shall not exempt any person from the requirements of the construction code in the execution of the work or from any other penalties prescribed in this code.

Exception:

This provision shall not apply to emergency work performed under circumstances that did not allow time to obtain a permit per section 5-3-25. To qualify for this exception, it must be proved to the satisfaction of the authority having jurisdiction that the unpermitted work was urgently necessary and that it was not practicable to obtain a permit therefore before the commencement of the work. In all such cases a permit must be obtained as soon as it is practicable to do so. Any delay in obtaining a permit as soon as it is practicable to do so will subject the petitioner to enhanced fees pursuant to section 5-7-3(d).

(e) New permit obtained after expiration.

Where a new permit is obtained to complete construction of a project after expiration of permit under provisions of section 5-5-4, the fee therefor shall be based on the valuation of one-half the amount of work remaining to be done, provided:

(1) No change has been made or will be made in the original plans and specifications for such work;
(2) That immediately prior to applying for this permit the work on the property has not been abandoned or suspended for a period of more than one year; and
(3) No refund has been made under provisions of section 5-7-8.

(f) To change the designation of contractor for any phase of work, pursuant to subsection 5-5-3(c), the fee shall be $100.

(g) The County and all contractors performing work under authority of the County shall be exempt from the requirement of paying any permit fee.

(h) The following programs shall be exempt from the requirement of paying any permit fee, except for fees imposed pursuant to subsection (d), relating to work begun without a permit and penalty fees when required by the construction code:

(1) Habitat for Humanity - Hilo and Kona; and
(2) Hawaiʻi Community College's Model Home Project.

(i) The authority having jurisdiction may waive permit fees for any person seeking to restore, reconstruct, or replace a structure damaged or destroyed as a result of a major disaster. For the purposes of this section, "major disaster" means any hurricane, tornado, storm, flood, high water, tsunami, earthquake, volcanic eruption, landslide, mud slide, fire, explosion, or other catastrophe occurring in any part of the County that causes damage, suffering, and loss to such a degree that:

(1) The governor of the State of Hawaiʻi has declared pursuant to chapter 209, HRS, that a major disaster has occurred; or

(2) The mayor has issued a proclamation declaring the existence of a major disaster.

(2020, ord 20-61, sec 2.)

Section 5-7-4. Temporary permit.

A fee of $50 shall be assessed for each temporary permit. The fee shall be submitted with the temporary permit application. A temporary permit shall not be valid until the fees prescribed by law have been paid.

(2020, ord 20-61, sec 2.)

Section 5-7-5. Extra or regulatory inspections.

(a) A fee of $100 shall be assessed upon the permit holder or requestor for each extra inspection made. As used in this section, unless the context otherwise requires, "extra inspection" means an inspection needed because the work to be inspected was not complete or ready for inspection during a previous inspection.

(b) A fee of $100 shall be assessed upon the requestor or property owner for each regulatory inspection made.

(c) The authority having jurisdiction has the authority to waive inspection fees.

(2020, ord 20-61, sec 2.)

Section 5-7-6. Temporary certificate of occupancy.

Pursuant to section 5-8-22(c) a $200 fee shall be assessed upon issuance of a temporary certificate of occupancy.

(2020, ord 20-61, sec 2.)

Section 5-7-7. Fee payment.

Fees imposed pursuant to this article shall be paid to the director of finance.

(2020, ord 20-61, sec 2.)

Section 5-7-8. Refunds.

Plan review fees are non-refundable. Permit fees may be partially refunded in accordance with section 2-12, Hawai‘i County Code.

(2020, ord 20-61, sec 2.)

Article 8. Inspections.

Division 1. General provisions.

Section 5-8-1. General requirements.

(a) All construction or work for which a permit is required shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of the construction code. Approval as a result of an inspection shall not be construed to approve violations of the provisions of the construction code, or of any other laws. Inspections that either presume to authorize violations of or to nullify the provisions of the construction code or of other laws shall not be valid.

(b) It shall be the duty of the permit holder or their agent, to cause the work to remain accessible and exposed for inspection purposes. Neither the authority having jurisdiction nor the County shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection of construction or work, or to survey a lot.

(c) The authority having jurisdiction may require a survey of the lot to verify that the approved plans accurately reflect the location of the structure.

(2020, ord 20-61, sec 2.)

Section 5-8-2. Work shall be visible for inspection.

(a) No person shall:

(1) Conceal, enclose, or cover or cause or permit to be concealed, enclosed, or covered, any portion of any work or equipment for which a permit is required by the construction code, in any manner that will interfere with or prevent the inspection and approval thereof; or

(2) Remove any notice not to conceal, enclose or cover any portion of any work or equipment, placed thereon by the authority having jurisdiction.

(b) No work that is subject to the permitting provisions of the construction code, shall be covered or concealed until two working days after a scheduled inspection or until the authority having jurisdiction has approved the installation and given permission to cover or conceal the same. It shall be the duty of the permit holder or their agent to cause the work to remain accessible and exposed for inspection purposes.

(1) Residential installations.

In residential installations, if the permitted work is covered or concealed without an inspection, the contractor will provide verification that the concealed work complies with all the provisions of the construction code in a letter and an inspection report stamped and signed by the professional of record who is licensed in the State of Hawaiʻi, as an architect or professional structural engineer. Should the authority having jurisdiction condemn any of said work or equipment as not being in accordance with the provisions of the construction code, notice in writing to that effect shall be given to the person doing the work authorized by the permit or posted at the job site.

(2) Non-residential installations.

In non-residential installations, no framing, electrical wiring, plumbing or mechanical ducts or equipment shall be covered or concealed until two working days 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 contractor will provide verification that the concealed work complies with all the provisions of the construction code. Should the authority having jurisdiction condemn any of said work or equipment as not being in accordance with the provisions of the construction code, notice in writing to that effect shall be given to the person doing the work authorized by the permit or posted at the job site.

(c) After inspection, if the authority having jurisdiction finds that the work does not conform in all respects with the provisions of the construction code, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment fully complies with the provisions of this code. These changes shall be completed within a reasonable amount of time thereafter. Further work may not be connected on or with the condemned work or equipment until these changes are made.

(d) In default, the contractor or owner-builder shall be liable for the penalties provided in the construction code, resulting from violations of this article. Further, 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 for the penalties provided in the construction code.

(2020, ord 20-61, sec 2.)

Section 5-8-3. Requests for inspection.

(a) Whenever any work regulated by the construction code, or any portion thereof, is ready for inspection, the person doing the work authorized by the permit shall file a request for inspection with the authority having jurisdiction. The request for inspection may be filed in writing via forms furnished by the authority having jurisdiction, in-person delivery, online, or facsimile transmittal. Alternatively, a request for inspection may be communicated by telephone, if allowed by the authority having jurisdiction.

(b) It shall be the duty of the person doing the work authorized by the permit, to make sure that the work will stand the tests prescribed elsewhere in the construction code, before filing a request for inspection.

(c) The request for inspection shall be filed with the authority having jurisdiction not less than two working days and not more than three working days before any such inspection is desired.

(d) Within two working days after receipt of such request, not including weekends or holidays, the authority having jurisdiction shall either proceed with the inspection or arrange with the contractor to reschedule the inspection for a later date. This rescheduled inspection may take place beyond two working days after receipt of the request for inspection.

(2020, ord 20-61, sec 2.)

Section 5-8-4. Inspections.

(a) The authority having jurisdiction, upon receipt of a request for an inspection from the permit holder or their agent, shall inspect the work as provided in this section and shall either approve that portion of the construction as completed or notify the permit holder or the permit holder's agent if the same fails to comply with the construction code.

(b) Building work for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of this chapter and specifically: chapter 5A, the building code; chapter 5B, the residential building code; and chapter 5C, the existing building code. Inspections shall be conducted in accordance with the following:

(1) During inspections the contractor shall be present on the job site upon request of the authority having jurisdiction.

(2) Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

(3) Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, termite spray, vapor barriers, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(4) Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

(5) Insulation inspections as required shall be made after the framing inspection and before the lathing inspection.

(6) Lathing inspections shall be made after all lathing and gypsum board, interior and exterior, and which are required to be fire-resistive are in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception:

Lath and gypsum board installed in Group R, Division 3 and Group U Occupancies.

(c) Electrical wiring for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of chapter 5D, the electrical code, before being concealed, energized, or used. All fees required by the construction code shall be paid by the permit applicant prior to the energizing or use of such wiring.

Inspections shall be conducted in accordance with the following:

(1) The supervising electrician or electrical contractor shall be present on the job site upon request of the authority having jurisdiction.
(2) No person shall use, operate, or maintain, or cause or authorize to be used, operated, or maintained, any electric wiring until it is approved.
(3) No serving agency shall supply or cause or authorize to be supplied, permanent electric energy to any electric service until the service has been inspected and approved by the authority having jurisdiction.
(4) 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.
(5) All obstructions, covers, plates, tapes, light fixtures, etc., that make a thorough inspection of electric wiring impracticable shall be removed upon notice (either verbal or in writing) to do so, and shall remain removed until the electric wiring has been inspected and approved.
(6) Permanent electrical service must be energized prior to requesting an electrical final inspection pursuant to section 5-8-5.

(d) Plumbing, gas, and drainage systems for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of the construction code and specifically chapter 5F, the plumbing code. All fees required by this code shall be paid by the permit applicant prior to the use of the plumbing system. Inspections shall be conducted in accordance with the following:

(1) During inspections the supervising plumber or plumbing contractor shall be present on the job site upon request of the authority having jurisdiction.
(2) No person shall use, operate, or maintain, or cause or authorize to be used, operated, or maintained, any plumbing system until it is approved.
(3) Fixtures, appliances, devices, or equipment shall not be connected to any plumbing system until the rough piping has been inspected and approved by the authority having jurisdiction.
(4) All obstructions, covers, plates, tapes, light fixtures, etc., that make a thorough inspection of the plumbing system impracticable shall be removed upon notice (either verbal or in writing) to do so, and shall remain removed until the plumbing system has been inspected and approved.

(e) Authority to proceed.

After inspection, if the authority having jurisdiction finds that the work conforms in all respects with the provisions of the construction code, a notice granting authority to proceed with the work shall be given.

(f) After inspection, if the authority having jurisdiction finds that the work does not conform in all respects to the provisions of the construction code, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment fully complies with the provisions of this code. These changes shall be completed within a reasonable amount of time thereafter. Further work may not be connected on or with the condemned work or equipment until these changes are made.

(g) The authority having jurisdiction may request that at least one side of the enclosed walls of unpermitted structures be open, prior to inspection.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 12.)

Section 5-8-5. Final inspection.

(a) The final inspection shall be made after all work required by the permit is completed.

(b) A certificate of inspection may be issued upon request by the contractor on record, provided all fees required by the construction code have been satisfied.

(2020, ord 20-61, sec 2.)

Section 5-8-6. Special inspection.

(a) When application is made for a permit as described in article 4 of this chapter, the owner or person who is licensed in the State of Hawaiʻi as an architect or professional engineer who is acting as the owner's agent, shall employ one or more special inspectors to provide inspections during construction on the types of work listed under chapter 17 of the International Building Code. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the authority having jurisdiction, to inspect the particular type of construction or operation requiring special inspection.

(b) These inspections are required in addition to the inspections specified in sections 5-8-4 and 5-8-5 and shall be designated on the form provided by the authority having jurisdiction.

(2020, ord 20-61, sec 2.)

Section 5-8-7. Regulatory inspection.

The authority having jurisdiction may conduct regulatory inspections, upon request and after receipt of payment of the appropriate fee pursuant to article 7.

(2020, ord 20-61, sec 2.)

Division 2. Authorization for service; certificate of occupancy.

Section 5-8-21. 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.

(2020, ord 20-61, sec 2.)

Section 5-8-22. Certificate of occupancy.

(a) Certificate of occupancy requirement.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the authority having jurisdiction has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the construction code or other applicable law.

Exception:

Group R, Division 3, and Group U occupancies will not be issued a certificate of occupancy.

(b) Certificate issuance.

If the authority having jurisdiction inspects the building or structure and finds that the work complies with the provisions of the construction code, the authority having jurisdiction shall issue a certificate of occupancy. The certificate of occupancy shall contain the following:

(1) The permit number;
(2) The address of the structure;
(3) The name and address of the owner;
(4) A description of that portion of the structure for which the certificate is issued;
(5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the construction code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;
(6) The name of the authority having jurisdiction;
(7) The edition of the code under which the permit was issued;

(8) The use and occupancy, in accordance with the provisions of chapter 3 of the International Building Code;
(9) The type of construction as defined in chapter 6 of the International Building Code;
(10) The design occupant load(s);
(11) If an automatic sprinkler system is provided, whether the sprinkler system is required; and
(12) Any special stipulations and conditions of the permit.

(c) Temporary certificate.

Upon request by the applicant, the authority having jurisdiction may issue a temporary certificate of occupancy, that authorizes occupancy of a portion of the building or structure before the completion of all work covered by the permit. A temporary certificate of occupancy may be issued only if the designated portion or portions to be occupied may be occupied safely. The authority having jurisdiction shall set a time period during which the temporary certificate of occupancy is valid. An administrative fee of $200 shall be applied per section 5-7-6.

(d) Revocation.

The authority having jurisdiction shall suspend or revoke a certificate of occupancy or completion issued pursuant to the construction code:

(1) Wherever the certificate is issued either in error, or on the basis of incorrect information supplied, or both; or
(2) Where it is determined that the building or structure or portion thereof is in violation of the construction code or other applicable law.

Such suspension or revocation shall be transmitted in writing.

(2020, ord 20-61, sec 2.)

Article 9. Unsafe Buildings or Structures.

Section 5-9-1. Unsafe buildings or structures; public nuisances.

Buildings or structures which are substandard, structurally unsafe, or are otherwise dangerous or hazardous to human life, or which in relation to existing use constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation to the state of falling into decay or partial ruin, fire hazard, insanitary condition, defective installation, abandonment where a vacant structure that is not secured against entry, or as specified in the construction code are unsafe buildings. All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, removal, or other methods approved by the authority having jurisdiction in accordance with the procedure specified in this article.

(2020, ord 20-61, sec 2.)

Section 5-9-2. Substandard.

Any building or portion thereof in which there exists any of the following listed conditions to an extent that it endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof or violates applicable laws, rules, or standards, shall be deemed and hereby is declared to be a substandard building. Conditions that are declared to be substandard include but are not limited to:

(1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
(2) Lack of, or improper water closets, lavatories, and bathtubs or showers in R-1 Occupancies.
(3) Lack of, or improper kitchen sink in a habitable building.
(4) Lack of hot and cold water to basins, sinks, tubs and showers in R-1 Occupancies.
(5) Lack of hot and cold water to basins, sinks, tubs and showers in a dwelling unit or efficiency living unit.
(6) Lack of, or improper operation of required ventilating equipment.
(7) Lack of minimum amounts of natural light and ventilation required by the construction code.
(8) Room area or space dimensions less than the required minimum required by the construction code.
(9) Lack of required lighting or ventilation.
(10) Dampness of habitable rooms as determined by the department of health.
(11) Infestations of insects, vermin, or rodents as determined by the department of health.
(12) General dilapidation or improper maintenance.
(13) Lack of connection to a required sewage disposal system.
(14) Lack of adequate garbage and rubbish storage and removal facilities as determined by the department of health.

(2020, ord 20-61, sec 2.)

Section 5-9-3. Structurally unsafe.

Any building, structure, or portion thereof in which there exists any of the following listed conditions to an extent that it endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof or violates applicable laws, rules, or standards, shall be deemed and hereby is declared to be a structurally unsafe building or structure. Conditions that are declared to be structurally unsafe include but are not limited to:

(1) Deteriorated or inadequate foundations.
(2) Defective or deteriorating flooring or floor supports.
(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
(4) Members of walls, partitions, or other vertical supports that split, lean, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
(6) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads safely.
(8) Fireplaces or chimneys that separate, bulge, or settle due to defective material or deterioration.
(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(2020, ord 20-61, sec 2.)

Section 5-9-4. Dangerous or hazardous.

Any building, structure, or portion thereof in which there exists any of the following listed conditions to an extent that it endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof or violates applicable laws, rules, or standards, shall be deemed and hereby is declared to be a dangerous or hazardous building or structure. Conditions that fall within this category include but are not limited to:

(1) Presence of a nuisance including:
  (A) Any public nuisance known in common law or in equity jurisprudence.
  (B) Any attractive nuisance which may prove detrimental to children whether in a building or on the premises of a building. This includes any unfenced man-made swimming pools, abandoned wells, shafts, or basements; any structurally unsound fences; and any debris or vegetation affecting the structural stability of structures.
  (C) Whatever is dangerous to human life or is detrimental to health, as determined by the department of health.
  (D) Exceeding the occupant load of a room by overcrowding a room with occupants.
  (E) Insufficient lighting or ventilation.
  (F) Inadequate or insanitary sewage or plumbing facilities.
  "Insanitary" means a condition which is contrary to sanitary principles or is injurious to health. Conditions to which "insanitary" shall apply include, but are not limited to, the following:
    (i) Any trap which does not maintain a proper trap seal.
    (ii) Any opening in a drainage system, except where lawful, which is not provided with an approved water-sealed trap.
    (iii) Any plumbing fixture or other waste discharging receptacle or device, which is not supplied with water sufficient to flush it and maintain it in a clean condition.
    (iv) Any defective fixture, trap, pipe, or fitting.

(v) Any trap directly connected to a drainage system, the seal of which is not protected against siphonage and back-pressure by a vent pipe, unless otherwise allowed by the construction code.

(vi) Any connection, cross-connection, construction or condition, temporary or permanent, which would permit or make possible by any means whatsoever, for any unapproved foreign matter to enter a water distribution system used for domestic purposes.

(vii) The foregoing enumeration of conditions to which the term "insanitary" shall apply, shall not preclude the application of that term to conditions that are, in fact, insanitary.

(G) Uncleanliness, as determined by the department of health.

(H) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the department of health.

(2) Faulty weather protection, which shall include but not be limited to, the following:

(A) Deteriorating, crumbling, or loose plaster.

(B) Deteriorating or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(C) Defective or lack of weather protection for exterior wall covering, including lack of paint, weathering due to lack of paint or other approved protective covering.

(D) Broken, rotted, split or buckled exterior wall covering or roof coverings.

(3) Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with the construction code or other applicable laws or standards.

(4) Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by chapter 5A, the building code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of its construction and which have been adequately maintained. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

(5) Any building or portion thereof that is not being occupied or used as intended or permitted.

(6) Any electrical installation installed, altered, changed, or reconstructed contrary to the provisions of the construction code or other applicable law.

(7) Any electrical installation, that complied with the existing laws, and standards in effect when the electrical work was performed, that is now found to be unsafe or dangerous to persons or property.

(2020, ord 20-61, sec 2.)

Section 5-9-5. Inspection.

The authority having jurisdiction shall inspect or cause to be inspected every building, structure, or portion thereof, including electrical and plumbing work, reported as or appearing to the authority having jurisdiction to be substandard, structurally unsafe, dangerous or hazardous.
(2020, ord 20-61, sec 2.)

Section 5-9-6. Found to be unsafe; notice and order.

(a) If upon inspection, the building, structure, portion thereof, or installation is found to be unsafe as defined in this article, the authority having jurisdiction shall serve a written notice of violation stating the defects thereof and an accompanying order, upon the parties responsible for the violation. At a minimum, the owner of the unsafe building, structure, portion thereof, or installation shall be deemed to be a responsible party. Additional responsible parties may include, but shall not be limited to any lessee or tenant of the building, structure, or portion thereof, and the owner of the property where the building, structure, or portion thereof, or installation is located. The notice and order shall be addressed to the responsible party and shall specify the date or time for compliance with such order.
(b) Failure, neglect, or refusal to comply with any such notice and order shall be considered a violation of the construction code.
(c) The notice and order may require the responsible party:
    (1) To commence within forty-eight hours, either the required repairs or improvements to, or demolition and removal of the building, structure, or portions thereof. All such work shall be completed within ninety days from the date of notice, unless otherwise required by the authority having jurisdiction; or
    (2) To vacate, or have vacated, the building, structure, or portion thereof immediately and not reoccupy it until the required repairs and improvements are completed, inspected, and approved by the authority having jurisdiction.
(d) When an electrical installation is 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 and the authority having jurisdiction may require other corrections as set forth in the order.
(e) In the case of any gas piping or gas appliance, the authority having jurisdiction may order any person supplying gas to such piping or appliance, to discontinue supplying gas thereto, until such piping or appliance is made safe with respect to life, health, or property.
(f) When any plumbing system is maintained in violation of the construction code and in violation of any notice and order issued pursuant to the provisions of this section, or where a nuisance exists in any building or on a site on which a building is situated, the authority having jurisdiction may institute an appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

(g) Service of such notice of violation and order shall be by personal service, certified mail by posting a copy of the notice of violation and order at the site of the violation, or by publication. Service by publication shall be effected through publication once a week for two consecutive weeks, in a daily publication in the County pursuant to section 1-28.5, Hawai‘i Revised Statutes.

(2020, ord 20-61, sec 2.)

Section 5-9-7. Posting of signs.

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

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

(2020, ord 20-61, sec 2.)

Section 5-9-8. Action upon noncompliance.

Nothing contained herein shall be construed to limit or restrict the authority having jurisdiction from instituting, on behalf of the County, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice to repair, rehabilitate or to demolish and remove the building, structure, or portion thereof, or installation, and to recover the cost of such work from the owner or attach a lien to the property. The remedies provided in the construction code shall be cumulative and not exclusive.

(2020, ord 20-61, sec 2.)

Article 10. Violations, Penalties, and Enforcement.

Section 5-10-1. Violations.

It shall constitute a violation of the construction code for any person to cause or authorize the following to be done:

(1) Violate any provision of the construction code or permit or variance issued pursuant to the construction code;

(2) Erect, construct, enlarge, alter, repair, relocate, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, or cause or authorize the same to be done in violation of the construction code, including but not limited to: chapter 5A, the building code; chapter 5B, the residential building code; and chapter 5C, the existing building code;
(3) Perform any electrical work or authorize the same to be done in violation of the construction code, including but not limited to chapter 5D, the electrical code;
(4) Perform any plumbing work or authorize the same to be done in violation of the construction code, including but not limited to chapter 5F, the plumbing code; or
(5) Perform any work covered by the construction code or authorize the same to be done in violation of the provisions of chapter 448E, Hawaiʻi Revised Statutes, relating to the licensing of electricians and plumbers.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 13.)

Section 5-10-2. Administrative enforcement.

(a) In lieu of, or in addition to other enforcement actions initiated pursuant to the construction code, whenever the authority having jurisdiction determines that any person has violated or is violating this code or any permit or variance issued pursuant to this code, the authority having jurisdiction shall serve a written notice of violation and order upon the parties responsible for the violation. At a minimum, the owner of the property where the violation is located shall be deemed to be a responsible party. Additional responsible parties may include, but shall not be limited to, any lessee or tenant, or both, of the property where the violation is located.
(b) The notice of violation shall include at a minimum, the following information:
(1) Date of the notice;
(2) Name and address of the party noticed;
(3) Section number or citation of the law, standard, permit, or variance that was violated;
(4) Nature of the violation;
(5) Location, date, and time of the violation; and
(6) The deadline to correct the violation or provide the authority having jurisdiction with periodic progress reports detailing corrective measures taken to correct the violation by specified deadlines.
(c) The order may require the party responsible for the violation to do any or all of the following:
(1) Cease and desist from the violation, including but not limited to, immediately stopping all work whether for failure to obtain a required permit or for violation of the requirements of any permit or variance issued pursuant to the construction code;
(2) Correct the violation, at the party's own expense, before a date specified in the order;

(3) Provide the authority having jurisdiction with periodic progress reports detailing corrective measures taken to correct the violation by specified deadlines;
(4) Pay a civil fine not to exceed $1,000 in the manner, at the place and before the date specified in the order; or
(5) 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.

(d) The order shall advise the party responsible for the violation that:
(1) The order shall become final thirty days after the date of delivery; and
(2) The order may be appealed to the board of appeals, which must receive the appeal in writing on or before the date the order becomes final. An appeal to the board of appeals shall not stay any provision of the order.

(e) Effect of order; right to appeal.
(1) The order is effective upon delivery and the party responsible for the violation is required to comply with the order from the date that they receive notice of the order.
(2) The order shall become final thirty days after the date of delivery. The order may be appealed to the board of appeals. An appeal of the order must be received in writing by the board of appeals on or before the date the order becomes final. An appeal to the board of appeals shall not stay any provision of the order.

(f) Service.

The party responsible for the violation shall be served with the notice of violation and order. Service shall be by personal service, certified mail, by posting a copy of the notice of violation and order at the site of the violation, or by publication. Service by publication shall be effected through publication once a week for two consecutive weeks, in a daily publication in the County pursuant to section 1-28.5, Hawai‘i Revised Statutes.

(g) 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 article. Where the civil action has been instituted to enforce the civil fine, recover County costs, or both, as imposed by such final order, the authority having jurisdiction need only show that:
(1) The notice of violation and order were served;
(2) A civil fine, County costs, or both were imposed;
(3) The amount of the civil fine, County costs, or both that were imposed; and
(4) The fine, County costs, or both have not been paid.

(2020, ord 20-61, sec 2.)

Section 5-10-3. Criminal prosecution.

(a) In case the parties responsible for violating any provisions of the construction code fail, neglect, or refuse to comply or correct a violation, the authority having jurisdiction may submit the matter to the proper authority for penal enforcement.

(b) Any person violating any of the provisions of the construction code shall, upon conviction, be deemed guilty of a petty misdemeanor. Further, each person so convicted shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of the construction code is committed, continued, or permitted. Upon conviction of any 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.

(c) Procedure on arrest.

Any authorized personnel 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 construction code, may arrest without warrant alleged violators by issuing a summons or citation in accordance with section 803-6, Hawaiʻi Revised Statutes, and the procedure specified in this section. Nothing in this section shall be construed as barring the initiation of prosecution by warrant or such other judicial process as permitted by statute or rule of court.

(d) Upon making an arrest for a violation of the construction code, any authorized personnel designated by the authority having jurisdiction may take the name and address of the alleged violator and shall issue to the alleged violator in writing a summons or citation. The summons or citation shall notify the alleged violator to answer the complaint to be entered against the alleged violator at a place and at a time provided in the summons or citation.

(e) Summons or citation.

(1) There shall be provided for use by authorized personnel a form of summons or citation for use in citing alleged violators of the construction code that does not mandate the physical arrest of such alleged 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 applicable laws of the State of Hawaiʻi and the County of Hawaiʻi.

(2) In every case when a citation is issued, the original of the same shall be given to the alleged violator, provided that the administrative judge of the district court may prescribe the giving to the alleged violator of a copy of the citation and provide for the disposition of the original and any other copies.

(3) Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.

(f) The provisions of this section are in addition to any other applicable remedy or penalty provided by law.

(2020, ord 20-61, sec 2.)

Section 5-10-4. Injunctive action.

The authority having jurisdiction may maintain an action for an injunction to restrain or remedy any violation of the provisions of the construction code and may take any other lawful action to prevent or remedy any violation.
(2020, ord 20-61, sec 2.)

Section 5-10-5. Remedies cumulative.

The remedies provided in the construction code shall be cumulative and not exclusive.
(2020, ord 20-61, sec 2.)

Article 11. Variances and Appeals.

Section 5-11-1. Variances.

Whenever strict application of any provision of the construction 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. No variance from the strict application of the construction code shall be granted by the board of appeals unless it finds all of the following:

(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 the construction 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 the construction code, will not be injurious to persons or property, will not create additional fire hazards, and will not 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.

(2020, ord 20-61, sec 2.)

Section 5-11-2. Appeals regarding alternative materials, design, and methods of construction.

Any person denied the use of new or alternative materials, design, 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, design, method of construction, equipment, fixture, device, or appliance, and the appellant shall pay all expenses necessary for the test. The board of appeals may reverse the authority having jurisdiction's decision if it finds:

(1) That the new or alternative material, design, method of construction, equipment, fixture, device, or appliance meets standards established by the construction 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 the construction code.

(2020, ord 20-61, sec 2.)

Section 5-11-3. Other appeals.

Any person aggrieved by the decision of the authority having jurisdiction in the administration or application of the construction code, other than that prescribed in sections 5-11-1 and 5-11-2, 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 the construction 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.

(2020, ord 20-61, sec 2.)

Section 5-11-4. Rules; adoption by the board of appeals.

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

(2020, ord 20-61, sec 2.)