

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

October 4, 2001

**Committee  
Report No.**

01-184

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on September 18, 2001, makes reference to County Communication No. 01-249, from the Acting Fire Chief, transmitting the following:

1. A proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 16.04A.120, MAUI COUNTY CODE, RELATING TO THE FIRE CODE".

The purpose of the proposed bill is to expand the permitted expenditure of funds from the Plan Review, Permit Processing, and Inspection Revolving Fund. The permitted expenditures would include training, public education, community relations, and fire prevention bureau activities.

2. A proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04A, MAUI COUNTY CODE, RELATING TO THE FIRE CODE".

The purpose of the proposed bill is to add two sections to Chapter 16.04A of the Maui County Code. The first new section would adopt the National Fire Protection Association (NFPA) 1998 Edition of NFPA 1141, Standard for Fire Protection in Planned Building Groups. The second new section would adopt the NFPA 1999 Edition of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting.

At its meeting, your Committee met with a Captain and a Lieutenant from the Fire Prevention Bureau of the Department of Fire Control, and the Corporation Counsel.

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There being no public testimony, your Committee proceeded with a brief overview of the proposed bills from the Fire Captain.

Your Committee inquired about the proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 16.04A.120, MAUI COUNTY CODE, RELATING TO THE FIRE CODE". Your Committee asked whether the fees collected for plans review, permit processing and inspection are fees or taxes. The Corporation Counsel indicated that because the fees collected are being used for expenses that are reasonably related to plans review, permit processing and inspections, they are fees and not taxes.

Your Committee expressed concern regarding the appropriateness of expanding the use of the funds from the Plan Review, Permit Processing, and Inspection Revolving Fund without further Council review.

Your Committee briefly discussed expenditures currently being made from the Plan Review, Permit Processing, and Inspection Revolving Fund. Your Committee expressed a desire to see that these expenditures are also used for salaries of personnel who are reviewing plans, processing permits, and conducting inspections.

Your Committee expressed concern regarding possible confusion in the interpretation of the proposed additional language allowing for expanded expenditures from the Plan Review, Permit Processing, and Inspection Revolving Fund and indicated a desire to see this matter discussed further in the Budget and Finance Committee.

Your Committee voted to recommend that the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.04A.120, MAUI COUNTY CODE, RELATING TO THE FIRE CODE" be referred to the Budget and Finance Committee for further discussion prior to consideration of the Fiscal Year 2003 Budget.

Your Committee discussed the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04A, MAUI COUNTY CODE, RELATING TO THE FIRE CODE". The Captain noted that following national standards would improve the standards for fire protection in the County of Maui.

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Your Committee discussed fire protection standards for dwellings serviced by private water systems. The Lieutenant noted that the current law does not require a water source for fire protection on property serviced by private water systems until a third structure is constructed on the property. The Lieutenant further noted that this can create a dangerous situation for both the homeowners as well as the firefighters.

Your Committee voted to recommend that the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04A, MAUI COUNTY CODE, RELATING TO THE FIRE CODE" be passed on first reading and that the communication be filed.

Your Committee of the Whole RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2001), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04A, MAUI COUNTY CODE, RELATING TO THE FIRE CODE" PASS FIRST READING and BE ORDERED TO PRINT;
2. That the proposed bill, attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.04A.120, MAUI COUNTY CODE, RELATING TO THE FIRE CODE" be REFERRED to the Budget and Finance Committee; and
3. That County Communication No. 01-249 be FILED.

Adoption of this report is respectfully requested.

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**DAIN P. KANE** Chair

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**PATRICK S. KAWANO** Member

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**G. RIKI HOKAMA** Vice-Chair

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**MICHAEL J. MOLINA** Member

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**ALAN M. ARAKAWA** Member

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**WAYNE K. NISHIKI** Member

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**ROBERT CARROLL** Member

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**CHARMAINE TAVARES** Member

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**JO ANNE JOHNSON** Member