

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

January 20, 2006

**Committee**  
**Report No.**

\_\_\_\_\_ 06-7

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 January 3, 2006, makes reference to the following:

1. County Communication No. 05-90, from the Fire Chief, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO".

The purpose of the proposed bill is to adopt the State Fire Code with modifications.

2. Committee Report No. 05-144, from your Committee of the Whole, recommending that a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO" be passed on first reading and be ordered to print.

The purpose of the proposed bill is to adopt the State Fire Code with modifications.

Your Committee notes that Committee Report No. 05-144 was recommitted to your Committee at the Council meeting of October 21, 2005 to consider possible further revisions to be proposed by the Fire Chief.

By correspondence dated November 28, 2005, the Fire Chief transmitted a draft bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO". The purpose of the draft bill is to adopt the State Fire Code with revisions, particularly to include a Plan Review, Processing, and Inspection Revolving Fund in the Fire Code.

By correspondence dated December 15, 2005, the Chair of your Committee transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE

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ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO". The purpose of the revised proposed bill is to include a Plan Review, Processing, and Inspection Revolving Fund in the Fire Code.

At its meeting, your Committee met with the Fire Chief, a Fire Captain, a Lieutenant from the Department of Fire and Public Safety, and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee discussed whether the Fire Code is intended to be included in the State's efforts to promote State-wide uniformity among the various codes, such as the Building Code, Electrical Code, and Plumbing Code. The Fire Captain indicated that the State Fire Council is not in general accord with another body having control over the Fire Code.

Your Committee discussed including references to civilian time in addition to military time in the Fire Code. The Fire Chief indicated that the Department of Fire and Public Safety uses military time, but would not object to including civilian time in the Fire Code.

Your Committee discussed conflicts between the Fire Code and Title 18 of the Maui County Code pertaining to subdivisions. The Lieutenant indicated that he is aware of two conflicts. One conflict involves minimum road width standards, and the other involves turning radii for cul-de-sacs. In both cases, the Fire Code requires a greater right-of-way than Title 18. The Lieutenant indicated that the Department of Fire and Public Safety will continue to work with the Department of Public Works and Environmental Management to develop acceptable standards. He also indicated that the Fire Code allows the Fire Chief the flexibility to accept standards other than those stated in the Fire Code.

Your Committee discussed whether standards identified in the Fire Code would cause housing costs to increase. The Fire Captain indicated that costs are not borne by the County since the responsibility for the improvements rests with the developers. He indicated that a balance must be maintained between safety issues and the extent of improvements that are required.

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Your Committee discussed enforcement of the Fire Code. The Fire Chief indicated that the Department of Fire and Public Safety makes every effort to work with the public to enforce the Fire Code. For example, the Department is not in the practice of citing people for parking their cars in a manner that blocks the accessibility of fire equipment in an emergency because even if parked cars were cited, the cars would not be moved in a timely manner to aid in an emergency situation.

Your Committee discussed fire flow capacity for agriculturally-zoned areas. The Lieutenant indicated that the Department requests that large water lines be installed when a development will include large structures such as luxury homes. Although the Department cannot legally require larger-than-standard water lines, he stated that some developers have voluntarily installed them to address the Department's safety concerns regarding fire flow capacity.

Your Committee briefly discussed the balance in the existing Plan Review, Processing, and Inspection Revolving Fund. The Fire Chief indicated that the balance in the Fund is approximately \$400,000.

Your Committee noted that the Hawaii Administrative Rules, Title 12, Department of Labor and Industrial Relations, Subtitle 7, Boards, Chapter 45.1, State Fire Council, State Fire Code, will be included as an attachment to the proposed bill if the proposed bill is enacted.

Your Committee discussed public education efforts, and the public's awareness of the adoption of the Fire Code. The Fire Chief indicated that the Department of Fire and Public Safety intends to do press releases or other means of public education to inform the public of the adoption of the Fire Code.

Your Committee recommended that the revised proposed bill be further revised to include references to civilian time.

Your Committee voted to recommend passage of the revised proposed bill, filing of the committee report, and filing of the communication.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, including references to civilian time, changing the year of the bill from "2005" to "2006", and making a nonsubstantive formatting change.

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Your Committee of the Whole RECOMMENDS the following:

1.      That Bill No. \_\_\_\_\_ (2006), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO" be PASSED ON FIRST READING and be ORDERED TO PRINT;
  
2.      That Committee Report No. 05-144 be FILED; and
  
2.      That County Communication No. 05-90 be FILED.

Adoption of this report is respectfully requested.

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