A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.18A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.18B, MAUI COUNTY CODE, PERTAINING TO THE ELECTRICAL CODE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 16.18A, Maui County Code, is repealed in its entirety.

SECTION 2. The "National Electrical Code, 2008 Edition", as copyrighted and published in 2007 by the National Fire Protection Association®, One Batterymarch Park, Quincy, Massachusetts 02169, is hereby incorporated herein by reference and made a part hereof and adopted, subject to the provisions of Chapter 16.18B, Maui County Code, as hereinafter enacted and as hereafter may be amended.

SECTION 3. Title 16, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 16.18B

ELECTRICAL CODE

Sections:

16.18B.010 The National Electrical Code incorporated
16.18B.020 Title
16.18B.030 Definitions generally
16.18B.090(1)(a) Subsection 90.1(A) amended
16.18B.090(2)(b) Subsection 90.2(B) amended
16.18B.090(6) Section 90.6 amended
16.18B.100 Article 100 amended
16.18B.104 Article 104 added
16.18B.107 Article 107 added

16.18B.020 Title. This chapter shall be known as the "Electrical Code", and is referred to herein as "this Code".

16.18B.030 Definitions generally. When used in this Code, unless it is plainly evident from the context that a different meaning is intended, certain terms are defined in chapter 1 of the National Electrical Code.

16.18B.090(1)(a) Subsection 90.1(A) amended. Section 90.1 of the National Electrical Code is amended by amending subsection 90.1(A) to read as follows:

(A) [Practical Safeguarding.] Minimum Standards. The purpose of this Code is [the practical safeguarding of persons and property from hazards arising from the use of electricity.] to reduce the hazards to persons and property arising from faulty electrical work. The requirements set forth herein are intended to provide minimum standards for electrical work in the County.

16.18B.090(2)(b) Subsection 90.2(B) amended. Section 90.2 of the National Electrical Code is amended by amending subsection 90.2(B) to read as follows:

(B) [Not Covered. This Code does not cover the following:] This Code shall not apply to the following:
(1) Installation in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.
(2) Installations underground in mines and self-propelled mobile surface mining machinery and its attendant electrical trailing cable

(3) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communications purposes

(4) Installation of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations, except electrical work to supply power to such equipment.

(5) Installations under the exclusive control of an electric utility where such installations
   (a) Consist of service drops or service laterals, and associated metering, or
   (b) Are located in legally established easements or rights-of-way designated by or recognized by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations, or
   (c) Are on property owned or leased by the electric utility for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy.

(6) Electrical work by an electrical utility on structures and facilities relating to the generation and distribution of electricity. If a person or entity requests an exemption for electrical work under this provision, the person or entity shall have the burden of demonstrating to the satisfaction of the director that the person or entity is an electrical utility, as defined in this Code, and that the electrical work complies with this section.

(7) Existing electrical installations that complied with the laws, ordinances, and regulations in effect when installed; provided that such installations shall be subject to the provisions of section 104-3 of this Code.

(8) Electrical work related to work regulated by chapter 397, Hawaii Revised Statutes, as amended, except electrical work for supply of power to the control panels of elevators, dumbwaiters, escalators, moving walks, and manlifts.

(8) Replacement or repair of devices and apparatus of air-conditioning and refrigeration systems, except electrical work on circuits.
equipment, and overcurrent devices that are not part of the air conditioning or refrigeration equipment manufacturer's installation.

(9) Work performed on buildings or premises for any federal or state governmental agency, provided the federal or state agency requests an exemption in writing, on a form prescribed by the director for such purpose.

(10) Work located in a right-of-way owned or maintained by any federal, state, or county governmental agency.

(11) Electrical work on property within the County that is designated by the State Land Use Commission to be within the Conservation District or designated as Hawaiian Home Lands.

16.18B.090(6) Section 90.6 amended. Section 90.6 of the National Electrical Code is amended by amending section 90.6 to read as follows:

90.6 [Formal] Interpretations. [To promote uniformity of interpretation and application of the provisions of this Code, formal interpretation procedures have been established and are found in the NFPA Regulations Governing Committee Projects.] If there are two or more conflicting provisions in this Code or any other ordinance, statute, or rule covering the same subject matter, the provision which provides the greater safety to life, property, or public welfare, as determined by the director, shall prevail.

16.18B.100 Article 100 amended. Article 100 of the National Electrical Code is amended by adding to Part 1 thereof the following definitions to be appropriately inserted and to read as follows:

"Department" means the department of public works of the County of Maui.

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

"Electrical contractor" means a person licensed to perform electrical work as a specialty contractor by the State of Hawaii in accordance with Chapter 444, Hawaii Revised Statutes, as amended.

"Electrical engineer" means any person licensed as a professional engineer qualified in the electrical branch by the State of Hawaii, in accordance with chapter 464, Hawaii Revised Statutes, as amended.

"Electrical utility" means a person or entity who produces, conveys, transmits, delivers, or furnishes
electricity to the public, and who qualifies as a "public utility" under section 269-1, Hawaii Revised Statutes, as amended, or who provides, or intends to provide electricity for sale directly to a "public utility", subject to regulation by the Public Utilities Commission, State of Hawaii.

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

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

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

"Journey worker electrician" means a person licensed as a journey worker electrician by the board of electricians and plumbers, State of Hawaii, in accordance with chapter 448E, Hawaii Revised Statutes, as amended.

"Maintenance and repair work" means the repair and operation of any electrical installation, apparatus, fixtures, appliance, or equipment at facilities where equipment failure and down time could result in hazards to persons, or damage to property.

"Portable electric sign" means a small advertising device, operated with electricity and used only in the interior of buildings, which is capable of being moved or removed without damaging or altering the structure or finish of the structure, and which is not attached or fastened to the structure by nails, screws, bolts, conductors, wiring enclosures, or in any other manner.

"Roughing-in" means the initial installation of an electrical raceway, box, cable, or equipment in the ground or through a structure's foundation, wall, or ceiling, usually intended to be concealed during construction.

"Special events" means carnivals, fairs, food and beverage events, sporting events, and similar events where structures and installations are not intended for use for more than fourteen consecutive calendar days.

"Specialty contractor" means a person licensed as a specialty contractor by the contractors license board, State of Hawaii, in accordance with chapter 444, Hawaii Revised Statutes, as amended.
"Supervising electrician" means a person licensed as a supervising electrician by the board of electricians and plumbers, State of Hawaii, in accordance with chapter 448E, Hawaii Revised Statutes, as amended.

16.18B.104 Article 104 added. The National Electrical Code is amended by adding a new article to be appropriately designated and to read as follows:

**ARTICLE 104**

**ENFORCEMENT, PERMITS, AND INSPECTIONS**

104-1. Authority. The director shall administer and enforce the provisions of this Code.

104-2. Right of entry Upon presentation of proper credentials, the director may enter, at reasonable times, any building, structure, or premises in the County to perform any duty imposed upon the director by this Code. If the owner or the owner’s representative does not consent to such entry, the director shall not enter any premises without a warrant or order of a court authorizing such entry.

104-3. Defective electrical installations. Whenever (1) any electrical installation is found to have been installed, altered, changed, or reconstructed contrary to this Code or any other law, (2) any electrical installation is found to be in use contrary to this Code or any other law, or (3) any electrical installation that complied with the laws in effect when the electrical installation was performed is found to be unsafe or dangerous to persons or property, the director shall give the owner or the person responsible for the installation a written notice stating the findings of the director regarding the installation and order the owner or other person to make corrections in accordance with the rules of the department.

The director may order the utility provider to stop the supply of electrical power to the installation and order the owner to disconnect the installation from its source of electrical energy. Thereafter, no person shall use or supply electrical energy to the installation before the corrections required by the director have been made.

104-4. Permit required; exceptions. (a) No person shall perform any electrical work or cause or allow the same to be performed unless a permit has been obtained
from the director. The following work and installations shall not require a permit:

1. Electrical work and installations for which the provisions of this Code are expressly declared to be not applicable;

2. Electrical work for any county department, provided that the director of said department requests an exemption in writing, on a form prescribed by the director of public works for such purpose;

3. Installation of any portable motor or other portable appliance or equipment, energized by means of a cord or cable having an attachment plug, provided such cord or cable complies with this Code;

4. Repair of any fixed motor or appliance, or replacement of any fixed motor with another fixed motor having the same horsepower rating, situated at the same location, and reconnected to the same circuit;

5. Replacement of an existing luminaire(s) or wiring device(s) including receptacle outlets and switches at its original location(s), where no alteration is made to the existing branch circuit wiring;

6. Maintenance and repair work by an electrician licensed pursuant to chapter 448E, Hawaii Revised Statutes, as amended, for installations at supervised industrial or commercial facilities where down time or equipment failure could result in injury to persons or damage to property and where such maintenance and repair work does not involve adding new circuits or increasing the ampacity of existing circuits;

7. Emergency electrical work by a person to whom a permit may be issued, subject to section 16.18B.104-4(b) of this Code;

8. Residential low-voltage class 2 or class 3 remote-control, signaling, and power-limited circuits, installed within or about a single family dwelling, including, but not limited to, security alarm and monitoring systems, sprinkler irrigation system control wiring, landscape lighting systems, solar water heater control wiring, home computer system wiring, audio and video systems, telephone systems, garage door operator control wiring, and automated home control systems, excluding any electrical work on the supply side of the class 2 or class 3 power source;
(9) Residential low wattage fixtures used for holiday decorations only, provided the fixtures are removed within ninety days after installation;

(10) Electrical installations for special events, including temporary electrical services, generators, feeders and circuits for equipment, lighting and receptacle outlets at concession stands, tents, fair rides, and game booths, stages, film screens, and press booths, provided that the electrical installation is performed by a licensed electrical contractor, and the electrical installation is immediately removed upon conclusion of the special event; and

(11) Temporary construction power utility services and equipment used for work authorized by a valid building or grading permit or exempt from such a permit, including temporary construction office trailers used only for construction personnel. Any office trailer used as a sales office or place of business where the general public is allowed shall be subject to this Code.

The foregoing exceptions from permit requirements shall not apply to any repairs or replacements of electrical installations that were originally done without a permit in violation of applicable law, nor shall these exceptions be deemed to allow any electrical installation to be performed in a manner contrary to other provisions of this Code.

(b) When emergency electrical work has commenced without a permit, an application for a permit for the work shall be submitted no later than the first business day following the commencement of the work, pursuant to section 16.18B.104-6 of this Code.

104-5. Separate permits. A separate permit shall be obtained for electrical work at each building or structure.

104-6. Application for permit. All applications for permits shall be made in writing, and be in a form and content as prescribed by the director.

104-7. Plans and specifications. Plans and specifications providing details of the proposed installation shall be submitted with the permit application when required by the director. The plans and specifications shall bear the stamp and signature of an electrical engineer when the demand load of the proposed installation is 30 kilovolt-amperes or more, or when the director has determined that the project is sufficiently complex to require review and approval by a licensed...
electrical engineer. The electrical engineer shall submit documentation certifying compliance with chapter 16.16, Maui County Code, or any subsequent Energy Code as may be adopted by the County. The electrical engineer shall also submit documentation certifying compliance with chapter 20.35, Maui County Code, if applicable. Project permit applications shall not be submitted or accepted in phases or parts.

Exception: Electrical work for single-family dwellings with service metering equipment rated no more than 320 amperes continuous, 120/240 volts, single phase, 3 wire, shall not require project drawings by a licensed electrical engineer.

104-8. Building permit required. Whenever a building permit is required by chapter 16.26, Maui County Code, the electrical permit for the project shall not be issued until a valid building permit has first been issued for the project.

104-9. Issuance. The director shall issue a permit within thirty calendar days of receiving a complete permit application with payment of all fees and all necessary documents, including plans, specifications, calculations, and certifications approved by a licensed engineer, if the installation described in the application conforms to this Code and all applicable laws. If the director fails to review and approve or deny the application within this time period, the application shall be deemed approved.

104-10. Persons to whom permits may be issued. A permit may be issued to:
(a) A contractor licensed to perform electrical work within the scope of their specialty classification, under chapter 444, Hawaii Revised Statutes, as amended;
(b) A supervising electrician or a journey worker electrician who is employed by the County for work relating to County projects;
(c) A supervising electrician or a journey worker electrician who is applying for a permit for electrical work on a dwelling, provided the supervising electrician or journey worker electrician owns and occupies the dwelling.

104-11. Expiration. Every permit issued by the director under this Code shall expire and be deemed void if the director does not approve the initial inspection required pursuant to section 16.18B.104-17(b) of this Code within one year from the date of issuance of the permit. If a permit expires prior to work being
completed, a new permit shall be obtained, and if there are no changes on the original plans and the permit has not been expired for more than one year, the fee shall be one-half of the original permit fee. To renew a permit that has been expired for more than one year, the permittee shall pay a new permit fee, including any of the additional fees prescribed in article 107 of this Code. In no event shall a permit remain active longer than five years from the date of issuance of the permit.

104-12. Extension of time. Any permittee with an unexpired permit may apply for an extension of the time to obtain the director’s approval of the initial inspection required pursuant to section 16.18B.104-17(b) of this Code, for good cause. The director may extend the deadline for the initial inspection approval upon written request by the permittee showing that circumstances beyond the control of the permittee have delayed the work. The director may extend the deadline only once, and for a period not to exceed one year.

104-13. Transfer of permits. No person to whom a permit is issued under this Code shall assign or transfer the permit to any other person prescribed in section 16.18B.104-10 of this Code without the prior approval of the director. If a permittee cannot complete the electrical installation and wishes to transfer the permit to another person prescribed in section 16.18B.104-10 of this Code to complete the project, the permittee shall submit a request in writing to the director requesting a permit transfer, provided the proposed installation has not changed from the original permit. Approval of a transfer request shall not be unreasonably withheld, provided that the permit is not expired, and the new transferee agrees in writing to comply with the original plans and specifications upon which the original electrical permit was issued and the applicable laws in effect at the time the permit was issued. The transferee shall submit a new permit application to the director. The transferee shall pay a fee for the transfer of the permit, as set forth in the annual budget ordinance.

104-14. Suspension or revocation. The director may, in writing, suspend or revoke a permit issued under this Code whenever the permit has been issued in error or on the basis of incorrect information provided by the applicant, or when the installation is determined to be in violation of this Code or any other law, ordinance, rule, or provision under the jurisdiction of the director. The permit fee shall not be refunded.
104-15. Cancellation. Permits may be canceled when requested in writing by the permittee or the owner of the property where the permit work is being performed, subject to the approval of the director. If the project has commenced, the director may require a person prescribed in section 16.18B.104-10 of this Code to submit a new permit application prior to cancellation of the original permit, to ensure continuation of the permit work and responsibility for the permit work.

104-16. Refund of fees. If requested in writing by the permittee, the director may refund fifty percent of the paid canceled permit fee when no work has commenced and the permit has not expired as prescribed in section 16.18B.104-11 of this Code. The director shall not refund any fee if any work under the permit has been initiated, if the permit is expired, or if the permit has been revoked.

104-17. Required inspections. (a) No person shall use or supply electrical power to any electrical installation for which electrical work was or is being performed under a permit issued pursuant to this Code unless the director has completed all required inspections and has approved the installation to be energized, provided that the director may grant an exception and authorize use and supply of electrical power to the installation before completion of all required inspections when the use or supply of electrical power is necessary to complete construction or to protect life or property and adequate safety measures are in place so that the energized installation will not endanger life or property. The director may require the permittee to immediately disconnect from its power source any electrical installation energized without required inspection approval or authorization, and if the permittee fails to comply with the director's request, the director may immediately disconnect the installation from its power source. Thereafter, no person shall supply electrical power to such installation until the required inspection approval(s) have been made, and any penalty prescribed in section 16.18B.107-2(b) of this Code has been paid.

(b) No approval shall be granted to use or energize an electrical installation unless the electrical installation has been inspected and approved in accordance with the following:

1. The director has:
   a. Inspected the roughing-in of all electrical wiring for which a permit is required, prior to any concealment; and
b. Determined that the installation is complete and properly connected; and

c. Determined that the electrical installation is in compliance with the electrical permit.

(2) The complete electrical installation has been inspected after all structural elements and mechanical equipment and system(s) have been installed, including gas, steam, water, sewer, and furnace piping and tubing, located near the electrical installation; and, in the case of an electrical installation that is to be concealed, after all lathing strips, furring, bridging, backing, and headers are in place; and

(3) The inspection of the complete installation has not been prevented by obstructions or concealment.

(c) The supervising electrician or electrical contractor shall be present at the project site upon the request of the director.

(d) The permittee shall cause electrical wiring to be accessible and exposed for inspections. All obstructions, including drywall, ceilings, flooring, backfill, concrete, covers, plates, tapes, and equipment that may impede a thorough inspection of the electric wiring shall be removed upon verbal or written notice from the director, and shall be kept free of obstruction until the electrical wiring has been inspected and approved. When electrical wiring has been concealed prior to inspection and it has been deemed impracticable by the director to re-expose such installation, the property owner may, subject to the approval of the director, submit a certificate, from the responsible electrical contractor or an electrical engineer, certifying that all electrical work done without inspection complies with this Code, and submit a hold harmless agreement executed by the property owner, agreeing to defend, indemnify, and hold harmless the County from any claim for loss, liability, or damage arising from the issuance of the electrical permit, and pay a processing fee as set forth in the annual budget ordinance. The contents of the certificate shall be in a form acceptable to the director, and the contents of the hold harmless agreement shall be in a form acceptable to the corporation counsel. The hold harmless agreement shall be recorded with the State of Hawaii, Bureau of Conveyances or the Land Court, State of Hawaii. The property owner or permittee shall pay for all recordation fees and any applicable fees for concealing work without inspection(s) as prescribed in section 16.18B.107-2(c) of this Code. Upon receiving an acceptable certificate and
copy of the fully executed and recorded hold harmless agreement, and payment of applicable fees and fines, if any, the director may approve the electrical installation, pursuant to subsection (a) of this section, indicating that the electrical installation has been exempted from inspections at the property owner’s request and is authorized to receive and use the supply of electrical power.

(e) Final inspection required. The permittee shall obtain a final electrical inspection approval, confirming the completion of the installation and the proper operation of all energized electrical wiring and equipment.

104-18. Nonliability of County for damages. The director or any other County officer or employee charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of, or by reason of, any act or omission in the discharge of such duties.

This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or performing any electrical work or installation from liability for injury or damage to property by any defect in an installation or performance.

16.18B.107 Article 107 added. The National Electrical Code is amended by adding a new article to be appropriately designated and to read as follows:

ARTICLE 107

PERMIT, PENALTY, AND MISCELLANEOUS FEES

107-1. Permit fees. (a) Schedule. A fee as set forth in the annual budget ordinance shall be paid to the County prior to the issuance of any electrical permit.

(b) Exemption for County projects. No fee shall be charged for County projects and any projects that are funded in whole or in part by the County, provided that the director responsible for the release of the County funds shall certify that the project qualifies for this exemption.

(c) All units in a residential development in which one hundred percent of the units qualify as residential workforce housing units, as defined in section 2.96.020, Maui County Code, shall be exempt from the permit fee.
(d) A residential workforce housing unit, as defined in section 2.96.020, Maui County Code, shall be assessed fifty percent of the permit fee.

107-2. Penalty fees. (a) Work without a permit. When work for which a permit is required by this Code has commenced without a permit, the fees specified in the annual budget ordinance shall be doubled or increased by an additional amount of $500.00, whichever is greater. The payment of such fees shall not relieve any person from the requirements of this Code or from any penalties prescribed by this Code or rules of the department.

(b) Installation energized without inspection approval. When electrical power has been supplied to any installation prior to required inspection approval(s), the director shall collect a fee as set forth in the annual budget ordinance prior to granting authorization to energize.

(c) Wiring concealed without inspection approval. When electrical wiring has been concealed in any installation without required inspection approval(s), the director shall collect a fee as set forth in the annual budget ordinance prior to accepting a certification and hold harmless agreement for such concealed wiring, pursuant to section 16.183.104-17(d) of this Code.

107-3. Charges for special inspections, and exemptions. (a) Re-inspections. All deficient or defective electrical work brought to the permittee's attention by the director shall be corrected prior to requesting a re-inspection. When more than one inspection is required to re-check electrical work that does not comply with this Code, the permittee shall pay a fee as set forth in the annual budget ordinance for each inspection, prior to the inspection.

(b) Miscellaneous inspections. For an inspection of an electrical installation not specified in this Code, the person requesting the inspection shall pay the County $30 for each hour, or increment thereof, for inspection. All miscellaneous inspections shall be charged a minimum of two hours for an inspection.

(c) Unscheduled inspections outside normal business hours, or at distant locations. The permittee may request electrical inspections outside normal business hours, or at distant locations, including Hana, Molokai, and Lanai, earlier than regularly scheduled, subject to the availability of inspectors and transportation, and approval of the director. The request shall be made at least forty-eight hours prior to the requested inspection time. The permittee shall reimburse the County for any additional cost incurred by the County to perform the
requested inspection. Such reimbursement may include, but not be limited to: employee overtime pay; air fare on a scheduled airline; travel per diem; meal allowance; automobile rental; employee fringe benefits; and administrative costs.

(d) Exemption for adult residential care homes. When an inspection is required pursuant to chapter 11-100.1, Hawaii Administrative Rules, as amended, no fee shall be charged for an inspection.

(e) Exemption for licensing of day care centers. When inspection for day care centers is required pursuant to chapter 17-1424, Hawaii Administrative Rules, as amended, no fee shall be charged for inspection.

16.18B.109 Article 109 added. The National Electrical Code is amended by adding thereto a new article to be appropriately designated and to read as follows:

**ARTICLE 109**

**MISCELLANEOUS PROVISIONS**

109-1. Standards for electrical code. Compliance required. No person shall perform any electrical work or cause any electrical work to be performed that does not comply with this Code or chapter 448E, Hawaii Revised Statutes, as amended.

109-2. Electrical work within flood hazard districts and developments adjacent to drainage facilities. Electrical work within flood hazard districts and developments adjacent to drainage facilities shall be subject to chapter 19.62, Maui County Code, as amended.

1 Main power service. The incoming main commercial power service equipment, including all metering equipment, shall be located above the flood elevation or in a waterproof enclosure or barrier with ground-fault protection on the main disconnecting means.

2 Distribution, power, or lighting panels, stationary and portable equipment, switchgear, control centers, and transformers shall be located above the regulatory flood elevation or in a waterproof enclosure or barrier with ground-fault protection on the main disconnecting means. Electrical equipment may be located below the regulatory flood elevation if the circuit and equipment is protected with ground-fault circuit interruption; provided that ground-fault circuit
interruption is not required for sump pumps and sump pump circuits. Where ground-fault circuit interruption cannot be installed because of amperage size or usage, ground-fault protection shall be installed.

(3) Normal and emergency lighting circuits. All non-emergency lighting circuits extending into areas below the regulatory flood elevation shall be energized from a common distribution panel located above the regulatory flood elevation or in a waterproof enclosure or barrier with ground-fault protection. All emergency lighting circuits in areas below the flood elevation shall be energized from an independent distribution panel located above the flood elevation or in a waterproof enclosure or barrier with ground-fault protection.

(4) Emergency lighting requirements. All components of an emergency lighting system installed below the regulatory flood elevation shall be located so that no component of the emergency lighting system is within reach of personnel working at floor level in the areas where emergency lighting systems are utilized, unless the emergency lighting circuit(s) has ground-fault circuit interruption. The emergency lighting may be powered by a storage battery, prime mover-generator system, a separate commercial power supply system, the same commercial power system, or a combination thereof, subject to the following provisions:

a. Storage battery (including battery-operated lighting units). Battery-operated lighting units shall be completely self-contained and shall indicate the state of charge of the battery at all times. Lighting units shall automatically provide light when the primary source of lighting in the area is de-energized.

b. Separate commercial power supply system. Separate commercial power supply systems shall have a degree of reliability satisfactory to the director. A system fed from a transformer other than that used for the regular supply and not on the same pole (except service pole) as the regular supply is deemed to have the required degree of reliability. A secondary circuit fed from the same primary circuit as the regular supply shall be regarded as a separate system.

c. Same commercial power supply system. A same commercial power supply system shall be
an underground secondary system and a separate service shall be connected on the line side of that service switch or breaker of the regular service.

(5) Receptacle circuits below regulatory flood elevation. Receptacle circuits shall be permitted to be installed below the flood elevation, provided that these circuits are protected with ground-fault circuit interruption.

109-3. Miscellaneous provisions. (a) The electrical continuity of metal raceway or metal sheathed cable that contains a conductor other than service conductors shall be secured by installing two locknuts, one inside and one outside of boxes, cabinets, or similar enclosures.

(b) Water heaters shall be approved for outdoor installation or be protected from the weather, and the circuit conductors at the water heater shall have a minimum temperature rating of ninety degrees centigrade and shall be enclosed in a flexible metal conduit or other raceway or wiring method acceptable to the director.

(c) Electric watt-hour meters shall not be installed to serve illegal dwelling units. No more than one electric watt-hour meter shall be installed per legal dwelling unit on the property. Detached garages and other residential type structures shall be energized from the same electric service metering equipment that energizes a legal dwelling unit on the property.

For the purpose of this subsection, an "illegal dwelling unit" is a dwelling unit that is not in compliance with statutes, ordinances, or rules.

(d) Commercial and industrial structures and agricultural buildings that comply with all applicable ordinances and regulations may have individual electric watt-hour meters, upon approval of the director. Non-habitable agricultural structures or buildings for which individual electrical service and metering is requested shall be used for valid commercial agricultural activities only. Agricultural buildings for non-commercial uses shall be energized from farm dwelling electrical service metering equipment on the same property.

(e) No electrically charged fences or structures shall be installed, maintained, or used; except that the director may grant approval in writing of such a fence or structure upon finding that measures adequate to protect the safety of the public have been taken by the person installing, maintaining, or using the fence or structure. The director shall require a hold harmless agreement
executed by the property owner, agreeing to defend, indemnify, and hold harmless the County from any claim for loss, liability, or damage arising from the electrically charged fence(s) or structure(s), and shall collect a processing fee as set forth in the annual budget ordinance. The contents of the hold harmless agreement shall be in a form acceptable to the director and the corporation counsel, and shall be recorded with the State of Hawaii, Bureau of Conveyances or Land Court, State of Hawaii. The property owner or permittee shall pay for all recordation fees.

109-4. Factory-built housing and trailers. No person shall install or relocate any factory-built dwelling, structure, or trailer on any property within the scope of this Code, which requires electrical work, or cause the same to be done, without first obtaining an electrical permit from the director, provided that construction site office trailers may be exempted pursuant to section 16.18B.104-4(a)(11) of this Code. All factory-built dwellings (manufactured homes) installed within the County shall bear the label of certification by the manufacturer verifying that the factory-built dwelling complies with all applicable federal construction and safety standards. The manufacturer’s electrical installation in the factory-built dwelling shall be acceptable to the director if the certification is provided and no changes or additions have been made to the manufacturer’s electrical installation. Any changes or additions to the factory-built dwelling electrical installation, including utility service connections, shall be subject to this Code.

109-5. Electrical work related to emergency reconstruction of single family dwellings and accessory structures. The director shall provide a modified application form for an electrical permit for work related to emergency reconstruction of single family dwellings and accessory structures, pursuant to chapter 16.26.111, Maui County Code.

109-6. Variances. All electrical installations shall be installed in conformance with this Code. If, for good cause, an applicant cannot comply with applicable requirements of this Code, the owner may request a variance from provision(s) of this Code from the board of variances and appeals. A variance from provision(s) of this Code may be granted if the board of variances and appeals finds:

(1) That the strict application, operation, or enforcement of the Code provision(s) appealed...
from would result in practical difficulty or unnecessary hardship to the applicant;  
(2) That the granting of the variance shall not be detrimental to the public health, safety, or welfare;  
(3) That the granting of the variance would not be injurious to adjoining lots and the buildings thereon; and  
(4) That the granting of the variance would not be contrary to the purposes of this Code or the public interest.

109-7. Board of code appeals. Any person desiring to use materials or methods of construction other than as specified by this Code may apply to the director for approval. Denial of an application for approval of materials or methods of construction not specified by this Code may be appealed to the board of code appeals as provided in chapter 16.26, Maui County Code.

16.18B.1000 Violations, penalties, and enforcement. 
(a) General. It shall be unlawful for any person, firm, or corporation to perform any electrical work, or cause the same to be done, contrary to, or in violation of this chapter.  
(b) Penalty. Violations of this chapter shall be subject to sections 19.530.020 and 19.530.030, Maui County Code.

16.18B.1001 Rules. The director may adopt administrative rules for the implementation, administration, and enforcement of this chapter.

16.18B.1002 Appeals. Any person aggrieved by a decision of the director may appeal to the board of variances and appeals pursuant to section 19.530.030(C), Maui County Code."

SECTION 4. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions.

SECTION 5. Any complete application for an electrical permit submitted prior to the effective date of this ordinance may be
approved if the application meets the requirements of chapter 16.18A, Maui County Code. All applications submitted on or after the effective date of this ordinance shall comply with the requirements of this Code.

SECTION 6. Work performed under an electrical permit issued prior to the effective date of this ordinance and which is inspected on or after the effective date of this ordinance shall be approved if it meets the requirements of either this Code or chapter 16.18A, Maui County Code.

SECTION 7. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 8. This ordinance shall take effect ninety days after its approval.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui
WE HEREBY CERTIFY that the foregoing BILL NO. 16 (2010)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 5th day of March, 2010, by the following vote:

<table>
<thead>
<tr>
<th>Dennis A. Mateo, Chair</th>
<th>Michael J. Molina, Vice-Chair</th>
<th>Gladys C. Baissa</th>
<th>Jo Anne Johnson</th>
<th>Solomon P. Kahālahala</th>
<th>William J. Medeiros</th>
<th>Wayne K. Nishiki</th>
<th>Joseph Pontanilla</th>
<th>Michael P. Victorino</th>
</tr>
</thead>
</table>

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 5th day of March, 2010.

DATED AT WAILUKU, MAUI, HAWAII, this 5th day of March, 2010.

DENNIS A. MATEO, CHAIR
Council of the County of Maui

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3726 of the County of Maui, State of Hawaii.

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on February 19, 2010.
Effective date of Ordinance June 6, 2010.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3726, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui