

Sec. 18-3.1 Required.

(a) No person shall perform any of the following or cause any of the following to be performed without first obtaining a building permit therefor as prescribed in this section:

(1) Erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure;

(2) Any electrical work;

(3) Install, remove, alter, repair or replace any plumbing, fire sprinkler, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment; or

(4) Construct, reconstruct or improve any sidewalk, curb or driveway in any public street right-of-way.

(b) Exceptions. A permit shall not be required for the types of work listed below.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

(1) Work excepted from building code provisions under Chapter 16. Work on sidewalks, curbs or driveways regulated under the provisions of Chapter 14, Article 18, however, is not exempt from permit requirements.

(2) Temporary construction sheds and temporary construction fences.

(3) Reroofing work which will not adversely affect the structural components for Groups R-3 and U occupancies.

(4) Installation of siding to existing exterior walls which will not adversely affect the structural components of the walls of Groups R-3 and U occupancies.

(5) Temporary tents or other coverings, for periods not to exceed 14 consecutive days, used for private family parties or for camping.

(6) Retaining walls, fences and planter boxes which are not more than 30 inches in height, walkways, riprap walls, and outside paving within private property.

(7) Individual residential television and radio antennas, excluding dish-type antennas.

(8) Window awnings supported by the exterior walls of Groups R-3 or U occupancies, when projecting not more than four feet six inches.

(9) Installation of wallpaper or wall covering which is exempted under the provisions of Chapter 16.

(10) Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$1,000.00 in valuation in any 12-month period, and do not affect any electrical, plumbing, or mechanical installations.

(11) Painting, installation of floor covering and cabinet work without limit as to valuation; provided, however, that the values thereof shall be included as part of the value of any new construction for which a permit is required by this code, for the purpose of determining the amount of the fee to be paid for such permit.

(12) Work located on federal property.

(13) Work performed for any state government agency, except where permits are specifically requested by the agency.

(14) Playground equipment, monuments, statues, ornamental ponds less than 18 inches in depth, and golf course pedestrian and golf cart bridges.

(15) Temporary motion picture, television, and theater stage sets and scenery.

(16) One-story detached buildings:

(A) Accessory to Group R-3 occupancies and used as tool and storage sheds, playhouses and similar uses; or

(B) Accessory to crop production in AG-1 Restricted Agricultural or AG-2 General Agricultural zoning districts and used as storage sheds or for water catchment and not used as dwelling or lodging units;

provided the aggregate floor area does not exceed 120 square feet.

(17) Movable cases, counters, and partitions not over five feet nine inches high.

(18) The following electrical work:

(A) Electrical work and installation to which the provisions of the electrical code are expressly declared to be not applicable;

(B) 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 the electrical code;

(C) Repair of any fixed motor or other appliance, or replacement of any fixed motor with another having the same horsepower rating and situated at the same location;

(D) Maintenance work for commercial and industrial processing equipment by a duly licensed electrician;

(E) Electronic equipment, sound public address systems, cable television and communication systems for a single-family or two-family dwelling;

(F) Radio and television receiving antenna systems other than master or community systems;

(G) Sound recording systems for a single-family or two-family dwelling;

(H) Interior telephone work subject to regulation by the public utilities commission of the State of Hawaii and wiring of interconnecting cable of data processing equipment; and

(I) Repair work performed by a licensed electrical contractor which does not aggregate over \$500.00 in valuation in any 12-month period and does not involve service entrance equipment.

(19) The following work by a public utility supplying gas:

(A) Disconnecting defective gas piping or equipment when authorized under Chapter 19; and

(B) Disconnecting or reconnecting existing gas piping or equipment for repair, servicing, replacement or removal.

(20) The following plumbing work:

(A) Repair work in plumbing systems when the work does not involve or require the replacement or rearrangement of valves, pipes or fixtures; and

(B) Repair work performed by a licensed plumbing contractor which does not aggregate over \$1,000.00 in valuation in any 12-month period and which involves or requires only the replacement of valves, pipes or fixtures.

(21) All structures, other than buildings, which are constructed in conjunction with board of water supply and public works projects undertaken by or on behalf of the city.

(22) All structures, other than buildings, which are constructed in conjunction with the subdivision of lands and in accordance with plans approved by the city under its subdivision rules and regulations.

(23) Sidewalks, curbs and driveways in public street rights-of-way which are:

(A) Constructed in conjunction with public works projects undertaken by or on behalf of the city;

(B) Constructed in conjunction with the subdivision of land and in accordance with plans approved by the city under its subdivision rules and regulations; or

(C) Subject to compliance with Chapter 14, Article 18.

(24) Minor repairs to sidewalks, curbs and driveways in public street rights-of-way. However, reconstruction and/or replacement of any portion of sidewalks, curbs and driveways shall not be construed as repair which is exempt under this subdivision. (Sec. 18-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 93-59, 96-50, 96-58, 97-47, 00-39)

Article 7. Violation and Penalty

Sections:

- 18-7.1 Generally.**
- 18-7.2 Notice of violation--Contents.**
- 18-7.3 Criminal prosecution.**
- 18-7.4 Administrative enforcement.**
- 18-7.5 Stop work order.**

Sec. 18-7.1 Generally.

No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure, or perform any electrical work, or install, remove, alter, repair or replace or cause to be installed, removed, altered, repair or replaced any plumbing, gas or drainage piping work or any fixture, gas appliance or water heating or treating equipment, or construct, reconstruct or improve any sidewalk, curb or driveway in public street rights-of-way, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. (Sec. 18-7.1, R.O. 1978 (1983 Ed.); Am. Ord. 89-135, 93-59)

Sec. 18-7.2 Notice of violation--Contents.

(a) Whenever any person, firm or corporation violates any provision of this chapter, the building official shall serve a notice of violation to the party responsible for the violation to make the building or structure or portion thereof comply with the requirements of this chapter.

(b) The notice of violation shall include at least the following information:

- (1) Date of the notice;
- (2) The name and address of the person noticed, and the location of the violation;
- (3) The section number of the ordinance, code or rule which has been violated;
- (4) The nature of the violation; and
- (5) The deadline for compliance with the notice.

(Added by Ord. 89-135; Am. Ord. 93-59)

Sec. 18-7.3 Criminal prosecution.

(a) General. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than one year, or by both fine and imprisonment.

(b) Procedure on Arrest -- Summons or Citation.

(1) Any officer or inspector designated by the building official, who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of the building, plumbing, electrical or housing codes (hereinafter referred to as "authorized personnel"), may arrest without warrant alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by warrant or such other judicial process as is permitted by statute or rule of court.

(2) Procedure on Arrest. Any authorized personnel designated by the building official, upon making an arrest for a violation of the building, plumbing, electrical or housing codes, may take the name and address of the alleged violator and shall issue to such person in

writing a summons or citation hereinafter described, notifying such person to answer the complaint to be entered against him or her at a place and at a time provided in said summons or citation.

(c) Summons or Citation.

(1) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of the building, plumbing, electrical or housing codes which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(2) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe the giving to the violator of a carbon 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 carbon copy shall bear the number of its respective original.

(Sec. 18-7.2, R.O. 1978 (1983 Ed.); Am. Ord. 89-135, 93-59, 96-58)

Sec. 18-7.4 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to Section 18-7.3, if the building official determines that any person, firm or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.

(a) Contents of the Order.

(1) The order may require the party responsible for the violation to do any or all of the following:

(A) Correct the violation within the time specified in the order;

(B) Pay a civil fine not to exceed \$1,000.00 in the manner, at the place and before the date specified in the order;

(C) Pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

(2) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the building official's action may be appealed to the building board of appeals.

(b) Effect of Order--Right to Appeal. The provisions of the order issued by the building official under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in Chapter 16. The appeal must be received in writing on or before the date on which the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order.

(c) Judicial Enforcement of Order. The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.

(Added by Ord. 89-135; Am. Ord. 93-59, 96-50)

Sec. 18-7.5 Stop work order.

If the building official determines that work must stop, whether pursuant to violation of requirements of any permit issued under this chapter, or for failure to obtain a required permit, the building official shall issue a stop work order to the owner of the property and shall concurrently notify and transmit a copy of the order to the chief of police who shall have the power to enforce the stop work order pursuant to Section 6-1604, Revised Charter of Honolulu 1973, as amended. (Added by Ord. 91-28; Am. Ord. 93-59)