



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 18, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE FEES AND PERMITS FOR BUILDING, ELECTRICAL, PLUMBING AND SIDEWALK CODES TO REPEAL THE EXEMPTION OF PERMIT FEES FOR PHOTOVOLTAIC SOLAR ELECTRIC POWER SYSTEMS.

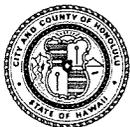
BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to repeal the exemption of permit fees for photovoltaic solar electric power systems from the payment of certain permit fees.

SECTION 2. Section 18-6.5, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 18-6.5 Exemptions.

- (a) The city, all agencies thereof and contractors therewith shall be exempt from the requirement of paying plan review and permit fees.
- (b) The building official may grant an exemption from the requirement of paying plan review and permit fees for any person seeking to restore or reconstruct a structure damaged or destroyed as a result of a major disaster. For the purposes of this section:
 - (1) "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 City and County of Honolulu that causes damage, suffering and loss to such a degree that:
 - (A) The President of the United States has declared, pursuant to the Disaster Relief Act of 1974, P.L. 93-288, that a major disaster exists such that the City and County of Honolulu or any part thereof is eligible for federal disaster assistance programs;
 - (B) The governor of the State of Hawaii has declared pursuant to HRS Chapter 209 that a major disaster has occurred;
 - (C) The mayor has issued a proclamation declaring the existence of a major disaster; or



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- (D) The council has adopted a resolution declaring the existence of a major disaster.
- (2) "Restore and reconstruct" means any repair 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, is in conformance with the building code, flood hazard regulations, land use ordinance, and other applicable laws, and is started within two years of the major disaster.
- (3) The burden of proof that work to be performed qualifies for an exemption from the payment of building permit fees due to a major disaster shall be on the owner of the structure. An applicant filing for such exemption shall certify in writing that the work to be performed shall be in conformance with the requirements of this section.
- (c) All owners and their contractors shall be exempt from paying that portion of any building permit fee for permits issued after September 15, 1994 attributable to the installation of ultra-low flush toilets that they install on their properties to replace existing nonultra-low flush toilets.
- (d) The building official shall waive the collection of any building permit fee for a period of three years where the business has been certified to be a qualified business pursuant to Section 35-1.3.
- (e) The building official shall waive the collection of any building permit fee for any person seeking to replace a dilapidated dwelling unit located on homestead land leased under the Hawaiian Homes Commission Act of 1920. For the purposes of this section:
- (1) "Dilapidated dwelling unit" means any residential home that has significantly deteriorated because of age, termites or other causes, which make the home unsafe, uninhabitable or unhealthy.
- (2) The burden of proof that a dwelling unit is dilapidated which qualifies for an exemption from the payment of building permit fees shall be on the owner of the unit. An applicant filing for such exemption shall attach acceptable proof that the dwelling unit is dilapidated to the building permit application.

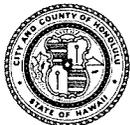


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- (3) The replacement home may increase the floor area of the originally demolished or removed structure.

- [(f) Plan review fees and building permit fees shall not be required for the installation of photovoltaic solar electric power systems.]"

SECTION 3. Ordinance material to be repealed is bracketed. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets or the bracketed material.



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SECTION 4. This ordinance shall take effect 30 days after its approval.

INTRODUCED BY:

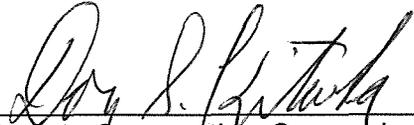
Ernest Martin (BR)

DATE OF INTRODUCTION:

October 4, 2012
Honolulu, Hawaii

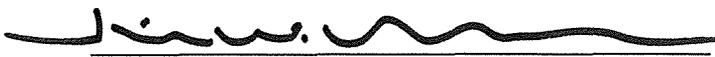
Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 7th day of March, 2013.


~~PETER B. CARROLL, Mayor~~ KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE 13-1

BILL 68 (2012), CD1

Introduced: 10/04/12 By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 18, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE FEES AND PERMITS FOR BUILDING, ELECTRICAL, PLUMBING AND SIDEWALK CODES TO REPEAL THE EXEMPTION OF PERMIT FEES FOR PHOTOVOLTAIC SOLAR ELECTRIC POWER SYSTEMS.

Links: [BILL 68 \(2012\)](#)
[BILL 68 \(2012\), CD1](#)
[CR-408](#)
[CR-38 \(2013\)](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

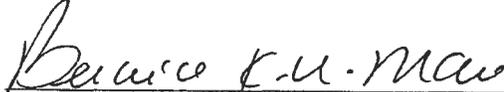
NOTE: EFFECTIVE NOVEMBER 1, 2012, COUNCILMEMBER ROMY M. CACHOLA, REPRESENTING COUNCIL DISTRICT VII, RESIGNED FROM OFFICE. (Refer to Communication [CC-298](#))

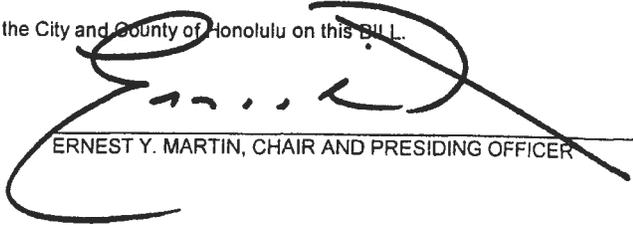
ON NOVEMBER 14, 2012, THE APPOINTMENT OF JOEY MANAHAN WAS APPROVED (Refer to [RES12-299](#)) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT VII TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER ROMY M. CACHOLA.

COUNCIL	11/14/12	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON ZONING AND PLANNING.				
		ANDERSON	BERG	CHANG	GARCIA	HARIMOTO
		Y	Y	Y	Y	Y
		KOBAYASHI	MANAHAN	MARTIN		
		Y	Y	Y		
PUBLISH	11/24/12	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR ADVERTISER.				
		NOTE: COUNCILMEMBER FUKUNAGA TOOK OFFICE ON TUESDAY, NOVEMBER 27, 2012 FILLING THE VACANCY FOR DISTRICT VI.				
ZONING AND PLANNING	11/29/12	CR-408 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN CD1 FORM AND SCHEDULING OF A PUBLIC HEARING.				
COUNCIL/PUBLIC HEARING	12/05/12	CR-408 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING.				
		ANDERSON	BERG	CHANG	FUKUNAGA	GARCIA
		Y	Y	Y	Y	Y
		HARIMOTO	KOBAYASHI	MANAHAN	MARTIN	
		Y	Y	Y	Y	
PUBLISH	12/12/12	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.				
		NOTE: COUNCILMEMBERS MANAHAN, MENOR AND PINE TOOK OFFICE ON WEDNESDAY, JANUARY 2, 2013				
ZONING AND PLANNING	01/24/13	BILL DEFERRED IN COMMITTEE.				
ZONING AND PLANNING	02/14/13	CR-38(13) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.				

COUNCIL	02/20/13	CR-38(13) ADOPTED AND BILL 68 (2012), CD1 PASSED THIRD READING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER