



DEPARTMENT OF PUBLIC WORKS • BUILDING DIVISION

101 Pauahi Street, Suite 7, Hilo, Hawai'i 96720
74-5044 Ane Keohokālole Highway, Building E, Kailua-Kona, Hawai'i 96740

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NOTICE OF VIOLATION AND ORDER

November 18, 2022

Mr. Warren H. W. Lee, P.E.
President
Honua Ola Bioenergy
120 Pauahi Street, Suite 201
Hilo, Hawai'i 96720

SUBJECT: NOTICE OF VIOLATION AND ORDER
Location: 28-283 Sugar Mill Road, Pepeekeo Hawaii
Tax Map Key (3) 2-8-008:104

Dear Mr. Lee:

The County of Hawai'i, Department of Public Works - Building Division ("DPW-BLDG") is serving Honua Ola Bioenergy a Notice of Violation and Order ("NOV/Order") for multiple structures that were completed without permits, and/or were completed without the required inspections. The subject structures are located at 28-283 Sugar Mill Road, Pepeekeo Hawaii, Tax Map Key (3) 2-8-008:104 ("the site"). Structures on the site built without permits or construction inspections are in violation of the Hawai'i County Code ("HCC") and require immediate attention.

I. BACKGROUND

In 2013 and 2018, Honua Ola Bioenergy submitted multiple permit applications for structures that would be built at the site and comprise its biomass plant. As of this date, Honua Ola Bioenergy did not complete the permitting process. Thus, numerous structures have been completed without the required permitting and building inspections. As such, Honua Ola Bioenergy has also failed to obtain the required Certificates of Occupancy for operation.

DPW-BLDG has determined that structures on the site are in violation of the HCC Section 5-3-1 and Section 5-8-1. Attached for your reference are: Exhibit "A," which details Permit Applications that remain incomplete and Permits that were issued but have not completed all of the necessary inspections up to and including Final Inspections; and Exhibit "B," which is

an aerial image that shows multiple structures on the site that are not in compliance with the HCC.

II. NOTICE OF VIOLATION

Based upon a review of County and public records, Honua Ola Bioenergy is in violation as follows:

Codes and Sections	Violations
HCC Section 5-3-1 Permit Required.	Construction completed without required permits.
HCC Section 5-8-1 General Requirements, Division 1 General Provisions, Article 8 Inspections.	Construction completed without required inspections.
HCC Section 5-10-1 Violations.	Permit and inspection requirements have not been met.

The relevant sections of the HCC cited above are provided in full in Exhibit “C.”

III. ORDER

Upon receipt of this Notice and Order, Honua Ola Bioenergy is hereby ordered to take the following corrective action(s) at its own expense.

- (1) Honua Ola Bioenergy is ordered to complete Permit Applications for all structures on the site.**
- (2) Honua Ola Bioenergy is ordered to schedule Permit Inspections or other post-construction means to demonstrate that construction was performed in accordance with permitted plans and specifications.**
- (3) For the following structures, Honua Ola Bioenergy is ordered to complete all permitting requirements, up to and including obtaining Certificates of Occupancy:**
 - a. Above Ground Biodiesel Tank: March 30, 2023**
 - b. Turbine Building: February 16, 2023**
 - c. Chip Storage Building: February 16, 2023**
 - d. Maintenance Building: February 16, 2023**
 - e. Boiler Building: February 16, 2023**
 - f. Fuel Handling Area/Electrical Building: February 16, 2023**

- h. Fuel Yard Conveyor: February 1, 2023**
- i. Air Quality Control System: February 1, 2023**
- j. All other noncompliant Structures not listed here: March 30, 2023**

If the violations are not corrected by the deadline date, Honua Ola Bioenergy will be assessed daily fines of \$1000 per day for each structure remaining in violation of the HCC, beginning the day after the deadline date.

This Order shall become final thirty (30) calendar days after the date of receipt.

You may appeal this order to the County of Hawai'i Board of Appeals. The appeal must be received in writing by the Board of Appeals on or before the date the order becomes final, which is thirty (30) days from receipt of this Order, as mentioned above. (Form attached)
An appeal to the Board of Appeals will not stay the levying of fines or any other provision of this order.

If the fine is not paid and/or violations are not corrected, this matter may be referred to (1) the Office of the Corporation Counsel to institute a civil action in any court of competent jurisdiction for the enforcement of this order and/or (2) the Prosecuting Attorney's Office for criminal prosecution.

If this order is issued to more than one person, each person shall be jointly and severally liable for the full amount of any fine imposed by this order.

IV. CONCLUSION

If you have any questions or would like to discuss this matter, please contact the Director of Public Works at (808) 961-8321.

Respectfully,



Stephen Pause, P.E.
Director of Public Works

Cc: Malia Kekai, Esq. – Deputy Director of Public Works
Julann Sonomura, P.E. – Building Chief
Kelly Wilson- Deputy Building Chief
Sinclair Salas-Ferguson, Esq. – Deputy Corporation Counsel

Exhibit "A"

Permit Status	Permit Last Inspection Date	Permit Description	Permit Number	Permit Application Date	Permit Issue Date
Issued	7/14/2014	BOILER AREA CONCRETE FOUNDATIONS ONLY FOR AIR QUALITY CONTROL SYSTEM.	BH2013-00252_MGT	1/15/2013	2/28/2013
Issued	3/10/2022	PROPOSED RETAINING WALL TO BE BUILT AROUND EXISTING CHIP STORAGE BUILDING.	BH2013-00366_MGT	1/24/2013	3/20/2013
Resubmit Required		NEW BOILER ON EXISTING FOUNDATION PERMITTED UNDER ACTIVE PERMIT BH2013-00252	A2013-BH00403_MGT	3/15/2013	
Issued	3/10/2022	NEW CHIP STORAGE BUILDING FOUNDATION.	BH2013-00649_MGT	3/28/2013	5/6/2013
Issued	3/10/2022	NEW FUEL YARD CONVEYOR FOUNDATIONS.	BH2013-00758_MGT	3/28/2013	5/23/2013
Issued	3/10/2022	NEW ADDITIONAL AIR QUALITY CONTROL SYSTEM FOUNDATIONS, DUCT SUPPORTS, AND FAN SUPPORTS TO BOILER AREA.	BH2013-00978_MGT	4/12/2013	6/27/2013
Issued	3/11/2022	NEW STEP UP TRANSFORMER SUBSTATION AND ELECTRICAL EQUIPMENT FOUNDATION.	BH2013-00977_MGT	5/16/2013	6/27/2013
Issued	1/28/2019	ALTERATION/REPAIR FOUNDATION FOR BOILER HOUSE BUILDING . DEMOLITION PERMIT UNDER BH2017-BH00642.	BH2018-00435_MGT	1/4/2018	5/1/2018
Issued	8/8/2022	(1-Permit) As-Built: FOUNDATIONS FOR BIO-DIESEL STORAGE TANK and related improvements. Only electrical, no plumbing.	A2018-BH00041_MGT	1/4/2018	7/7/2022
Issued	10/22/2018	ALTERATION/REPAIR FOUNDATION FOR STEAM TURBINE BUILDING PEDESTAL. DEMOLITION PERMIT UNDER BH2017-BH00641.	BH2018-00436_MGT	1/11/2018	5/1/2018
Issued	3/10/2022	NEW FOUNDATION FOR FUEL HANDING AREA ELECTRICAL BUILDING.	BH2018-00438_MGT	1/11/2018	5/1/2018
Issued	3/11/2022	ALTERATION FOUNDATION FOR CHIPPER BUILDING AND NEW SLAB FOR RE-CLAIMER NO. 1 OF CONVEYOR	BH2018-00437_MGT	1/11/2018	5/1/2018
Issued	8/8/2022	(1-Permit) ALTERATION TO CONSTRUCT TURBINE BUILDING AT HU HONUA BIOENERGY SITE. BUILDING PERMIT APPLICATION #A2018-00037 PENDING REVIEW FOR REPAIR FOUNDATION FOR STEAM TURBINE BUILDING PEDESTAL.DEMOLITION BP# BH2017-00641 ISSUED FOR EXISTING STEAM TURBINE BUILDING PEDESTAL REMOVAL & CONCRETE DEMOLITION AT GROUND FLOOR OF HU HONUA BIOENERGY. This is not an Occupancy permit. THIS IS A SHELL ONLY PERMIT.	A2018-BH00283_MGT	3/15/2018	7/8/2022
Issued	9/27/2022	(1-Permit) NEW CONSTRUCTION OF FUEL HANDLING AREA-ELECTRICAL BUILDING. PENDING BUILDING PERMIT #A2018-BH00039 FOR NEW FOUNDATION FOR FUEL HANDING AREA ELECTRICAL BUILDING.	A2018-BH00284_MGT	3/15/2018	7/8/2022

Permit Status	Permit Last Inspection Date	Permit Description	Permit Number	Permit Application Date	Permit Issue Date
Issued	7/19/2022	(1-Permit) ALTERATIONS TO CONSTRUCT BOILER BUILDING. BP# APPLICATION A2018-BH00035 PENDING REVIEW FOR ALTERATION/REPAIR FOUNDATION AND BP# BH2017-00642 EXISTING BOILER HOUSE CONCRETE REMOVAL (APPROXIMATELY 950 SQUARE FEET) AROUND EXISTING STOKER FOUNDATION AT HU HONUA BIOENERGY SITE. This is not an Occupancy permit. SHELL ONLY PERMIT.	A2018-BH00282_MGT	3/15/2018	7/8/2022
Issued	8/10/2018	(1-permit) As-Built ALTERATION/ADDITION TO EXISTING BUILDING. Only electrical, no plumbing. ALTERATION TO ELEVATOR PIT FOUNDATION IN EXISTING BOILER AREA. ADDITIONS: FOUNDATION FOR BLOW DOWN TANK LOCATED EXTERIOR OF AMMONIA STORAGE AREA. FOUNDATIONS FOR LP FEEDWATER HEATER SUPPORT, COOLING WATER PIPE SUPPORT, CLOSED LOOP HEAT EXCHANGER, AND BAG FILTER (ALL LOCATED EXTERIOR OF TURBINE AREA OF BUILDING.)	A2018-BH00353_MGT	3/27/2018	7/7/2022
Resubmit Required		NEW CHIP STORAGE BUILDING FOR HU HONUA BIOENERGY FACILITY. SHELL ONLY	A2018-BH00479_MGT	5/1/2018	
Resubmit Required	1/16/2019	NEW MAINTENANCE BUILDING FOR HU HONUA BIOENERGY FACILITY. SHELL ONLY THIS IS NOT AN OCCUPANCY PERMIT..	A2018-BH00480_MGT	5/1/2018	
Resubmit Required		NEW CHIPPER BUILDING FOR HU HONUA BIOENERGY FACILITY.	A2018-BH00478_MGT	5/1/2018	
Resubmit Required		INSTALLATION OF FIRE PROTECTION SPRINKLERS AND ALARMS TO CHIPPER BUILDING UNDER BUILDING PERMIT APPLICATION #A2018-BH00478.	A2018-BH00750_MGT	6/12/2018	
Resubmit Required		INSTALLATION OF FIRE PROTECTION SPRINKLERS AND ALARMS TO BOILER BUILDING UNDER BUILDING PERMIT APPLICATION #A2018-BH00282. (this is not an occupancy permit)	A2018-BH00747_MGT	6/12/2018	
Resubmit Required		INSTALLATION OF FIRE PROTECTION SPRINKLERS AND ALARM TO TURBINE BUILDING UNDER BUILDING PERMIT APPLICATION #A2018-BH00283. note: this is not an occupancy permit.	A2018-BH00752_MGT	6/12/2018	
Resubmit Required		INSTALLATION OF FIRE PROTECTION SPRINKLERS AND ALARMS TO MAINTENANCE BUILDING UNDER BUILDING PERMIT APPLICATION #A2018-BH00480. (note: this is not an occupancy permit)	A2018-BH00748_MGT	6/12/2018	
Resubmit Required		INSTALLATION OF FIRE PROTECTION SPRINKLERS AND ALARMS TO CHIP STORAGE BUILDING UNDER BUILDING PERMIT APPLICATION #A2018-BH00479. note: this is not an occupancy permit.	A2018-BH00751_MGT	6/12/2018	

Permit Status	Permit Last Inspection Date	Permit Description	Permit Number	Permit Application Date	Permit Issue Date
Issued	11/15/2022	(1-permit) NEW STEP UP TRANSFORMER CONTROL BUILDING (12x20) TO BE BUILT ON FOUNDATION CURRENTLY UNDER CONSTRUCTION BP# BH2013-00977 AND "AS BUILT" 8ft CHAIN LINK FENCING SURROUNDING STEP UP TRANSFORMER CONTROL BUILDING AND ELECTRICAL EQUIPMENT FOUNDATION.	A2018-BH01372_MGT	8/31/2018	7/13/2022
Issued	7/19/2022	(1-permit) As-Built. MISCELLANEOUS PAD FOUNDATIONS FOR THE FUEL HANDLING BUILDING-BP#A2018-BH00284. FOUNDATIONS F20 AND F28. No electrical. No plumbing.	A2018-BH01390_MGT	9/6/2018	5/4/2022
Resubmit Required		ALTERATION TO INSTALL MECHANICAL AND PLUMBING TO TURBINE BUILDING AT HU HONUA BIOENERGY . PLEASE NOTE THE CONSTRUCTION OF TURBINE BUILDING IS STILL UNDER REVIEW SEE APPLICATION #A2018-BH00283. THIS APPLICATION IS NOT TO BE ISSUED BEFORE THE CONSTRUCTION OF TURBINE BUILDING IS ISSUED.	A2018-BH01452_MGT	9/17/2018	
In Review		PLUMBING FOR FUTURE LOCKER ROOM AT TURBINE BUILDING (SHELL ONLY UNDER APP #A2018-BH00283).	A2019-PH00004_MGT	1/2/2019	
Resubmit Required		NEW ABOVE GROUND BIO DIESEL TANK TO INCLUDE STRUCTURAL & PIPING & RELATED ELECTRICAL WORK. FOUNDATION & BLOCK WALLS UNDER PERMIT A2018-BH00041.	A2019-BH00075_MGT	1/23/2019	
In Review		NEW ABOVE GROUND BIO DIESEL TANK TO INCLUDE STRUCTURAL & PIPING & RELATED ELECTRICAL WORK. FOUNDATION & BLOCK WALLS UNDER PERMIT A2018-BH00041.	A2019-EH00105_MGT	1/24/2019	

Exhibit "B"

11/18/22, 11:24 AM

28-283 Sugar Mill Rd - Google Maps



Google Maps Aerial View of the site, 2022

Exhibit "C"

Section 5-3-1. Permit required; generally.

- (a) Except as provided in division 2, no person shall perform any of the following work or cause or permit the same to be done on any building or structure in the County, without first obtaining a permit for this work from the authority having jurisdiction:
- (1) Erect, construct, enlarge, alter, repair, relocate, improve, remove, convert, or demolish any building or structure;
 - (2) Erect, install, enlarge, alter, repair, remove, convert, or replace any electrical work; or
 - (3) Erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing, fire sprinkler, gas, or drainage piping work, or any fixture, gas appliance, water heating, or water treating equipment.
- (b) A permit shall be required for, but not limited to, the following:
- (1) Gas tanks and piping.
Installation, removal, alteration, repair, or replacement of all gas tanks and piping on private property.
 - (2) Handicap accessible routes.
Construction or renovation of handicap accessible routes from parking lot to building or from building to building on a lot.
 - (3) Retaining walls.
Erection, construction, enlargement, alteration, repair, moving, conversion, or demolition of retaining walls four feet and higher. Stepped or terraced retaining walls within eight feet of each other are considered to be one wall when determining wall height.
 - (4) Solar photovoltaic systems.
Complete new installations of all solar photovoltaic residential and non-residential systems, or the replacement of an existing system with all new components, or relocation of panels from roof to ground or vice versa.
 - (5) Solar water heating systems or components.
Complete new installations of all solar water heating systems, the complete replacement of existing system with all new components, or relocation of panels from roof to ground or vice versa.
 - (6) Television or radio communication towers.
Erect, construct, enlarge, alter, repair, relocate, convert, or demolish any television or radio communication tower that is not regulated by the public utilities commission.
 - (7) Water tanks or catchments.
Installation, removal, alteration, repair, or replacement of water tanks or catchments intended for potable use, household use, or fire protection, regardless of height or size. For additional requirements where water tank or catchment systems are used as means of fire protection, see chapter 26, Hawai'i County Code.
 - (8) Air conditioning systems. Installation, removal, alteration, repair, or conversion of any heating, ventilation, or air conditioning system.

HCC Article 8 Inspections, Division 1 General Provisions

Section 5-8-1. General requirements.

- (a) All construction or work for which a permit is required shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of the construction code. Approval as a result of an inspection shall not be construed to approve violations of the provisions of the construction code, or of any other laws. Inspections that either presume to authorize violations of or to nullify the provisions of the construction code or of other laws shall not be valid.
- (b) It shall be the duty of the permit holder or their agent, to cause the work to remain accessible and exposed for inspection purposes. Neither the authority having jurisdiction nor the County shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection of construction or work, or to survey a lot.
- (c) The authority having jurisdiction may require a survey of the lot to verify that the approved plans accurately reflect the location of the structure.

Section 5-8-2. Work shall be visible for inspection.

- (a) No person shall:
 - (1) Conceal, enclose, or cover or cause or permit to be concealed, enclosed, or covered, any portion of any work or equipment for which a permit is required by the construction code, in any manner that will interfere with or prevent the inspection and approval thereof; or
 - (2) Remove any notice not to conceal, enclose or cover any portion of any work or equipment, placed thereon by the authority having jurisdiction.
- (b) No work that is subject to the permitting provisions of the construction code, shall be covered or concealed until two working days after a scheduled inspection or until the authority having jurisdiction has approved the installation and given permission to cover or conceal the same. It shall be the duty of the permit holder or their agent to cause the work to remain accessible and exposed for inspection purposes.

- (1) Residential installations.

In residential installations, if the permitted work is covered or concealed without an inspection, the contractor will provide verification that the concealed work complies with all the provisions of the construction code in a letter and an inspection report stamped and signed by the professional of record who is licensed in the State of Hawai'i, as an architect or professional structural engineer. Should the authority having jurisdiction condemn any of said work or equipment as not being in accordance with the provisions of the construction code, notice in writing to that effect shall be given to the person doing the work authorized by the permit or posted at the job site.

(2) **Non-residential installations.**

In non-residential installations, no framing, electrical wiring, plumbing or mechanical ducts or equipment shall be covered or concealed until two working days have expired after the scheduled inspection or until the authority having jurisdiction has approved the installation, and given permission to cover or conceal the same. If the permitted work is covered or concealed without inspection, the contractor will provide verification that the concealed work complies with all the provisions of the construction code. Should the authority having jurisdiction condemn any of said work or equipment as not being in accordance with the provisions of the construction code, notice in writing to that effect shall be given to the person doing the work authorized by the permit or posted at the job site.

- (c) After inspection, if the authority having jurisdiction finds that the work does not conform in all respects with the provisions of the construction code, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment fully complies with the provisions of this code. These changes shall be completed within a reasonable amount of time thereafter. Further work may not be connected on or with the condemned work or equipment until these changes are made.
- (d) In default, the contractor or owner-builder shall be liable for the penalties provided in the construction code, resulting from violations of this article. Further, any and every owner, contractor, or other person engaged in construction of the building or structure, or otherwise, covering or allowing to be covered such portion of work or equipment, or removing any notice not to cover same placed thereon by the authority having jurisdiction shall likewise be liable for the penalties provided in the construction code.

(2020, ord 20-61, sec 2.)

Section 5-8-3. Requests for inspection.

- (a) Whenever any work regulated by the construction code, or any portion thereof, is ready for inspection, the person doing the work authorized by the permit shall file a request for inspection with the authority having jurisdiction. The request for inspection may be filed in writing via forms furnished by the authority having jurisdiction, in-person delivery, online, or facsimile transmittal. Alternatively, a request for inspection may be communicated by telephone, if allowed by the authority having jurisdiction.
- (b) It shall be the duty of the person doing the work authorized by the permit, to make sure that the work will stand the tests prescribed elsewhere in the construction code, before filing a request for inspection.
- (c) The request for inspection shall be filed with the authority having jurisdiction not less than two working days and not more than three working days before any such inspection is desired.

- (d) Within two working days after receipt of such request, not including weekends or holidays, the authority having jurisdiction shall either proceed with the inspection or arrange with the contractor to reschedule the inspection for a later date. This rescheduled inspection may take place beyond two working days after receipt of the request for inspection.

(2020, ord 20-61, sec 2.)

Section 5-8-4. Inspections.

- (a) The authority having jurisdiction, upon receipt of a request for an inspection from the permit holder or their agent, shall inspect the work as provided in this section and shall either approve that portion of the construction as completed or notify the permit holder or the permit holder's agent if the same fails to comply with the construction code.
- (b) Building work for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of this chapter and specifically: chapter 5A, the building code; chapter 5B, the residential building code; and chapter 5C, the existing building code. Inspections shall be conducted in accordance with the following:
 - (1) During inspections the contractor shall be present on the job site upon request of the authority having jurisdiction.
 - (2) Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
 - (3) Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, termite spray, vapor barriers, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 - (4) Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
 - (5) Insulation inspections as required shall be made after the framing inspection and before the lathing inspection.
 - (6) Lathing inspections shall be made after all lathing and gypsum board, interior and exterior, and which are required to be fire-resistive are in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception:

Lath and gypsum board installed in Group R, Division 3 and Group U Occupancies.

- (c) Electrical wiring for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of chapter 5D, the electrical code, before being concealed, energized, or used. All fees required by the construction code shall be paid by the permit applicant prior to the energizing or use of such wiring.

Inspections shall be conducted in accordance with the following:

- (1) The supervising electrician or electrical contractor shall be present on the job site upon request of the authority having jurisdiction.
 - (2) No person shall use, operate, or maintain, or cause or authorize to be used, operated, or maintained, any electric wiring until it is approved.
 - (3) No serving agency shall supply or cause or authorize to be supplied, permanent electric energy to any electric service until the service has been inspected and approved by the authority having jurisdiction.
 - (4) Fixtures, appliances, devices, or equipment shall not be connected to any electric wiring until the rough electric wiring, including conductors, have been inspected and approved by the authority having jurisdiction.
 - (5) All obstructions, covers, plates, tapes, light fixtures, etc., that make a thorough inspection of electric wiring impracticable shall be removed upon notice (either verbal or in writing) to do so, and shall remain removed until the electric wiring has been inspected and approved.
 - (6) Permanent electrical service must be energized prior to requesting an electrical final inspection pursuant to section 5-8-5.
- (d) Plumbing, gas, and drainage systems for which a permit is required, shall be inspected by the authority having jurisdiction to ensure compliance with the requirements of the construction code and specifically chapter 5F, the plumbing code. All fees required by this code shall be paid by the permit applicant prior to the use of the plumbing system. Inspections shall be conducted in accordance with the following:
- (1) During inspections the supervising plumber or plumbing contractor shall be present on the job site upon request of the authority having jurisdiction.
 - (2) No person shall use, operate, or maintain, or cause or authorize to be used, operated, or maintained, any plumbing system until it is approved.
 - (3) Fixtures, appliances, devices, or equipment shall not be connected to any plumbing system until the rough piping has been inspected and approved by the authority having jurisdiction.
 - (4) All obstructions, covers, plates, tapes, light fixtures, etc., that make a thorough inspection of the plumbing system impracticable shall be removed upon notice (either verbal or in writing) to do so, and shall remain removed until the plumbing system has been inspected and approved.

(e) Authority to proceed.

After inspection, if the authority having jurisdiction finds that the work conforms in all respects with the provisions of the construction code, a notice granting authority to proceed with the work shall be given.

- (f) After inspection, if the authority having jurisdiction finds that the work does not conform in all respects to the provisions of the construction code, the work or equipment shall be altered or removed as required, and necessary changes shall be made so that all such work and equipment fully complies with the provisions of this code. These changes shall be completed within a reasonable amount of time thereafter. Further work may not be connected on or with the condemned work or equipment until these changes are made.
- (g) The authority having jurisdiction may request that at least one side of the enclosed walls of unpermitted structures be open, prior to inspection.

(2020, ord 20-61, sec 2; am 2021, ord 21-61, sec 12.)

Section 5-8-5. Final inspection.

- (a) The final inspection shall be made after all work required by the permit is completed.
- (b) A certificate of inspection may be issued upon request by the contractor on record, provided all fees required by the construction code have been satisfied.

(2020, ord 20-61, sec 2.)

Section 5-8-6. Special inspection.

- (a) When application is made for a permit as described in article 4 of this chapter, the owner or person who is licensed in the State of Hawai'i as an architect or professional engineer who is acting as the owner's agent, shall employ one or more special inspectors to provide inspections during construction on the types of work listed under chapter 17 of the International Building Code. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the authority having jurisdiction, to inspect the particular type of construction or operation requiring special inspection.
- (b) These inspections are required in addition to the inspections specified in sections 5-8-4 and 5-8-5 and shall be designated on the form provided by the authority having jurisdiction.

(2020, ord 20-61, sec 2.)

Section 5-8-7. Regulatory inspection.

The authority having jurisdiction may conduct regulatory inspections, upon request and after receipt of payment of the appropriate fee pursuant to article 7.

Section 5-10-1. Violations.

It shall constitute a violation of the construction code for any person to cause or authorize the following to be done:

- (1) Violate any provision of the construction code or permit or variance issued pursuant to the construction code;
- (2) Erect, construct, enlarge, alter, repair, relocate, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, or cause or authorize the same to be done in violation of the construction code, including but not limited to: chapter 5A, the building code; chapter 5B, the residential building code; and chapter 5C, the existing building code;
- (3) Perform any electrical work or authorize the same to be done in violation of the construction code, including but not limited to chapter 5D, the electrical code;
- (4) Perform any plumbing work or authorize the same to be done in violation of the construction code, including but not limited to chapter 5F, the plumbing code; or
- (5) Perform any work covered by the construction code or authorize the same to be done in violation of the provisions of chapter 448E, Hawai'i Revised Statutes, relating to the licensing of electricians and plumbers.