

ORDINANCE NO. 09 48 BILL NO. 385  
(DRAFT 2)

**AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO BUILDING ENERGY EFFICIENCY STANDARDS.**

**BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:**

SECTION 1. Purpose. The purpose of this ordinance is to repeal divisions 1-14 of chapter 5, article 2 of the Hawai‘i County Code and replace those provisions with the contents of the 2006 International Energy Conservation Code, March 2007 Edition, as amended. This action will enable the County to meet national and international energy standards, ensure that our residential and commercial buildings are not only safe but also energy efficient, and move the county towards the energy-efficiency goals established by the Sustainability 2050 Task Force. Division 15 of article 2, chapter 5, relates to indigenous architecture as adopted by Ordinance No. 07-164, and shall be retained as a separate article, as set out in Section 4 of this ordinance.

SECTION 2. Chapter 5, article 2, Hawai‘i County Code 1983 (2005 Edition, as amended), is hereby repealed in its entirety.

SECTION 3. Chapter 5, article 2, Hawai‘i County Code 1983 (2005 Edition, as amended), is hereby replaced with the contents of the “2006 International Energy Conservation Code”, March 2007 Edition, published by the INTERNATIONAL CODE COUNCIL, INC., Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, and further amended to read as follows:

**“Article 2. Adoption of the International Energy Conservation Code, 2006 Edition.**

**Section 5-2.1.1.** Adoption of the International Energy Conservation Code.

- (a) The “2006 International Energy Conservation Code”, March 2007 Edition, published by the INTERNATIONAL CODE COUNCIL, INC., Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 and amendments as set out in section 3(a), is adopted by reference and made a part of this chapter, subject to the amendments in this article.
- (b) Copies of the 2006 International Energy Conservation Code, March 2007 Edition, and amendments thereto shall be available at the department of public works and the office of the county clerk.

- (1) Amending Section 101.1. Section 101.1 is amended to read:

**“Section 101.1 Title.** This code shall be known as the *International Energy Conservation Code* of the County of Hawai‘i, and shall be cited as such. It is referred to herein as “this code”.”

- (2) Amending Section 101.5.2. Section 101.5.2 is amended to read:

**“Section 101.5.2 Low energy buildings.** Buildings, or portions thereof, separated from the remainder of the building by building thermal envelope assemblies complying with this code and with a peak design rate of energy usage less than 3.4 Btu/h·ft<sup>2</sup> (10.7 W/ m<sup>2</sup>) or 1.0 watt/ft<sup>2</sup> (10.7 W/m<sup>2</sup>) of floor area shall be exempt from the building thermal envelope provisions of this code.”

- (3) Amending Section 202. Section 202, General Definitions, is amended by adding a definition for “Fully Shaded Windows” to read:

**“FULLY SHADED WINDOWS.** Windows protected from direct solar heat gain by a projection factor of no less than 1.0.”

- (4) Amending Section 401.1. Section 401.1 is amended to read:

**“401.1 Scope.** This chapter applies to residential buildings, including those that do not contain conditioned space.”

- (5) Amending Table 402.1.1. Footnote h is added to Table 402.1.1 to read:

**“TABLE 402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**

Climate Zone	Fenestration U-Factor	Skylight <sup>b</sup> U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement <sup>c</sup> Wall R-Value	Slab <sup>d</sup> R-Value & Depth	Crawl Space Wall R-Value
1	1.20	0.75	0.40	30 <sup>h</sup>	13	3	13	0	0	0
2	0.75	0.75	0.40	30	13	4	13	0	0	0
3	0.65	0.65	0.40 <sup>e</sup>	30	13	5	19	0	0	5 / 13
4 except Marine	0.40	0.60	NR	38	13	5	19	10 / 13	10, 2 ft	10 / 13
5 and Marine 4	0.35	0.60	NR	38	19 or 13+5 <sup>g</sup>	13	30 <sup>f</sup>	10 / 13	10, 2 ft	10 / 13
6	0.35	0.60	NR	49	19 or 13+5 <sup>g</sup>	15	30 <sup>f</sup>	10 / 13	10, 4 ft	10 / 13
7 and 8	0.35	0.60	NR	49	21	19	30 <sup>f</sup>	10 / 13	10, 4 ft	10 / 13

For SI: 1 foot = 304.8 mm.

- a. *R*-values are minimums. *U*-factors and SHGC are maximums. R-19 shall be permitted to be compressed into a 2 × 6 cavity.
- b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- d. R-5 shall be added to the required slab edge *R*-values for heated slabs.
- e. There are no SHGC requirements in the Marine zone.
- f. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- g. “13+5” means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- h. The ceiling insulation alternative in Section 402.1.1.1 can be used as an equivalent alternative for R-30.”

- (6) Amending Section 402.1.1. Section 402.1.1 is amended by adding Section 402.1.1.1 to read:

**“402.1.1.1 Ceiling insulation alternative.** When Table 402.1.1 requires R-30 for insulation of ceiling areas, the following alternate methods of insulation and construction are acceptable:

1. The opaque portions of roof assemblies shall include at least one of the following:
  - 1.1. R-19 insulation between roof or ceiling framing members;
  - 1.2. Two inches of foam board insulation;
  - 1.3. A radiant barrier as provided in Subsection 5 and ventilation as provided in Subsection 4;
  - 1.4. A cool roof as provided in Subsection 6 and a radiant barrier as provided in Subsection 5; or
  - 1.5. Roof heat gain factor is less than 0.05 when calculated in accordance with Subsection 8.
2. For the purpose of this section, the following terms shall be defined as follows:
  - 2.1. NET FREE VENT AREA. Net free vent area means the total area through which air can pass in a screen, grille face or register.
  - 2.2. ROOF AREA. Roof area means attic floor area; or, if there is no attic, "roof area" means the horizontal projection of roof area measured from the outside surface of the exterior walls.
  - 2.3 GROSS AREA OF OPAQUE ROOF SURFACES. Gross area of opaque roof surfaces means the total surface of the roof assembly exposed to outside air or unconditioned spaces. The opaque roof assembly shall exclude skylight surfaces, service openings, and overhangs.

3. Plans shall indicate insulation type, thickness, and location; ventilation opening types, sizes and locations; radiant barrier location; and roof surface type as appropriate, depending on the option selected from Subsection 1.
4. For compliance with Subsection 1.3, additional ventilation of the space containing a radiant barrier shall be provided by at least one of the following:
  - 4.1. A baffled ridge vent installed in accordance with the manufacturer's instructions in addition to lower inlet openings to provide a total of no less than one square foot of net free vent area for each 300 square feet of roof area. No less than 30 percent of the total vent area shall be in either the ridge vent or the lower half of the ventilated space.
  - 4.2. A solar-powered exhaust fan that provides at least one cubic foot per minute of airflow for each square foot of roof area.
  - 4.3. Upper and lower vents with total net free vent area of at least one square foot for each 150 square feet of roof area. At least 30 percent of the total vent area shall be in the upper half of the ventilated space and at least 30 percent of the total vent area shall be in the lower half of the ventilated space.
5. For compliance with Subsections 1.3 or 1.4, a radiant barrier shall have an emissivity of no greater than 0.05 as tested in accordance with ASTM E-408. The radiant barrier shall be installed with the shiny side facing down and with a minimum air gap thickness of ¾ inch below. The radiant barrier may be securely attached to the roof framing or may be laminated to the bottom of the roof sheathing.  
A radiant barrier is a sheet of material with a low emissivity on at least one side that is used to reduce radiant heat transfer. Radiant barriers typically have a shiny metallic appearance.
6. For compliance with Subsection 1.4, a cool roof shall have an infrared emittance of no more than 0.75 when tested in accordance with ASTM E-408 and a high solar reflectance. The manufacturer's test results shall be acceptable for compliance. A cool roof has both a light color (high solar reflectance) and a high emittance (can reject heat back to the environment). White painted surfaces and other smooth white coatings typically meet these requirements. Surfaces that do not meet the requirements include unpainted metal and metalized roof coatings (silver appearance).
7. At building sites higher than a 2,400-foot elevation, only Subsections 1.1 or 1.2 shall be acceptable for compliance.
8. For purposes of compliance with Subsection 1.5, the Roof Heat Gain Factor (RHGF) shall be calculated as described in Equation 8-1.

Equation 8-1

$$RHGF = U_r \times \alpha \times RB$$

Where:

$RHGF$  = Roof Heat Gain Factor [Btu/ft<sup>2</sup>-h-°F]

$U_r$  = overall thermal transmittance value for the gross area of opaque roof surfaces [Btu/ft<sup>2</sup>-h-°F]

$\alpha$  = roof surface absorptivity. Between 0.3 and 1.0 [unitless]

$RB$  = Radiant Barrier credit. Equals 0.33 if a radiant barrier is installed and 1.00 otherwise [unitless]. Radiant barrier installation must comply with subsection 8.1 to qualify for Radiant Barrier credit.

8.1. To qualify for the radiant barrier credit (RB) described in Subsection 8, the installation of the radiant barrier must meet the following criteria:

8.1.1. The emissivity of the radiant barrier must be 0.10 or less. The manufacturer must provide test data or documentation of the emissivity as tested in accordance with ASTM E-408.

8.1.2. The radiant barrier must be securely installed in a permanent manner using one of the following installation methods:

8.1.2.1. The radiant barrier shall be draped with the shiny side facing down over the top cord of the truss before the roof deck is installed. A minimum air gap of  $\frac{3}{4}$  inch must be provided between the radiant barrier and the roof deck above at the center of the span. A minimum  $\frac{3}{4}$  inch air gap must also be provided between the radiant barrier and the ceiling or insulation below.

8.1.2.2. The radiant barrier shall be stretched with the shiny side facing down between the top cords of the truss and stapled or otherwise secured at each side. A minimum air space of  $\frac{3}{4}$  inch above and below is required.

8.1.2.3. For attic installations only, the radiant barrier shall be stapled or otherwise secured to the bottom surface of the top cord of the truss and draped below with the shiny side facing down. A minimum air space of  $\frac{3}{4}$  inch above and below is required.

8.1.2.4. For open beam ceiling construction only, the radiant barrier shall be laid on top of the roof deck with the shiny side facing up and a minimum  $\frac{3}{4}$  inch air gap between the radiant barrier and the roofing material above. The roof slope must be greater than or equal to  $14^\circ$  from horizontal.

8.1.3. At least one square foot of free area for ventilation shall be provided per 150 square feet of attic floor area, or in the case of vaulted or open-beam ceilings, per 150 square feet of ceiling area. In vaulted or open beam ceilings, the air space shall be vented with vent area approximately evenly distributed between the top and the bottom. In vaulted ceilings, vents shall be provided for each air space between rafters.”

(7) Amending Table 402.1.3. Footnote b is added to Table 402.1.3 to read:

“TABLE 402.1.3 EQUIVALENT *U*-FACTORS <sup>a</sup>

Climate Zone	Fenestration <i>U</i> -Factor	Skylight <i>U</i> -Factor	Ceiling <i>U</i> -Factor	Frame Wall <i>U</i> -Factor	Mass Wall <i>U</i> -Factor	Floor <sup>b</sup> <i>U</i> -Factor	Basement Wall <i>U</i> -Factor	Crawl Space Wall <i>U</i> -Factor
1	1.2	0.75	0.035	0.082	0.197	0.064	0.360	0.477
2	0.75	0.75	0.035	0.082	0.165	0.064	0.360	0.477
3	0.65	0.65	0.035	0.082	0.141	0.047	0.360	0.136
4 except Marine	0.40	0.60	0.030	0.082	0.141	0.047	0.059	0.065

5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.060	0.06	0.033	0.059	0.065
7 and 8	0.35	0.60	0.026	0.057	0.057	0.033	0.059	0.065

- a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.
- b. Including framed floors and knee walls.”

(8) Amending Section 402.2.2. Section 402.2.2 is amended to read:

“**402.2.2 Ceilings without attic spaces.** Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-19.”

(9) Amending Section 402.3.3. Section 402.3.3 is amended to read:

“**402.3.3 Glazed fenestration exemption.** Fully shaded windows, north-facing windows and up to 15 square feet (1.4 m<sup>2</sup>) of glazed fenestration per dwelling unit shall be permitted to be exempt from *U*-factor and SHGC requirements in Section 402.1.1.”

(10) Amending Section 402.4.1. Section 402.4.1 is amended by adding Section 402.4.1.1 to read:

“**402.4.1.1. Non-conditioned building exemption.** Non-conditioned residential buildings are exempt from compliance with Section 402.4. The free-vent fenestration area of non-conditioned buildings shall be no less than 14 percent of the floor area. All interior doors shall be capable of being secured in the open position and ceiling fan stub-ins shall be provided to living areas and bedrooms.”

(11) Amending Section 402.4.2. Section 402.4.2 is amended to read:

“**402.4.2 Fenestration air leakage.** Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot (1.5 L/s/m<sup>2</sup>), and swinging doors no more than 0.5 cfm per square foot (2.6 L/s/m<sup>2</sup>), when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and listed and labeled by the manufacturer.

Exceptions:

- 1. Site-built windows, skylights and doors;
- 2. Jalousie windows shall not exceed 1.2 cfm per square foot (6.1 L/s/m<sup>2</sup>).”

(12) Amending Section 403. Section 403 is amended by adding Section 403.7 to read:

**“403.7 Residential pools.** Residential pools shall be provided with energy conserving measures in accordance with Sections 403.7.1 through 403.7.3.

403.7.1 Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas shall not have continuously burning pilot lights.

403.7.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation;
2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.

403.7.3 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

Exception: Pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy source.”

(13) Amending section 503.2.9. Section 503.2.9 is amended by repealing section 503.2.9 in its entirety and replaced to read as follows:

**“503.2.9 Mechanical systems commissioning and completion requirements.**

503.2.9.1 System commissioning. Commissioning is a process that verifies and documents that the selected building systems have been designed, installed, and function according to the owner’s project requirements and construction documents. Drawing notes shall require commissioning and completion requirements in accordance with this section. Drawing notes may refer to specifications for further requirements. Copies of all documentation shall be given to the owner.

503.2.9.1.1 Commissioning plan. A commissioning plan shall include as a minimum the following items:

1. A detailed explanation of the original owner’s project requirements,
2. A narrative describing the activities that will be accomplished during each phase of commissioning, including guidance on who accomplishes the activities and how they are completed,
3. Equipment and systems to be tested, including the extent of tests,
4. Functions to be tested (for example calibration, economizer control, etc.),
5. Conditions under which the test shall be performed (for example winter and summer design conditions, full outside air, etc.), and
6. Measurable criteria for acceptable performance.

503.2.9.1.2 Systems adjusting and balancing. All HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within 10 percent of design rates. Test and balance activities shall include as a minimum the following items:

1. Air systems balancing: Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the *2006 International Mechanical Code, InternationalCode Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL. 60478-5795*. Discharge dampers are prohibited on constant volume fans and variable volume fans with motors 10 hp (18.6 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.

Exception: Fan with fan motors of 1 hp or less.

2. Hydronic systems balancing: Individual hydronic heating and cooling coils shall be equipped with means for balancing and pressure test connections. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.

Exception: Pumps with pump motors of 5 hp or less.”

(14) Amending Section 505.7 Section 505.7 is amended to read:

**“505.7 Electrical energy consumption. (Mandatory).** In buildings having individual dwelling or subtenant units, provisions shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling and subtenant units. Tenants shall have ready physical access to meters. Meters shall display kWh consumption and be calibrated in accordance with ANSI C12.1-2008.”

(15) Amending Chapter 6 Chapter 6, Referenced Standards, is amended by adding the following specifications to the ANSI and ASTM categories, to read:

ANSI		
Standard reference number	Title	Referenced in code section number
C12.1-2008	Electric Meters Code for Electricity Metering.....	505.7
ASTM		
Standard reference number	Title	Referenced in code section number
E 408-2008	Standard Test Methods for Total Normal Emittance of Surfaces Using Inspection Meter Techniques.....	402.1.1.1 #5, 402.1.1.1 #6, 402.1.1.1 #8.1.1”

SECTION 4. Chapter 5, Hawai'i County Code 1983 (2005 Edition, as amended) is amended by adding an article to read as follows:

**“Article 3. Indigenous Architecture.**

**Section 5-3.1 Policy.**

This code shall be administered with due consideration given to the County policy that indigenous Hawaiian architecture furthers the County's compelling interests in cultural, environmental, and historic preservation; energy efficiency; economic development; aesthetic beauty; and public safety. For purposes of this section, indigenous Hawaiian architecture includes any of the predominant architectural practices, customs, styles, and techniques historically employed by the native residents of the Hawaiian Islands, including structures comprised of either rock walls or wood frames for the bottom portion of structures and thatch of different native grasses and leaves for the roof.

**Section 5-3.2 Rules.**

The building official shall adopt rules to further the County policy on indigenous Hawaiian architecture.

**Section 5-3.3 Bill.**

Within twenty-four months of this division's effective date, the building official shall submit a proposed bill to the council to revise this chapter with the purpose of more equitably and efficiently furthering the County policy on indigenous Hawaiian architecture. The proposed bill shall contain rules that specifically identify predominant architectural practices, customs, styles, and techniques historically employed by the native residents of the Hawaiian Islands and their descendants. The rules shall express general approval of such practices, customs, styles, and techniques, to the extent that they do not conflict with the building code's overall purposes.

**Section 5-3.4. Alternate materials, alternate design and methods of construction.**

- (a) The provisions of this code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed in this code, including elements based on or inspired by principles of indigenous architecture, such as those associated with structures comprised of either rock walls or wood frames for the bottom portion of structures and thatch of different native grasses and leaves for the roof, provided any alternate has been approved and its use authorized by the building official.
- (b) The building official may approve any such alternate, provided the building official has previously granted an exception and the building official finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.
- (c) The following materials are examples of the types of materials that may be considered by the building official, if used for the construction or renovation of a structure that is based on or inspired by principles of indigenous architecture:
  - (1) Wood for house timbers (walls): hamau, kauila, lama, nioi, and 'ohi'a; and

- (2) House thatch and lining material (roof): lala'ama'u (fern fronds); lauhulu and lau mai'a (banana leaves); pa'a'a mai'a (banana trunk layers); pili, maoli, pu'upu'u pueo, kawelu, kiolohia, 'aka 'akai, uki, and lele (grasses and leaves, sedges, bulrushes); lauhala, ko'o, i'o k'o, mu'o hala, pu'awa, pukani, pilila'ele, la'ele, pala lauhala, pa'ilau'ula, and ki (pandanus leaf); and lau ko, lau'o, lako, and la'o (sugarcane leaves).
- (d) The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of the alternate. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

**Section 5-3.5. Housing code exclusion.**

All indigenous Hawaiian architecture structures constructed in accordance with this chapter are not required to comply with requirements in chapter 11, Hawai'i County Code, pertaining to the housing code.

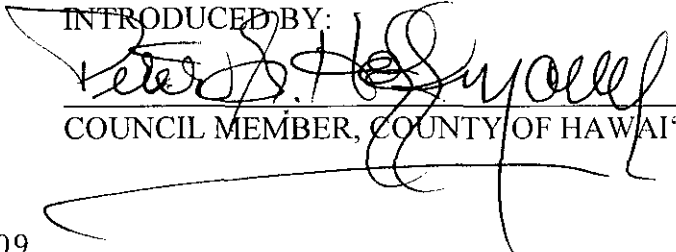
**Section 5-3.6. Indemnification and responsibility.**

The property owner shall defend, indemnify and hold harmless the County, its officers and agents, from all claims, demands, suits, actions or proceedings of every name, character and description which may be brought against the County for or on account of any injuries or damages to any person or property as a consequence of any work done under a permit issued for an indigenous Hawaiian architecture structure.”

SECTION 5. Nothing in this ordinance or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall take effect one year after its approval.

INTRODUCED BY:  
  
 COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawai'i  
 Date of Introduction: April 8, 2009  
 Date of 1<sup>st</sup> Reading: April 8, 2009  
 Date of 2<sup>nd</sup> Reading: April 22, 2009  
 Effective Date: May 11, 2010

REFERENCE: **Comm:** 141.9

OFFICE OF THE COUNTY CLERK  
 County of Hawai'i  
 Kona, Hawai'i

RECEIVED

Introduced By: Pete Hoffmann  
 Date Introduced: April 8, 2009  
 First Reading: April 8, 2009  
 Published: April 17, 2009

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Second Reading: April 22, 2009  
 To Mayor: April 30, 2009  
 Returned: May 12, 2009  
 Effective: May 11, 2010  
 Published: May 19, 2009

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
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2009 ROLL CALL VOTE

	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell	X			
Hoffmann	X			
Ikeda			X	
Naeole			X	
Onishi	X			
Yagong			X	
Yoshimoto	X			
	6	0	3	0

ROLL CALL VOTE

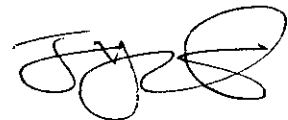
	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell	X			
Hoffmann	X			
Ikeda	X			
Naeole	X			
Onishi	X			
Yagong	X			
Yoshimoto	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

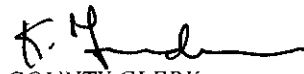
APPROVED AS TO  
 FORM AND LEGALITY:

Julia H. Beckler  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 5/5/09



COUNCIL CHAIRMAN



COUNTY CLERK

Bill No.: 385 (Draft 2) (2006-2008)

Reference: C-141.9/PWIRC-17

Ord No.: 09 48

Approved/Disapproved this 11th day

of May, 2009

Wm. M. G. ...  
 MAYOR, COUNTY OF HAWAII

**Ordinances Numbered 09-48, 09-49, 09-50, 09-51, 09-52, 09-53, 09-54, 09-55, 09-56, & 09-57**

I hereby certify that the following Ordinances passed second and final reading at the meeting of the County Council on April 22, 2009, by vote, as listed below:

**Ordinance 09-48 (Bill 385, Draft 2) (2006-2008):** An Ordinance Amending Chapter 5, Article 2 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Building Energy Efficiency Standards. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-49 (Bill 30, Draft 2):** An Ordinance Amending Ordinance No. 06-137, Which Amended Ordinance No. 95-118, Which Amended Ordinance No. 92-36, Which Reclassified Lands From Unplanned (U) and Double-Family Residential – 3,750 Square Feet (RD-3.75) to Multiple Family Residential – 2,500 Square Feet (RM-2.5) and Village Commercial – 7,500 Square Feet (CV-7.5), Respectively, at Hienaloli 4<sup>th</sup> and 5<sup>th</sup>, North Kona, Hawai'i, Tax Map Key: 7-5-10:Portion of 13 (Formerly 7-5-23:63). AYES: Council Members Enriques, Ford, Greenwell, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 8; NOES: Council Member Hoffmann – 1; ABSENT: None; EXCUSED: None.

**Ordinance 09-50 (Bill 31, Draft 2):** An Ordinance Amending Ordinance No. 06-138, Which Amended Ordinance No. 90-010, Which Amended Ordinance No. 86-49, Which Reclassified Lands From Multiple Family Residential – 2,000 Square Feet (RM-2) to Village Commercial – 7,500 Square Feet (CV-7.5) at Hienaloli 5<sup>th</sup> and 6<sup>th</sup>, North Kona, Hawai'i, Tax Map Key: 7-5-10:Portion of 13 (Formerly 7-5-23:64 and 67). AYES: Council Members Enriques, Ford, Greenwell, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 8; NOES: Council Member Hoffmann – 1; ABSENT: None; EXCUSED: None.

**Ordinance 09-51 (Bill 34):** An Ordinance Amending the State Land Use Boundaries Maps for the County of Hawai'i by Changing the District Classification From the Agricultural to the Urban District at Kea'au, Puna, Hawai'i, Covered by Tax Map Key: 1-6-003:018 and 023. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-52 (Bill 35, Draft 2):** An Ordinance Amending Section 25-8-22 (Puna District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification From Agricultural – 20 Acres (A-20a) to Light Industrial – 1 Acre (ML-1a) at Kea'au, Puna, Hawai'i, Covered by Tax Map Key: 1-6-003:018 and 023. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-53 (Bill 51):** An Ordinance to Amend Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-54 (Bill 58):** An Ordinance to Amend Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-55 (Bill 59):** An Ordinance to Amend Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-56 (Bill 60):** An Ordinance to Amend Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.

**Ordinance 09-57 (Bill 61):** An Ordinance to Amend Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Ikeda, Naeole, Onishi, Yagong, and Chair Yoshimoto – 9; NOES: None; ABSENT: None; EXCUSED: None.



Kenneth G. Goodenow  
County Clerk

(Hawai'i Tribune-Herald – May 19, 2009)

(West Hawai'i Today - May 19, 2009)

**Note:** The original Digest/Affidavit is attached to Ordinance 09-48.