



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
State Fire Council
830 Punchbowl Street
Honolulu, Hawaii 96813

February 19, 2008

The Honorable Tommy Waters, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Waters:

Subject: H.B. 2436, H.D. 1 Relating to Fireworks

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 2436, H.D. 1, which amends the definition of display fireworks and clarifies fireworks prohibitions, including prohibiting minors from selling fireworks.

The SFC and the HFD recommend the following revisions to SECTION 2. Section 132D-5, Hawaii Revised Statutes to read as follows:

- “(a) It shall be unlawful for any person without a permit to:
- (1) Remove or extract the pyrotechnic contents from any fireworks;
 - (2) Throw, set off, fire, or cause to be exploded any ignited fireworks:
 - (A) From, at, or into any motor vehicle;
 - (B) From above the first floor of any building;
 - (C) Within one thousand feet from any operating hospital, convalescent home, permitted home for the elderly, animal hospital, or other facility established for the exhibition and protection of animals;

The Honorable Tommy Waters, Chair
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- (D) On any highway, alley, street, sidewalk, or other public way; in any park; public beach; within fifty feet from a cane field; or
- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:
 - (A) In any school building or on any school grounds and yards without first obtaining authorization from appropriate school officials;
 - (B) Within one thousand feet from any building used for public worship during the periods when services are held at any time; and
 - (C) Within five hundred feet from any hotel.

H.B. 2436, H.D. 1 would greatly assist in the enforcement and regulation of the fireworks control law.

The SFC and the HFD request your committee's support on the passage of H.B. 2436, H.D. 1.

Should you have any questions, please call SFC Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
State Fire Council
830 Punchbowl Street
Honolulu, Hawaii 96813

February 19, 2008

The Honorable Tommy Waters, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Waters:

Subject: H.B. 2436, H.D. 1 Relating to Fireworks

In addition to comments submitted to you in an earlier correspondence, we recommend revising Section 132D-10, Permits, Hawaii Revised Statutes to read as follows:

- “(1) Any consumer fireworks commonly known as firecrackers upon payment of a fee of \$25; and
- (2) Any consumer fireworks for proposed cultural use to occur at any time other than during the periods prescribed in Section 132D-3 (1) upon payment of a fee of \$25; and
- (3) Any aerial devices, display fireworks, or articles pyrotechnic for the purposes of section 132D-16 upon payment of a fee of \$110. ”

The SFC and the HFD request your committee's support on the passage of H.B. 2436, H.D. 1.

Should you have any questions, please call SFC Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

KENNETH G. SILVA
Chair

KGS/LR:cn

LATE TESTIMONY

Rep. Tommy Waters
Committee on Judiciary

Fetu Kolio
1235 Pua Lane 34-D
Honolulu, Hi 96817

Re: HB2436, HD1

Strong Support, for this bill relating to fireworks.

October 18, 2007

HAWAII PUBLIC HOUSING AUTHORITY
1002 N.SCHOOL STREET
HONOLULU, HAWAII 96817

TELEPHONE: (808)832-6003
FAX: (808)832-6030
chad.taniguchi@hcdch.hawaii.gov

Dear: Chad K. Taniguchi
(Executive Director)

SUBJECT: Fireworks: Mayor Wright Homes

My name is Fetu T. Kolio. I am a resident of Mayor Wright Homes since 2004. I serve as a board member of the Kalihi-Palama Neighborhood Board.

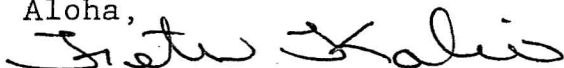
I am writing to ask for your assistance to put into action the guidelines contained in the HAWAII PUBLIC HOUSING AUTHORITY (HPHA) fireworks fliers(copy) attached. The yearly annual flyer clearly states that neither fireworks nor firework displays are not allowed at any time at Mayor Wright Housing. However, it is my experience that fireworks are being sold by unit residents, also used by unit residents without regard to the time of day or night.(HPHA) prohibits the use of fireworks to ensure the the safety of residents.

In the recent past, I have ask the question? to manager office how we can work together to enforce the guidelines contained in the flyer. I was told security of Mayor Wright Housing does the enforcement.

Residents, like me, who are considerate of neighborhood rules and public safety, are not receiving the support necessary to maintain rules and safety. I want to live in a safe environment for me and my family and my neighbors. So let's enforce the rules we have and if necessary penalize those who choose not to comply.

Thank you for your consideration,

Aloha,



Fetu Taua Kolio
1235 Pua Lane, Apt. 34-D
Honolulu, Hi 96817 Phone:778-3158 or 842-7879

cc

TO: Michael S. Flores
(Director)

Fax:(808)522-8127
TTY:(808)522-8193
(808)522-8175,Ext.226
michael_s.flores@hud.gov

U.S. Department of Housing
and Urban Development
Office of Public Housing
500 Ala Moana Boulevard,Suite-3A
Honolulu, HI 96813
www.hud.gov

HAWAII PUBLIC HOUSING,
MAYOR WRIGHT HOMES.

RESIDENTS SAFETY CONCERNS:

1) FIREARMS, AS IN GUNS, AND HOMEMADE BOMBS ?

- a) ARE USED AS NOISE MAKERS.
- b) PUTTING RESIDENTS SAFETY, AND THEIR LIVES AT RISK.
- c) AS RESIDENTS, DO WE NEED TO REGISTER FIREARMS FOR PROTECTION.
- d) IN THE PAST A RESIDENT POLICE OFFICER SHOT IN SELF-DEFENSE, A(MALE GANG MEMBER) BECAUSE HE WAS SHOOTING A(GUN).

2) TRASH BINS, BUILDING WALLS, VACANT UNITS ?

- a) TRASH BINS ARE BEEN SET ON FIRE BY FIREWORK USE.
- b) BUILDING WALLS ARE BURN BY FIREWORKS.
- c) VACANT UNITS ARE BEEN VANDELIZED BY FIREWORK USE.

3) RESIDENTS CARS, UNIT AREA, AND YARDS ?

- a) RESIDENTS CARS ARE VANDELIZED BY FIREWORK USE, THROWN ONTO THEM.
- b) UNIT AREAS, AND YARDS ARE BEING USE FOR TRASH, AS FIREWORKS ARE THROWN ON THEIR PROPERTYS.

4) SIDEWALKS, PARKING LOTS, ON MAYOR WRIGHT HOMES PROPERTY ?

- a) ARE TURN INTO FIRE HAZARD ZONES, FROM THE SPARKS AND SMOKE FROM FIREWORKS.
- b) THE SMOKE FROM FIREWORKS GETS SO VOGN, THAT IT BECOMES A SAFETY AND HEALTH ISSUE.
- c) RESIDENTS HAVE HARD TIME SEEING AS THEY ARE WALKING OR DRIVING TO REACH THERE DESTINATION.

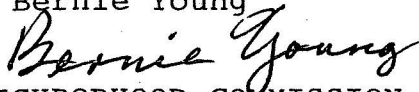
CONTINUE..

- 5) NOISE FROM FIREWORKS, ON MAYOR WRIGHT HOMES PROPERTY ?
- a) RESIDENTS SAY THAT FIREWORK USE ON MAYOR WRIGHT HOMES PROPERTY, IT DISTURBS THERE SLEEP.
 - b) UNDER THE RENTAL LEASE ARGEMENT, TENANT'S HAVE RIGHT TO PEACEFUL ENJOYMENT.
 - c) FIREWORKS, IT GOES ON DAY OR NIGHT.
- 6) ACCORDING TO THE DECEMBER 1,2006. YEARLY MEMO TO RESIDENTS OF MAYOR WRIGHT HOMES, SUBJECT: FIREWORKS.

THE CITY AND COUNTY OF HONOLULU FIREWORKS ORDINANCE (FORBIDS) THE USE OF FIREWORKS IN OUR COMMUNITIES BECAUSE IT FALLS WITHIN THE RESTRICTED AREA. (HPHA) ALSO PROHIBITS THE USE OF FIREWORKS AS IT ENSURES YOUR SAFETY AND THE(SAFETY)OF YOUR NEIGHBORS.

KALIHI-PALAMA NEIGHBORHOOD BOARD NO. 15

CHAIR: Bernie Young



c/o NEIGHBORHOOD COMMISSION
530 SOUTH KING STREET ROOM 400.
HONOLULU, HAWAII, 96813
PHONE (808)527-5749 FAX(808)527-5760
INTERNET:<http://www.honolulu.gov>

TO BE SUBMITTED TO(HAWAII PUBLIC HOUSING AUTHORITY), U.S DEPARTMENT OF HOUSING AND URBEN DEVELOPMENT(HUD), GOVERNOR Linda Lingle, MAYOR Mufi Hannemann, CHIEF OF POLICE Boisse Correa, CHIEF OF HONOLULU FIRE DEPARTMENT Kenneth Silva.



Hawaii Public Housing Authority

November 30, 2007

To: Residents of Mayor Wright, Kaahumanu & Kamehameha Homes
From: Management Unit III
Subject: Christmas Decorations and Use of Fireworks

On behalf of HPHA and the MU III Staff, I would like to take this opportunity to wish you and your family a very Merry Xmas and a Happy and safe New Year.

During this Holiday Season, many of you will be decorating your unit to get into the Christmas spirit. The following is a guideline that we would like you to follow as you put up your decorations.

1. Exterior and Interior Decorations are to be secured with Clear Tape - No Duct or Strapping Tape. **No Nails/Tacks/Staples** are allowed to hold down any types of decorations. Residents are responsible for any damages, that may occur when setting up or removing of decorations.
2. No Christmas displays are to be placed on the **roof tops & ledges**.
3. Due to fire & electrical hazards, please do not string up lights on exterior lanai & railings, which are exposed to the rain/weather.
4. For safety reasons, uses of rain gutters/eaves/roof tops to hold up decorations are not allowed. This is to ensure the safety of the person trying to put it up as well as it falling on someone walking by.
5. **DO NOT THROW YOUR CHRISTMAS TREE INTO THE TRASH BINS.** Leave them next to the trash stations.
6. All decorations must be removed by January 11, 2008.

The City & County of Honolulu fireworks ordinance **forbids** the use of fireworks in our communities because it falls within the restricted area. HPHA also prohibits the use of fireworks as it ensures your safety and the safety of your neighbors.

If you have any questions please call the office at 832-3153.

W. Chu, Manager

Hawaii Public Housing Authority

December 1, 2006

To: Residents of Mayor Wright, Kaahumanu & Kamehameha Homes
From: Management Unit III
Subject: Christmas Decorations and Use of Fireworks

On behalf of HPHA and the MU III Staff, I would like to take this opportunity to wish you and your family a very Merry Xmas and a Happy and safe New Year.

During this Holiday Season, many of you will be decorating your unit to get into the Christmas spirit. The following is a guideline that we would like you to follow as you put up your decorations.

1. Exterior and Interior Decorations are to be secured with Clear Tape - **No Duct or Strapping Tape. No Nails/Tacks/Staples** are allowed to hold down any types of decorations. Residents are responsible for any damages, that may occur when setting up or removing of decorations.
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4. For safety reasons, uses of rain gutters/eaves/roof tops to hold up decorations are not allowed. This is to ensure the safety of the person trying to put it up as well as it falling on someone walking by.
5. **DO NOT THROW YOUR CHRISTMAS TREE INTO THE TRASH BINS.** Leave them next to the trash stations.
6. All decorations must be removed by January 12, 2007.

The City & County of Honolulu fireworks ordinance **forbids** the use of fireworks in our communities because it falls within the restricted area. HPHA also prohibits the use of fireworks as it ensures your safety and the safety of your neighbors.

If you have any questions please call the office at 832-3153.

W. Chu, Manager

February 19, 2008

The Honorable Tommy Waters, Chair
Committee on Judiciary
House of Representatives
State Capitol, 302
Honolulu, Hawaii 96813

My name is Winston Lum and I am a staff member of the State Fire Council testifying in support of the intent of H.B. 2436 which seeks to clarify portions of the State Firework Control Law.

The inclusion of Department of Transportation display fireworks designated UNO334 in Section 2 of the bill, Section 132D-2 of the Hawaii Revised Statutes, and the word sell to prohibit minors from selling fireworks as set forth in Section 4 of the proposal, Section 132D-12, HRS, are clear.

With regard to Section 2, Section 132D-5, proponents of the current regulation would have you keep the words "without a permit to" in that section to read,

"(a) It shall be unlawful for any person without a permit to:

- (1) Remove or extract the pyrotechnic contents from any fireworks:
- (2) Throw any ignited fireworks from or at a moving vehicle **or at a person or an animal;** or
- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:
 - (A) At any time not within the periods for use prescribed in section 132D-3, unless permitted pursuant to section 132D-10;
 - (B) Within one thousand feet from any operating hospital, convalescent home, **permitted** home for the elderly, or animal hospital;
 - (C) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;
 - (D) On any highway, alley, street, sidewalk, or other public way, in any park ; within fifty feet from a canefield; or within one thousand from any building used for public worship during the periods when services are held; except as may be permitted pursuant to section 132D-10; and

- (E) Within five hundred feet from any hotel [.] **unless permitted pursuant to section 132D-10.**

If the words “without a permit” remain in the law then, what is the criteria to be used to deny a party from getting a permit to use fireworks in any of the above situations? Where is it written that I will be denied a permit so that I cannot throw it into or from a moving vehicle or at a person or animal.

Does this mean I can “remove or extract the pyrotechnic contents from any fireworks” without a just reason and what is a just reason, or “throw any ignited fireworks from or at a moving vehicle **or at a person or an animal**” with a permit.

I do not believe that was the intent of the measure. I believe the bill was intended to protect us by prohibiting anyone from acquiring a permit to use fireworks in any of the above situations.

I recommend that we delete the words “without a permit” in the provision.

Further, it is recommended that in Section 3, (a), (3) (A) “which reads, At anytime not within the periods for use prescribed in section 132D-3, unless permitted pursuant to section 132-10” be deleted inasmuch as that statement is confusing.

I would like to offer the following amendments for consideration:

It shall be unlawful for any person to:

Set off, fire, cause to be exploded or throw any ignited fireworks;

- (A) From or into any motor vehicle;
- (B) From above the first floor of any building;
- (C) Within one thousand feet from any operating hospital, convalescent home, home for the elderly, animal hospital or other facility established for the exhibition and protection of animals;
- (D) On any highway, alley, street, sidewalk, or other public way, in any park, public beach; within fifty feet from a canefield;

This absolutely prohibits the issuance of permits for the above situations.

- (E) In any school building or on any school grounds and yards during the New Year’s period of use as specified in section 132D-3. For uses other than the New Year’s period as specified, authorization from appropriate school officials must be obtained first and permitted pursuant to section 132-10;

This absolutely prohibits the issuance of permits during the New Year period, especially since its from 2100 to 2400 hours, but provides the possibility of permitting its use during the Chinese New Year's and Fourth of July.

- (F) Within one thousand feet from any building used for public worship during the periods when services are held unless permitted pursuant to section 132-10; and
- (G) Within five hundred feet from any hotel [.] **unless permitted pursuant to section 132D-10.**

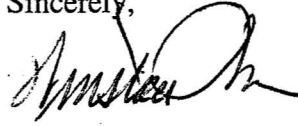
In summary we support the intent of H.B. 2436 with the following recommendations:

- (1) Delete the words "without a permit" in Section 2. Section 132D-5;
- (2) Amend Section 2, (a) (2) to read: Throw any ignited fireworks from or into any motor vehicle;
- (3) Delete the provision in Section 2,132D-5 (a) (3) (A) that reads "At anytime not within the periods for use prescribed in section 132D-3, unless permitted pursuant to section 132-10";
- (4) Include in Section 2 the provision prohibiting the setting off, firing, cause to be fired, or throwing **fireworks from above the first floor of any building;**
- (5) Amending (a)(3)(B) to read; Including Within one thousand feet from any operating hospital, convalescent home, home for the elderly, animal **hospital or other facility established for the exhibition and protection of animals;**
- (6) Amending (a)(3)(C) to read; In any school building or on any school grounds and yards **during the New Year's period as specified in section 132D-3. For uses other than the New Year's period as specified, authorization from appropriate school officials must be obtained first and permitted pursuant to section 132D-10; or**
- (7) Include in the provision (a) (3) (D) On any highway, alley, street, sidewalk, or other public way, in any park, **public beach;** within fifty feet from a canefield; or within one thousand feet from any building used for public worship during the periods when services are held; [except] **unless** as may be permitted pursuant to section 132D-10.

Thank you for allowing me to provide testimony in support of H.B. 2436 with amendments.

Should you have any questions I may be contacted at 343-1950.

Sincerely,

A handwritten signature in black ink, appearing to read "Winston Lum". The signature is fluid and cursive, with a large, prominent initial "W" and "L".

Winston Lum