
A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Agricultural and aquacultural structures; no
5 building permit required. (a) Notwithstanding any law to the
6 contrary, no county shall require a building permit for the
7 construction of low risk nonresidential temporary or permanent
8 structures used for agricultural or aquacultural operations;
9 provided that:

10 (1) The tenant agrees to defend, indemnify, and hold
11 harmless, the State and any of its agencies, officers,
12 and employees, from and against all liability, loss,
13 damage, cost and expense, including attorneys' fees
14 and costs, and all claims, suits, and demands
15 therefore, arising out of or resulting from the
16 failure to obtain building permits, and waive any
17 statutory or other immunity from liability that may be
18 asserted by the tenant to limit the tenant's



1 obligation to so defend, indemnify, and hold harmless,
2 the State and any of its agencies, officers, and
3 employees; and

4 (2) Any permanent structure constructed pursuant to this
5 section shall be designed and engineered according to
6 the latest version of the International Building Code,
7 as published by the International Code Council.

8 (b) As used in this section:

9 "Agricultural" means relating to the planting, cultivating,
10 harvesting, and processing of crops, including those planted,
11 cultivated, harvested, and processed for food, ornamental,
12 grazing, or forestry purposes.

13 "Aquacultural" means relating to the propagation,
14 cultivation, or farming of aquatic plants and animals in
15 controlled or selected environments for research purposes,
16 commercial purposes, or stocking purposes.

17 "Low risk" means any structure 1,500 square feet or
18 smaller.

19 "Temporary structure" means a building that is ancillary to
20 the agricultural or aquacultural operation and is not designed
21 to remain permanently in place, such as recycled ocean shipping



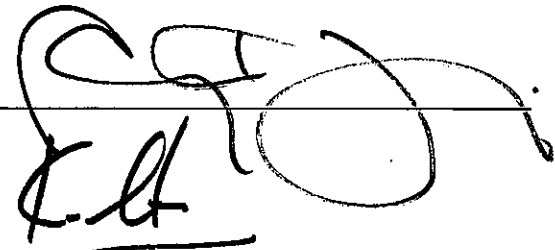






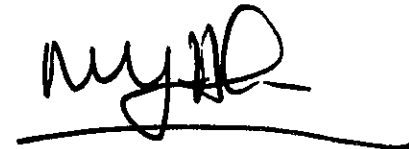
1 and cargo containers, modular structures, agricultural cold
2 frames, and storage sheds."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

5

INTRODUCED BY:

JAN 25 2011



Report Title:

Building Permits; Agricultural and Aquacultural Structures

Description:

Exempts from county building permit requirements construction of low risk nonresidential and aquacultural structures, under certain conditions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

