
A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDING PERMITS.

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

1 SECTION 1. The legislature finds that existing building
2 codes and permitting processes are overly burdensome to the
3 State's commercial agriculture and aquaculture industries and
4 add substantial time and costs to establishing or expanding
5 farming and ranching enterprises in the State. The building
6 codes and permitting processes are also contrary to the State's
7 goals of expanding local food and bioenergy production,
8 increasing the State's self-sufficiency in critical economic
9 sectors, and improving the economic well-being of the State's
10 rural farming communities.

11 Historically, building codes are the result of national
12 efforts in the early 1900s to prevent large urban fires and
13 mitigate large-scale fire losses. Because the largest and most
14 devastating fires tended to occur in large urban areas, the move
15 to adopt uniform building codes generally did not include rural
16 structures, particularly since the loss of an agricultural
17 building would seldom lead to the loss of human life. Planners
18 also found that rural buildings were generally isolated, so



1 fires would not usually spread to a large number of other
2 buildings, as frequently occurred in urban settings. While the
3 complexity and scope of building codes have expanded
4 dramatically over the past century, the agricultural building
5 exemptions present in statute or code in many prominent
6 agricultural states have remained largely in place, exempting
7 agricultural buildings, and in a number of states, agricultural
8 dwellings, from the zoning and building codes and permit
9 processes.

10 Hawaii does not currently have a statutory agricultural
11 building exemption despite its long agricultural history, its
12 current high dependency on agricultural food and fuel imports,
13 and the inclusion of specific wording in article XI, section 3
14 of the state constitution that the State shall "promote
15 diversified agriculture" and "increase agricultural self-
16 sufficiency".

17 The purpose of this Act is to encourage and support
18 diversified agriculture and agricultural self-sufficiency in the
19 State by providing an agricultural building exemption for
20 commercial farms and ranches located outside of the urban zone.



1 SECTION 2. 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 buildings and structures; building**

5 **permit not required.** (a) Notwithstanding any law to the
6 contrary, no county shall require a building permit for the
7 construction, installation, or operation of low-risk
8 nonresidential agricultural buildings or structures, or
9 appurtenances thereto, located on commercial farms or ranches
10 used for general agricultural or aquacultural operations or
11 purposes incidental to the farming or ranching; provided that:

12 (1) The low-risk nonresidential building or structure is
13 constructed or installed on a lot that is two or more
14 contiguous acres in area and primarily used for
15 agricultural or aquacultural operations;

16 (2) Upon completion of construction or installation, the
17 owner or occupier provides written notice to the
18 appropriate fire department and county building
19 permitting agency of the size, type, and location of
20 the low-risk nonresidential agricultural building or
21 structure;



1 (3) A building or structure constructed or installed
2 pursuant to this section that will be serviced with
3 electricity shall comply with the state building code
4 electrical standard; and

5 (4) Disposal of wastewater from any building or structure
6 constructed pursuant to this section shall comply with
7 applicable state wastewater rules adopted pursuant to
8 chapter 342D.

9 (b) This section shall not apply to buildings or
10 structures otherwise exempted from building permitting or
11 building code requirements by applicable county ordinance.

12 (c) This section shall not apply to the construction or
13 installation of any building or structure on land that is
14 classified or zoned as urban.

15 (d) Nothing in this section is meant to supersede public
16 or private lease conditions.

17 (e) As used in this section:

18 "Agricultural building" means a nonresidential building or
19 structure located on a commercial farm or ranch construed or
20 installed to house farm or ranch implements, agricultural feeds
21 or supplies, livestock, poultry, or other agricultural or
22 aquacultural products used in or necessary for the operation of



1 the farm or ranch, or for the processing and selling of farm or
2 ranch products.

3 "Agricultural operation" means the planting, cultivating,
4 harvesting, processing, and storage of crops, including those
5 planted, cultivated, harvested, and processed for food,
6 ornamental, grazing, feed, or forestry purposes; and the
7 feeding, breeding, management, and sale of animals, including
8 livestock, poultry, honeybees, and their products.

9 "Aquacultural operation" means the propagation,
10 cultivation, farming, harvesting, processing, and storage of
11 aquatic plants and animals in controlled or selected
12 environments for research, commercial, or stocking purposes,
13 including aquaponics or any growing of plants or animals in or
14 with aquaculture effluents.

15 "Low-risk nonresidential building or structure" means a
16 manufactured or pre-engineered building or structure, and
17 appurtenances thereto; a recycled ocean shipping or cargo
18 container; an agricultural shade cloth structure, cold frame, or
19 greenhouse; an aquaculture or aquaponics structure; an
20 aquaculture or aquaponics water storage or production tank or
21 raceway; a livestock watering tank; a fence; a one-story masonry
22 or wood-framed building or structure with structural spans of



1 less than twenty-five feet, including but not limited to: a
2 farm building used as a barn; a greenhouse; a farm production
3 building; a storage building for farm equipment, plant or animal
4 supplies, or feed; a storage or processing building for crops;
5 or a masonry or wood-framed building or structure with
6 structural spans twenty-five feet or more designed or engineered
7 according to the state building code, and appurtenances thereto,
8 that:

9 (1) Complies with applicable setback codes; and

10 (2) Has been properly anchored.

11 "Nonresidential building or structure" means a building or
12 structure that is used only for agricultural or aquacultural
13 operations and is not used as, or intended for use as, a
14 dwelling."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on February 1, 2050.



Report Title:

Counties; Agriculture; Building Permits

Description:

Exempts from county building permits certain residential buildings or structures located on commercial farms or ranches used for general agricultural or aquacultural operations. Effective February 1, 2050. (HB2424 HD1)

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

