
A BILL FOR AN ACT

RELATING TO 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.

6 The purpose of this Act is to encourage and support
7 diversified agriculture and agricultural self-sufficiency in the
8 State by providing an exemption from building permit
9 requirements for nonresidential buildings or structures on
10 commercial farms and ranches located outside of the urban
11 district under certain conditions.

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

15 "§46- Agricultural and aquacultural buildings and
16 structures; no building permit required. (a) Each county shall
17 establish an agricultural buildings and structures exemption
18 list of buildings and structures that are exempt from existing



1 building permit requirements. The list shall be established by
 2 each county no later than January 1, 2013. Agricultural
 3 buildings, structures, or appurtenances thereto, which are not
 4 used as dwelling or lodging units, may be exempted from existing
 5 building permit requirements where they are no more than 1,000
 6 square feet in floor area; provided that the aggregate floor
 7 area of the exempted agricultural building, structure, or
 8 appurtenance thereto shall not exceed 5,000 square feet per
 9 zoning lot and the minimum horizontal separation between each
 10 agricultural building, structure, or appurtenance thereto is
 11 fifteen feet, and the agricultural buildings, structures, or
 12 appurtenances thereto are located on a commercial farm or ranch
 13 and are used for general agricultural or aquacultural
 14 operations, or for purposes incidental to such operations;
 15 provided further that:

16 (1) The agricultural building, structure, or appurtenance
 17 thereto is constructed or installed on property that
 18 is used primarily for agricultural or aquacultural
 19 operations, and is two or more contiguous acres in
 20 area or one or more contiguous acres in area if
 21 located in a nonresidential agricultural or
 22 aquacultural park;



1 (2) Upon completion of construction or installation, the
2 owner or occupier shall provide written notice to the
3 appropriate county fire department and county building
4 permitting agency of the size, type, and locations of
5 the building, structure, or appurtenance thereto.
6 Such written notification shall be provided to the
7 county agencies within thirty days of the completion
8 of the building, structure, or appurtenance thereto.
9 Failure to provide such written notice may void the
10 building permit exemption, which voidance for such
11 failure is subject to the sole discretion of the
12 appropriate county building permitting agency;
13 (3) No electrical power and no plumbing systems shall be
14 connected to the building or structure without first
15 obtaining the appropriate county electrical or
16 plumbing permit, and all such installations shall be
17 installed under the supervision of a licensed
18 electrician or plumber, as appropriate, and inspected
19 and approved by an appropriate county or licensed
20 inspector; and



1 (4) Disposal of wastewater from any building or structure
2 constructed or installed pursuant to this section
3 shall comply with chapter 342D.

4 (b) For purposes of subsection (a), the following
5 buildings and structures and appurtenances thereto shall be
6 included in each county's agricultural building and structures
7 exemption list:

8 (1) Nonresidential manufactured pre-engineered commercial
9 buildings and structures consisting of no more than
10 1,000 square feet that have no electrical power and
11 have no potable water, sewage, or other plumbing
12 related services, or have such electrical or plumbing
13 related services installed and inspected in accordance
14 with subsection (a)(3) and (4);

15 (2) Single stand alone recycled ocean shipping or cargo
16 containers that are used as nonresidential commercial
17 buildings;

18 (3) Notwithstanding the 1,000 square foot floor area
19 restriction in subsection (a), agricultural shade
20 cloth structures, cold frames, or greenhouses not
21 exceeding 20,000 square feet in area per structure;
22 provided that where multiple structures are erected,



1 the minimum horizontal separation between each shade
2 cloth structure, cold frame, or greenhouse is fifteen
3 feet;

4 (4) Aquacultural or aquaponics structures, including
5 above-ground water storage or production tanks,
6 troughs, and raceways with a maximum height of six
7 feet above grade, and in-ground ponds and raceways,
8 and piping systems for aeration, carbon dioxide, or
9 fertilizer or crop protection chemical supplies within
10 agricultural or aquacultural production facilities;

11 (5) Livestock watering tanks, water piping and plumbing
12 not connected to a source of potable water, or
13 separated by an air gap from such a source;

14 (6) Non-masonry fences not exceeding ten feet in height
15 and masonry fences not exceeding six feet in height;

16 (7) One-story masonry or wood-framed buildings or
17 structures with a structural span of less than twenty-
18 five feet and a total square footage of no more than
19 1,000 square feet, including farm buildings used as:

20 (A) Barns;

21 (B) Greenhouses;



1 (C) Farm production buildings including aquaculture
2 hatcheries and plant nurseries;

3 (D) Storage buildings for farm equipment or plant or
4 animal supplies or feed; or

5 (E) Storage or processing buildings for crops;
6 provided that the height of any stored items
7 shall not collectively exceed twelve feet in
8 height and the storage of any hazardous materials
9 shall comply with any and all applicable
10 statutes, regulations, and codes;

11 (8) Raised beds containing soil, gravel, cinders, or other
12 growing media or substrates with wood, metal, or
13 masonry walls or supports with a maximum height of
14 four feet; and

15 (9) Horticultural tables or benches no more than four feet
16 in height supporting potted plants or other crops;
17 provided that the buildings, structures, and appurtenances
18 thereto comply with all applicable state and county codes,
19 including but not limited to applicable building, fire, health,
20 safety, and zoning codes and are properly anchored.

21 (c) In the event that a county fails to establish the
22 agricultural buildings and structures exemption list within the



1 time period as required under subsection (a), the buildings and
2 structures specified in subsection (b) shall constitute that
3 county's agricultural building and structures exemption list.

4 (d) As used in this section:

5 "Agricultural building or aquacultural building" means a
6 nonresidential building or structure located on a commercial
7 farm or ranch constructed or installed to house farm or ranch
8 implements, agricultural or aquacultural feeds or supplies,
9 livestock, poultry, or other agricultural or aquacultural
10 products, used in or necessary for the operation of the farm or
11 ranch, or for the processing and selling of farm or ranch
12 products.

13 "Agricultural operation" means the planting, cultivating,
14 harvesting, processing, or storage of crops, including those
15 planted, cultivated, harvested, and processed for food,
16 ornamental, grazing, feed, or forestry purposes, as well as the
17 feeding, breeding, management, and sale of animals including
18 livestock, poultry, honeybees, and their products.

19 "Appurtenance" means an object or device in, on, or
20 accessory to a building or structure, and which enhances or is
21 essential to the usefulness of the building or structure,
22 including but not limited to work benches, horticultural and



1 floricultural growing benches, aquacultural, aquaponic, and
2 hydroponic tanks, raceways, troughs, growbeds, and filterbeds,
3 when situated within a structure.

4 "Aquacultural operation" means the propagation,
5 cultivation, farming, harvesting, processing, and storage of
6 aquatic plants and animals in controlled or selected
7 environments for research, commercial, or stocking purposes and
8 includes aquaponics or any growing of plants or animals in or
9 with aquaculture effluents.

10 "Manufactured pre-engineered commercial building or
11 structure" means a building or structure whose specifications
12 comply with appropriate county codes, and have been pre-approved
13 by a county or building official.

14 "Nonresidential building or structure" means a building or
15 structure that is used only for agricultural or aquacultural
16 operations, including an agricultural building or aquacultural
17 building, and is not intended for use as, or used as, a
18 dwelling.

19 (e) This section shall not apply to buildings or
20 structures otherwise exempted from building permitting or
21 building code requirements by applicable county ordinance.



1 (f) This section shall not be construed to supersede
2 public or private lease conditions.

3 (g) This section shall not apply to the construction or
4 installation of any building or structure on land in an urban
5 district."

6 SECTION 3. (a) The department of the attorney general
7 shall establish a task force to assess any conflicts between
8 applicable state statutes, including section 46- , Hawaii
9 Revised Statutes, county code requirements, and the interest of
10 the State's commercial agriculture and aquaculture industries.

11 (b) The task force shall consist of the following members:

12 (1) A representative from the department of agriculture;

13 (2) A representative from each county's building
14 permitting department;

15 (3) A representative from the Hawaii Farm Bureau
16 Federation;

17 (4) A representative from the Hawaii Aquaculture and
18 Aquaponics Association; and

19 (5) A representative from the state fire council.

20 (c) The task force shall identify and examine any
21 conflicts described in subsection (a) and shall identify and



1 recommend potential resolutions to the governor before December
2 15, 2012.

3 (d) Members of the task force shall not be considered
4 employees of the State for purposes of chapter 84, Hawaii
5 Revised Statutes, based solely upon their participation on the
6 task force.

7 (e) The task force shall be exempt from the requirements
8 of chapter 92, Hawaii Revised Statutes.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2012.



Report Title:

Agriculture; Building Code; Building Permit; Task Force

Description:

Requires each county to establish a list of agricultural buildings and structures that are exempt from existing building permit requirements no later than January 1, 2013. Beginning January 1, 2013, exempts specified nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located outside of the urban district from certain building permit requirements, under certain conditions, in the absence of a county exemption. Requires the department of the attorney general to establish a task force to examine conflicts between state statutes, county codes, and the interests of the agricultural and aquacultural industries and report potential solutions to the governor. (CD1)

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

