

JAN 25 2012

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 not efficiently tailored to
3 meet the needs of the State's commercial agriculture and
4 aquaculture industries and add substantial costs to establishing
5 or expanding farming and ranching. Because of this, existing
6 building codes do not effectively facilitate the State's goals
7 of expanding local food and bioenergy production, increasing the
8 State's self-sufficiency, and improving the economic well being
9 of the State's rural farming communities.

10 Nationally, one of the reasons building codes were
11 originally created was to help mitigate large-scale fire loss.
12 Since the largest of these devastating fires were primarily in
13 large urban areas, the move to adopt uniform building codes
14 generally did not include rural structures. Many prominent
15 agricultural states have provisions exempting agricultural
16 buildings from zoning and building codes and permit processes.

17 Hawaii does not currently have an agricultural building
18 exemption in statute despite its long agricultural history, its



1 current high dependency on agricultural food and fuel imports,
2 and the inclusion of specific wording in the State Constitution,
3 article XI, section 3, that the State shall "promote diversified
4 agriculture" and "increase agricultural self-sufficiency".

5 The purpose of this Act is to promote and support
6 diversified agriculture and agricultural self-sufficiency in the
7 State by exempting certain nonresidential agricultural buildings
8 that are on commercial farms and ranches located outside of
9 urban districts and used for agricultural or aquacultural
10 operations from county building permit requirements.

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

14 **"§46- Agricultural buildings and structures; no building**
15 **permit required.** (a) Notwithstanding any law to the contrary,
16 no county shall require a building permit for the construction,
17 installation, or operation of a nonresidential building or
18 structure, or appurtenances thereto, specified in subsection (b)
19 and located on commercial farms or ranches used for general
20 agricultural or aquacultural operations or purposes incidental
21 to such operations; provided that:



1 (1) The building or structure is constructed or installed
2 on a lot that is two or more contiguous acres in area
3 and is primarily used for agricultural or aquacultural
4 operations;

5 (2) Upon completion of construction or installation, the
6 owner or occupier provides written notice to the
7 appropriate county fire department and county building
8 permitting agency of the size, type, and location of
9 the building or structure;

10 (3) The building or structure complies with the applicable
11 county electrical standards, if the building or
12 structure is serviced with electricity; and

13 (4) Disposal of wastewater from the building or structure
14 complies with applicable state wastewater regulations
15 adopted pursuant to chapter 342D.

16 This section shall not apply to buildings or structures
17 otherwise exempted from building permitting or building code
18 requirements by applicable county ordinance.

19 (b) Subject to subsection (a), the following buildings and
20 structures shall be exempt from county building permit
21 requirements; provided that they comply with applicable setback
22 codes and are properly anchored:



- 1 (1) Manufactured or pre-engineered buildings or
- 2 structures, and appurtenances thereto;
- 3 (2) Recycled ocean shipping or cargo containers;
- 4 (3) Agricultural shade cloth structures, cold frames, or
- 5 greenhouses;
- 6 (4) Aquaculture or aquaponics structures including water
- 7 storage or production tanks and raceways;
- 8 (5) Livestock watering tanks;
- 9 (6) Fences;
- 10 (7) One-story masonry or wood-framed buildings or
- 11 structures with a structural span of less than twenty-
- 12 five feet, including but not limited to farm buildings
- 13 used as:
- 14 (A) Barns;
- 15 (B) Greenhouses;
- 16 (C) Farm production buildings;
- 17 (D) Storage buildings for farm equipment or plant or
- 18 animal supplies or feed; or
- 19 (E) Storage or processing buildings for crops; and
- 20 (8) Masonry or wood-framed buildings or structures with
- 21 structural spans of twenty-five feet or more and
- 22 appurtenances thereto designed or engineered according



1 to the version of the International Building Code that
2 has been adopted pursuant to section 107-28 by the
3 county where the building or structure is located.

4 (c) 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 designed and constructed or installed to house
8 farm or ranch implements, agricultural or aquacultural feeds or
9 supplies, livestock, poultry, or other agricultural or
10 aquacultural products used in the operation of the farm or ranch
11 and the processing and selling of the products of the farm or
12 ranch.

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

19 "Aquacultural operation" means the propagation,
20 cultivation, farming, harvesting, processing, and storage of
21 aquatic plants and animals in controlled or selected
22 environments for research, commercial, or stocking purposes and



1 includes aquaponics or any growing of plants or animals in or
2 with aquaculture effluents.

3 "Nonresidential" means a building or structure that is used
4 only for agricultural or aquacultural operations and is not
5 intended for use as, or used as, a dwelling.

6 (d) This section shall not apply to the construction or
7 installation of any building or structure on land in an urban
8 district."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2012.

11

INTRODUCED BY: Clarence A. Michener



S.B. NO. 2646

Report Title:

Agriculture; Building Code; Building Permit

Description:

Exempts specified nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms from building permit requirements other than applicable electric and wastewater regulations. Effective July 1, 2012.

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

