

JAN 20 2012

S.B. NO. 2365

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; add
4 substantially to the time and costs associated with establishing
5 or expanding farming and ranching enterprises in the State; and
6 are counterproductive to the State's goals of expanding local
7 food and bioenergy production, increasing the State's self-
8 sufficiency in basic and critical economic sectors, and
9 improving the economic well-being of the State's rural farming
10 communities.

11 Building codes are the result of national efforts in the
12 early 1900s to mitigate large-scale fire loss. Since the
13 largest of these devastating fires were primarily in large urban
14 areas, the move to adopt uniform building codes generally did
15 not include rural structures, particularly since the loss of an
16 agricultural building seldom leads to the loss of human life.
17 Rural buildings are also generally somewhat isolated, so fire
18 does not usually spread to a large number of other buildings, as



1 it can more easily do in an urban setting. While the complexity
2 and reach of building codes have expanded dramatically over the
3 past century, the agricultural building exemptions present in
4 statute or code in many prominent agricultural states have
5 stayed largely in place, exempting agricultural buildings and,
6 in a number of states, agricultural dwellings from the zoning
7 and building codes and permit processes.

8 The legislature also finds that the State of Hawaii does
9 not currently have an agricultural building exemption in statute
10 despite its long agricultural history, dependency on food and
11 fuel imports, and the inclusion of specific wording in the
12 Hawaii State Constitution, article XI, section 3, that the State
13 shall "promote diversified agriculture" and "increase
14 agricultural self-sufficiency".

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

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



1 "§46- Agricultural buildings; no building permit
2 required. (a) Notwithstanding any law to the contrary, no
3 county shall require a building permit for the construction,
4 installation, or operation of low-risk nonresidential
5 agricultural buildings, or appurtenances thereto, located on
6 commercial farms or ranches used for general agricultural
7 operations or purposes incidental to such farming or ranching;
8 provided that:

9 (1) The low-risk nonresidential building is constructed or
10 installed on a lot that is two or more contiguous
11 acres in area and primarily used for agricultural
12 operations;

13 (2) Upon completion of construction or installation of a
14 low-risk nonresidential agricultural building, the
15 owner or occupier shall provide written notice to the
16 appropriate fire department and county building
17 permitting agency of the size, type, and location of
18 the building;

19 (3) A building constructed or installed pursuant to this
20 section that will be serviced with electricity shall
21 comply with the applicable electrical code;



1 (4) Disposal of wastewater from any building constructed
2 pursuant to this section shall comply with applicable
3 state wastewater regulations pursuant to section 342D;
4 and

5 (5) This section shall not apply to buildings otherwise
6 exempted from the building permitting or building code
7 requirements by applicable county ordinance.

8 (b) As used in this section:

9 "Agricultural building" means a building or structure
10 located on a commercial farm or ranch which was designed,
11 constructed, or installed for agricultural operation, farm or
12 ranch implements, agricultural or aquacultural feeds or
13 supplies, livestock, poultry, or other agricultural or
14 aquacultural products used in the operation of the farm or
15 ranch. This building or structure shall not be a place of human
16 habitation or occupancy.

17 "Agricultural operations" means:

18 (1) The planting, cultivating, harvesting, processing, and
19 storage of crops, including those planted, cultivated,
20 harvested, and processed for food, ornamental,
21 grazing, feed, or forestry purposes; and the feeding,



1 breeding, management, and sale of animals, including
2 livestock, poultry, honeybees, and their products; or
3 (2) Aquacultural activity including but not limited to the
4 propagation, cultivation, farming, harvesting,
5 processing, and storage of aquatic plants and animals
6 in controlled or selected environments for research,
7 commercial, or stocking purposes, including aquaponics
8 or any growing of plants or animals in or with
9 aquaculture effluents.

10 "Low-risk nonresidential agricultural building" means a
11 nonresidential agricultural building that:

- 12 (1) Complies with applicable setback codes;
13 (2) Complies with the respective county's applicable
14 regulations that are based on the International
15 Building Code as published by the International Code
16 Council; and
17 (3) Has been properly anchored.

18 Low-risk nonresidential agricultural building includes but is
19 not limited to a nonresidential manufactured or pre-engineered
20 building or structure, and appurtenances thereto; recycled ocean
21 shipping or cargo container; agricultural shade cloth structure,
22 cold frame or greenhouse; aquaculture or aquaponics structure;



aquaculture or aquaponics water storage or production tank or
raceway; livestock watering tank; fence; one-story masonry or
wood-framed building or structure with structural spans of less
than twenty-five feet, including but not limited to a farm
building used as a barn, a greenhouse, a farm production
building, a storage building for farm equipment, plant or animal
supplies or feed, and a storage or processing building for
crops; or a masonry or wood-framed building or structure with
structural spans twenty-five feet or more.

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

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: 



Report Title:

Agriculture; Building Permits; Exemption

Description:

Exempts low-risk nonresidential agricultural buildings from the county building permit process.

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

