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## A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDINGS.

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

1           SECTION 1. Section 46-88, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) The exemptions in subsections (a) and (b) shall  
4 apply; provided that:

5           (1) The aggregate floor area of the exempted agricultural  
6 buildings shall not exceed:

7           (A) Five thousand square feet per zoning lot for lots  
8 of two acres or less;

9           (B) Eight thousand square feet per zoning lot for  
10 lots greater than two acres but not more than  
11 five acres; and

12           (C) Eight thousand square feet plus two per cent of  
13 the acreage per zoning lot for lots greater than  
14 five acres; provided that each exempted  
15 agricultural building is compliant with the  
16 square foot area restrictions in subsection (a)  
17 or subsection (b);



- 1           (2) The minimum horizontal separation between each  
2           agricultural building, structure, or appurtenance  
3           thereto is fifteen feet;
- 4           (3) The agricultural buildings, structures, or  
5           appurtenances thereto are located on a commercial farm  
6           or ranch and are used for general agricultural or  
7           aquacultural operations, or for purposes incidental to  
8           such operations;
- 9           (4) The agricultural buildings, structures, or  
10          appurtenances thereto are constructed or installed on  
11          property that is used primarily for agricultural or  
12          aquacultural operations, and is two or more contiguous  
13          acres in area or one or more contiguous acres in area  
14          if located in a nonresidential agricultural or  
15          aquacultural park;
- 16          (5) Upon completion of construction or installation, the  
17          owner or occupier shall provide written notice to the  
18          appropriate county fire department and county building  
19          permitting agency of the size, type, and locations of  
20          the building, structure, or appurtenance thereto.  
21          Such written notification shall be provided to the



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1 county agencies within thirty days of the completion  
2 of the building, structure, or appurtenance thereto.  
3 Failure to provide such written notice may void the  
4 building permit or building code exemption, or both,  
5 which voidance for such failure is subject to the sole  
6 discretion of the appropriate county building  
7 permitting agency;

- 8 (6) No electrical power and no plumbing systems shall be  
9 connected to the building or structure without first  
10 obtaining the appropriate county electrical or  
11 plumbing permit, and all such installations shall be  
12 installed under the supervision of a licensed  
13 electrician or plumber, as appropriate, and inspected  
14 and approved by an appropriate county or licensed  
15 inspector or, if a county building agency is unable to  
16 issue an electrical permit because the building or  
17 structure is permit-exempt, an electrical permit shall  
18 be issued for an electrical connection to a meter on a  
19 pole beyond the permit-exempt structure in accordance  
20 with the installation, inspection, and approval  
21 requirements in this paragraph;



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- 1 (7) Disposal of wastewater from any building or structure
- 2 constructed or installed pursuant to this section
- 3 shall comply with chapter 342D; [~~and~~]
- 4 (8) Permit-exempt structures shall be exempt from any
- 5 certificate of occupancy requirements[~~-~~]; and
- 6 (9) The appropriate county fire department and county
- 7 building permitting agency shall have the implicit
- 8 right to enter the property, upon reasonable notice to
- 9 the owner or occupier, to investigate exempted
- 10 agricultural buildings for violations of and
- 11 compliance with the requirements of this section."

12 SECTION 2. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*Matthew...*

*Richard...*

*Lyn...*

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**Report Title:**

Agricultural Buildings and Structures; Exemptions; Right to Enter; Counties

**Description:**

Grants county agencies the implicit right to enter property to investigate agricultural buildings and structures for violations of and compliance with building code exemption qualifications.

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

