
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



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;



- 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) Notwithstanding any other law to the contrary, the
7 appropriate county fire department and county building
8 permitting agency shall have the implicit right to
9 enter the property, upon reasonable notice to the
10 owner or occupier, to investigate exempted
11 agricultural buildings for compliance with the
12 requirements of this section; provided that if entry
13 is refused after reasonable notice is given, the
14 applicable department or agency may apply to the
15 district court of the circuit in which the property is
16 located for a warrant, directed to any police officer
17 of the circuit, commanding the police officer to
18 provide sufficient aid and to assist the department or
19 agency in gaining entry onto the property to
20 investigate exempted agricultural buildings for
21 compliance with the requirements of this section."



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 Statutory material to be repealed is bracketed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

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



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.
(SD1)

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

