
A BILL FOR AN ACT

RELATING TO AGRICULTURAL 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. The building
6 codes and permitting processes are also contrary to the State's
7 goals of expanding local food and bioenergy production,
8 increasing the State's self-sufficiency in critical economic
9 sectors, and improving the economic well-being of the State's
10 rural farming communities.

11 Historically, building codes are the result of national
12 efforts in the early 1900's to prevent large urban fires and
13 mitigate large-scale fire losses. Because the largest and most
14 devastating fires tended to occur in large urban areas, the move
15 to adopt uniform building codes generally did not include rural
16 structures, particularly since the loss of an agricultural
17 building would seldom lead to the loss of human life. Planners
18 also found that rural buildings were generally isolated, so



1 fires would not usually spread to a large number of other
2 buildings, as frequently occurred in urban settings. While the
3 complexity and scope of building codes have expanded
4 dramatically over the past century, the agricultural building
5 exemptions present in statute or code in many prominent
6 agricultural states have remained largely in place, exempting
7 agricultural buildings, and in a number of states, agricultural
8 dwellings, from the zoning and building codes and permit
9 processes.

10 Hawaii does not currently have a statutory agricultural
11 building exemption despite its long agricultural history, its
12 current high dependency on agricultural food and fuel imports,
13 and the inclusion of specific wording in article XI, section 3
14 of the state constitution that the State shall "promote
15 diversified agriculture" and "increase agricultural self-
16 sufficiency".

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



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

4 "§46- Agricultural buildings and structures; building
5 permit not required. (a) Notwithstanding any law to the
6 contrary, no county shall require a building permit for the
7 construction, installation, or operation of low-risk
8 nonresidential agricultural buildings or structures, or
9 appurtenances thereto, located on commercial farms or ranches
10 used for general agricultural or aquacultural operations or
11 purposes incidental to the farming or ranching; provided that:

12 (1) The low-risk nonresidential building or structure is
13 constructed or installed on a lot that is two or more
14 contiguous acres in area and primarily used for
15 agricultural or aquacultural operations;

16 (2) Upon completion of construction or installation, the
17 owner or occupier provides written notice to the
18 appropriate fire department and county building
19 permitting agency of the size, type, and location of
20 the low-risk nonresidential agricultural building or
21 structure;



- 1 (3) A building or structure constructed or installed
2 pursuant to this section that will be serviced with
3 electricity shall comply with the applicable
4 electrical code;
- 5 (4) Disposal of wastewater from any building or structure
6 constructed pursuant to this section shall comply with
7 applicable state wastewater rules adopted pursuant to
8 chapter 342D; and
- 9 (5) This section shall not apply to buildings or
10 structures otherwise exempted from building permitting
11 or building code requirements by applicable county
12 ordinance.
- 13 (b) This section shall not apply to the construction or
14 installation of any building or structure on land that is
15 classified or zoned as urban.
- 16 (c) As used in this section:
- 17 "Agricultural operation" means the planting, cultivating,
18 harvesting, processing, and storage of crops, including those
19 planted, cultivated, harvested, and processed for food,
20 ornamental, grazing, feed, or forestry purposes; and the
21 feeding, breeding, management, and sale of animals, including
22 livestock, poultry, honeybees, and their products.



1 "Agricultural or aquacultural building" means a building or
2 structure located on a commercial farm or ranch designed,
3 constructed, or installed to house farm or ranch implements,
4 agricultural or aquacultural feed or supplies, livestock,
5 poultry, or other agricultural or aquacultural products used in
6 the operation of the farm or ranch and the processing and
7 selling of the agricultural or aquacultural goods produced
8 thereon. The term shall not include a place of human habitation
9 or occupancy.

10 "Aquacultural operation" means the propagation,
11 cultivation, farming, harvesting, processing, and storage of
12 aquatic plants and animals in controlled or selected
13 environments for research, commercial, or stocking purposes,
14 including aquaponics or any growing of plants or animals in or
15 with aquaculture effluents.

16 "Low-risk" means a manufactured or pre-engineered building
17 or structure, and appurtenances thereto; a recycled ocean
18 shipping or cargo container; an agricultural shade cloth
19 structure, cold frame, or greenhouse; an aquaculture or
20 aquaponics structure; an aquaculture or aquaponics water storage
21 or production tank or raceway; a livestock watering tank; a
22 fence; a one-story masonry or wood-framed building or structure



1 with structural spans of less than twenty-five feet, including
 2 but not limited to: a farm building used as a barn; a
 3 greenhouse; a farm production building; a storage building for
 4 farm equipment, plant or animal supplies, or feed; a storage or
 5 processing building for crops; or a masonry or wood-framed
 6 building or structure with structural spans twenty-five feet or
 7 more designed or engineered according to the version of the
 8 International Building Code that has been adopted by the
 9 respective county, as published by the International Code
 10 Council, and appurtenances thereto, that:

11 (1) Complies with applicable setback codes; and

12 (2) Has been properly anchored.

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

16 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

Karen Aurora
Proby

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[Signature]



H.B. NO. 2424

Report Title:

Counties; Agriculture; Building Permits

Description:

Exempts from county building permits buildings or structures located on commercial farms or ranches used for general agricultural or aquacultural operations.

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