
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 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, and improving the
9 economic well-being of the State's rural farming communities.

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



1 settings. While the complexity and scope of building codes have
2 expanded dramatically over the past century, most states have
3 retained agricultural building exemptions. In a number of
4 states, even farm dwellings are exempted from zoning and
5 building codes and permit processes.

6 Hawaii does not currently have a statutory agricultural
7 building exemption despite its long agricultural history, its
8 current high dependency on agricultural food and fuel imports,
9 and the specific wording in article XI, section 3, of the Hawaii
10 State Constitution that the State shall "promote diversified
11 agriculture" and "increase agricultural self-sufficiency".

12 The purpose of this Act is to encourage and support
13 diversified agriculture and agricultural self-sufficiency in the
14 State by providing an exemption from building permit
15 requirements for nonresidential buildings or structures on
16 commercial farms and ranches located outside of the urban
17 district under certain conditions.

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

21 "§46- Agricultural and aquacultural buildings and
22 structures; no building permit required. (a) No county shall



1 require a building permit for the construction, installation, or
2 operation of a nonresidential building or structure, or
3 appurtenances thereto, as specified in subsection (b), that is
4 located on a commercial farm or ranch and is used for general
5 agricultural or aquacultural operations, or for purposes
6 incidental to such operations; provided that:

7 (1) The building or structure is constructed or installed
8 on a property that is used primarily for agricultural
9 or aquacultural operations, and is two or more
10 contiguous acres in area, or one or more contiguous
11 acres in area if located in a nonresidential
12 agricultural or aquacultural park;

13 (2) Upon completion of construction or installation, the
14 owner or occupier provides written notice to the
15 appropriate county fire department and county building
16 permitting agency of the size, type, and location of
17 the building or structure;

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



1 (4) Disposal of wastewater from any building or structure
2 constructed or installed pursuant to this section
3 shall comply with chapter 342D.

4 (b) For purposes of subsection (a), the following
5 buildings and structures shall be exempt from county building
6 permit requirements:

7 (1) Manufactured or pre-engineered buildings or
8 structures, and appurtenances thereto;

9 (2) Recycled ocean shipping or cargo containers;

10 (3) Agricultural shade cloth structures, cold frames, or
11 greenhouses;

12 (4) Aquacultural or aquaponics structures, including water
13 storage or production tanks and raceways;

14 (5) Livestock watering tanks;

15 (6) Fences;

16 (7) One-story masonry or wood-framed buildings or
17 structures with a structural span of less than twenty-
18 five feet, including farm buildings used as:

19 (A) Barns;

20 (B) Greenhouses;

21 (C) Farm production buildings;



1 (D) Storage buildings for farm equipment or plant or
2 animal supplies or feed; or
3 (E) Storage or processing buildings for crops; and
4 (8) Masonry or wood-framed buildings or structures with
5 structural spans of twenty-five feet or more and
6 appurtenances thereto designed or engineered according
7 to the state building code;
8 provided that the buildings and structures comply with
9 applicable setback codes and are properly anchored.

10 (c) As used in this section:

11 "Agricultural building or aquacultural building" means a
12 nonresidential building or structure located on a commercial
13 farm or ranch constructed or installed to house farm or ranch
14 implements, agricultural or aquacultural feeds or supplies,
15 livestock, poultry, or other agricultural or aquacultural
16 products, used in or necessary for the operation of the farm or
17 ranch, or for the processing and selling of farm or ranch
18 products.

19 "Agricultural operation" means the planting, cultivating,
20 harvesting, processing, or storage of crops, including those
21 planted, cultivated, harvested, and processed for food,
22 ornamental, grazing, feed, or forestry purposes, as well as the

1 feeding, breeding, management, and sale of animals including
2 livestock, poultry, honeybees, and their products.

3 "Aquacultural operation" means the propagation,
4 cultivation, farming, harvesting, processing, and storage of
5 aquatic plants and animals in controlled or selected
6 environments for research, commercial, or stocking purposes and
7 includes aquaponics or any growing of plants or animals in or
8 with aquaculture effluents.

9 "Nonresidential" means a building or structure that is used
10 only for agricultural or aquacultural operations, including an
11 agricultural building or aquacultural building, and is not
12 intended for use as, or used as, a dwelling.

13 (d) This section shall not apply to buildings or
14 structures otherwise exempted from building permitting or
15 building code requirements by applicable county ordinance.

16 (e) This section shall not be construed to supersede
17 public or private lease conditions.

18 (f) This section shall not apply to the construction or
19 installation of any building or structure on land in an urban
20 district."

21 SECTION 3. New statutory material is underscored.

22 SECTION 4. This Act shall take effect on January 20, 2020.



Report Title:

Agriculture; Building Code; Building Permit

Description:

Exempts specified nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms and ranches located outside of the urban district from certain building permit requirements, under certain conditions. Effective January 20, 2020. (SB2646 HD1)

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

