

JAN 25 2012

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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 substantially to the time and costs associated with
5 establishing or expanding farming and ranching enterprises in
6 the State. The building codes and permitting processes are also
7 counter to the State's goals of expanding local food and
8 bioenergy production, increasing the State's self-sufficiency in
9 these basic and critical economic sectors, and improving the
10 economic well-being of the State's rural farming communities.

11 Historically, building codes are the result of national
12 efforts to quell large urban fires in the early 1900s to help
13 mitigate large-scale fire loss. Since the largest of these
14 devastating fires were primarily 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 seldom leads to the loss of human life. Rural
18 buildings are also generally somewhat isolated, so fire does not



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

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

16 The purpose of this Act is to encourage and support
17 diversified agriculture and agricultural self-sufficiency in the
18 State by providing an agricultural building exemption for
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 and structures; building
2 permit not required. (a) Notwithstanding any law to the
3 contrary, no county shall require a building permit for the
4 construction, installation, or operation of low-risk
5 nonresidential agricultural buildings or structures, or
6 appurtenances thereto, located on commercial farms or ranches
7 used for general agricultural or aquacultural operations or
8 purposes incidental to the farming, aquaculture, or ranching;
9 provided that:

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

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

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



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

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

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

12 (c) As used in this section:

13 "Agricultural operation" means the planting, cultivating,
14 harvesting, processing, and storage of crops, including those
15 planted, cultivated, harvested, and processed for food,
16 ornamental, grazing, feed, or forestry purposes; and the
17 feeding, breeding, management, and sale of animals, including
18 livestock, poultry, honeybees, and their products.

19 "Agricultural or aquacultural building" means a building or
20 structure located on a commercial farm or ranch designed,
21 constructed, or installed to house farm or ranch implements,
22 agricultural or aquacultural feed or supplies, livestock,



1 poultry, or other agricultural or aquacultural products used in
2 the operation of the farm or ranch and the processing and
3 selling of the crops. The term shall not include a place of
4 human habitation or occupancy.

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

11 "Low-risk" means a manufactured or pre-engineered building
12 or structure, and appurtenances thereto; a recycled ocean
13 shipping or cargo container; an agricultural shade cloth
14 structure, cold frame, or greenhouse; an aquaculture or
15 aquaponics structure; an aquaculture or aquaponics water storage
16 or production tank or raceway; a livestock watering tank; a
17 fence; a one-story masonry or wood-framed building or structure
18 with structural spans of less than twenty-five feet, including
19 but not limited to: a farm building used as a barn; a
20 greenhouse; a farm production building; a storage building for
21 farm equipment, plant or animal supplies, or feed; a storage or
22 processing building for crops; or a masonry or wood-framed



1 building or structure with structural spans twenty-five feet or
 2 more designed or engineered according to the version of the
 3 International Building Code that has been adopted by the
 4 respective county, as published by the International Code
 5 Council, and appurtenances thereto, that:

6 (1) Complies with applicable setback codes; and

7 (2) Has been properly anchored.

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

11 SECTION 3. New statutory material is underscored.

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

13

INTRODUCED BY:

D. D. Digh
All in Ill.

[Signature]
Carol Johnson
And yz

[Signature]

[Signature] *Will Egan*
[Signature] *Clarence K. ...*

[Signature]



S.B. NO. 2921

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.

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

