

JAN 25 2017

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~~] Prior to commencement of
17 construction or installation, the owner or occupier
18 shall provide written notice to the appropriate county
19 fire department and county building permitting agency
20 of the size, type, and locations of the building,
21 structure, or appurtenance thereto. Such written



1 notification shall be provided to the county agencies
2 [~~within~~] not less than thirty days [~~of the completion~~]
3 prior to commencement of construction or installation
4 of the building, structure, or appurtenance thereto.
5 Failure to provide such written notice may void the
6 building permit or building code exemption, or both,
7 which voidance for such failure is subject to the sole
8 discretion of the appropriate county building
9 permitting agency[+]. An owner or occupier who
10 commences construction or installation less than
11 thirty days after providing written notice shall be in
12 violation of this paragraph and shall be assessed a
13 civil fine of \$100 for each day of violation;

- 14 (6) No electrical power and no plumbing systems shall be
15 connected to the building or structure without first
16 obtaining the appropriate county electrical or
17 plumbing permit, and all such installations shall be
18 installed under the supervision of a licensed
19 electrician or plumber, as appropriate, and inspected
20 and approved by an appropriate county or licensed
21 inspector or, if a county building agency is unable to



1 issue an electrical permit because the building or
 2 structure is permit-exempt, an electrical permit shall
 3 be issued for an electrical connection to a meter on a
 4 pole beyond the permit-exempt structure in accordance
 5 with the installation, inspection, and approval
 6 requirements in this paragraph;

7 (7) Disposal of wastewater from any building or structure
 8 constructed or installed pursuant to this section
 9 shall comply with chapter 342D; and

10 (8) Permit-exempt structures shall be exempt from any
 11 certificate of occupancy requirements."

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.
 15

INTRODUCED BY:

Michelle R. Fedani
 BTLS

[Signature]
~~OC~~
[Signature]
[Signature]
 Breene
 Randy de Baker



S.B. NO. 873

Report Title:

Agricultural Buildings and Structures; Building Permit Requirements; Building Code Requirements; Exemption; Notice

Description:

Requires notice be given to certain county agencies at least 30 days prior to construction or installation of certain agricultural buildings and structures that are exempt from building permit and code requirements. Imposes a fine of \$100 per day of violation if construction or installation begins within 30 days of notice.

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

