
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 (a) to read as follows:
3 "(a) Notwithstanding any law to the contrary, the
4 following agricultural buildings, structures, and appurtenances
5 thereto that are not used as dwellings or lodging units are
6 exempt from building permit and building code requirements where
7 they are no more than one thousand square feet in floor area:
8 (1) Nonresidential manufactured pre-engineered commercial
9 buildings and structures;
10 (2) Single stand alone recycled ocean shipping or cargo
11 containers that are used as nonresidential commercial
12 buildings and are properly anchored;
13 (3) Notwithstanding the one thousand square foot floor
14 area restriction, agricultural shade cloth structures,
15 cold frames, or greenhouses not exceeding [~~twenty~~
16 sixty thousand square feet in area per structure;
17 provided that where multiple structures are erected,



1 the minimum horizontal separation between each shade
2 cloth structure, cold frame, or greenhouse is fifteen
3 feet;

4 (4) Aquacultural or aquaponics structures, including
5 above-ground water storage or production tanks,
6 troughs, and raceways with a maximum height of six
7 feet above grade, and in-ground ponds and raceways,
8 and piping systems for aeration, carbon dioxide, or
9 fertilizer or crop protection chemical supplies within
10 agricultural or aquacultural production facilities;

11 (5) Livestock watering tanks, water piping and plumbing
12 not connected to a source of potable water, or
13 separated by an air gap from such a source;

14 (6) Non-masonry fences not exceeding ten feet in height
15 and masonry fences not exceeding six feet in height;

16 (7) One-story masonry or wood-framed buildings or
17 structures with a structural span of less than twenty-
18 five feet and a total square footage of no more than
19 one thousand square feet, including farm buildings
20 used as:

21 (A) Barns;



- 1 (B) Greenhouses;
- 2 (C) Farm production buildings including aquaculture
- 3 hatcheries and plant nurseries;
- 4 (D) Storage buildings for farm equipment or plant or
- 5 animal supplies or feed; or
- 6 (E) Storage or processing buildings for crops;
- 7 provided that the height of any stored items
- 8 shall not collectively exceed twelve feet in
- 9 height;
- 10 (8) Raised beds containing soil, gravel, cinders, or other
- 11 growing media or substrates with wood, metal, or
- 12 masonry walls or supports with a maximum height of
- 13 four feet;
- 14 (9) Horticultural tables or benches no more than four feet
- 15 in height supporting potted plants or other crops; and
- 16 (10) Nonresidential indigenous Hawaiian hale that do not
- 17 exceed five hundred square feet in size, have no
- 18 kitchen or bathroom, and are used for traditional
- 19 agricultural activities or education;
- 20 provided that the buildings, structures, and appurtenances
- 21 thereto comply with all applicable state and county zoning



1 codes[-]; provided that any violation of this paragraph shall be
2 subject to county enforcement authority and fines pursuant to
3 sections 46-4, 205-12, and 205-13.

4 The appropriate county fire department and county building
5 permitting agency shall have the right to enter the property,
6 upon reasonable notice to the owner or occupant, to investigate
7 exempted agricultural buildings for compliance with the
8 requirements of this section; provided that if entry is refused
9 after reasonable notice is given, the applicable department or
10 agency may apply to the district court of the circuit in which
11 the property is located for a warrant, directed to any police
12 officer of the circuit, commanding the police officer to provide
13 sufficient aid and to assist the department or agency in gaining
14 entry onto the property to investigate exempted agricultural
15 buildings for compliance with the requirements of this section."

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

18 SECTION 3. This Act shall take effect on upon approval.



Report Title:

Agricultural Structures; Building Permit and Code Exemptions;
Structure Size Limitations

Description:

Increases the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for an exemption from building permit and building code requirements. Adds language granting county enforcement authorities the right of entry to inspect and enforce violations. Effective upon approval. (SD1)

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