

JAN 18 2019

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);



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- 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) An owner or occupier that intends to utilize the
17 exemptions under this section shall provide written
18 notice to the appropriate county agency of the size,
19 type, and location of the proposed building,
20 structure, related appurtenances, or development. No
21 work shall commence until the county agency has



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1 determined that a building permit for the proposed
2 building, structure, related appurtenances, or
3 development is not required for compliance with
4 county, state, or federal floodplain management
5 development standards, ordinances, codes, statutes,
6 rules, or regulations pursuant to the National Flood
7 Insurance Program requirements;

8 (6) The appropriate county agency shall certify the
9 building, structure, related appurtenances, or
10 development within thirty calendar days upon the
11 receipt of the written notice from the owner or
12 occupier, pursuant to paragraph (5);

13 (7) The owner or occupier shall provide a final as-built
14 written notice to the appropriate county building
15 permitting agency of the final as-built size, type,
16 and location of the building, structure, related
17 appurtenances, or development. Such final as-built
18 written notification shall be provided to the county
19 agency within thirty calendar days of the completion,
20 occupancy, or use of the building, structure, related
21 appurtenances, or development. Failure to provide



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1 such written notice may void the building permit or
2 building code exemption, or both, which voidance for
3 such failure is subject to the sole discretion of the
4 appropriate county building permitting agency;

5 (8) No electrical power and no plumbing systems shall be
6 connected to the building or structure without first
7 obtaining the appropriate county electrical or
8 plumbing permit, and all such installations shall be
9 installed under the supervision of a licensed
10 electrician or plumber, as appropriate, and inspected
11 and approved by an appropriate county or licensed
12 inspector or, if a county building agency is unable to
13 issue an electrical permit because the building or
14 structure is permit-exempt, an electrical permit shall
15 be issued for an electrical connection to a meter on a
16 pole beyond the permit-exempt structure in accordance
17 with the installation, inspection, and approval
18 requirements in this paragraph;

19 (9) Disposal of wastewater from any building or structure
20 constructed or installed pursuant to this section
21 shall comply with chapter 342D; [and]



1 (10) Permit-exempt structures shall be exempt from any
2 certificate of occupancy requirements [-]; and
3 (11) Notwithstanding any other law to the contrary, the
4 appropriate county fire department and county building
5 permitting agency shall have the implicit right to
6 enter the property, upon reasonable notice to the
7 owner or occupier, to investigate exempted
8 agricultural buildings for compliance with the
9 requirements of this section; provided that if entry
10 is refused after reasonable notice is given, the
11 applicable department or agency may apply to the
12 district court of the circuit in which the property is
13 located for a warrant, directed to any police officer
14 of the circuit, commanding the police officer to
15 provide sufficient aid and to assist the department or
16 agency in gaining entry onto the property to
17 investigate exempted agricultural buildings for
18 compliance with the requirements of this section."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect on July 1, 2019.

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Report Title:

Agricultural Buildings and Structures; Exemptions; Right to Enter; Counties

Description:

Grants county agencies the implicit right to enter property to investigate agricultural buildings and structures for violations of, and compliance with, building permit and code exemption qualifications.

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

