

ACT 60

S.B. NO. 2701

A Bill for an Act Relating to Agricultural Buildings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 46-88, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The exemptions in subsections (a) and (b) shall apply; provided that:

- (1) The aggregate floor area of the exempted agricultural buildings shall not exceed:
 - (A) Five thousand square feet per zoning lot for lots of two acres or less;

- (B) Eight thousand square feet per zoning lot for lots greater than two acres but ~~not~~ no more than five acres; and
- (C) Eight thousand square feet plus two per cent of the acreage per zoning lot for lots greater than five acres; provided that each exempted agricultural building is compliant with the square foot area restrictions in subsection (a) or subsection (b);
- (2) The minimum horizontal separation between each agricultural building, structure, or appurtenance thereto is fifteen feet;
- (3) The agricultural buildings, structures, or appurtenances thereto are located on a commercial farm or ranch and are used for general agricultural or aquacultural operations, or for purposes incidental to such operations;
- (4) The agricultural buildings, structures, or appurtenances thereto are constructed or installed on property that is used primarily for agricultural or aquacultural operations, and is two or more contiguous acres in area or one or more contiguous acres in area if located in a nonresidential agricultural or aquacultural park;
- (5) An owner or occupier that intends to utilize the exemptions under this section shall provide written notice to the appropriate county agency of the size, type, and location of the proposed building, structure, related appurtenances, or development. No work shall commence until the county agency has determined that a building permit for the proposed building, structure, related appurtenances, or development is not required for compliance with county, state, or federal floodplain management development standards, ordinances, codes, statutes, rules, or regulations pursuant to the National Flood Insurance Program requirements;
- (6) The appropriate county agency shall certify the building, structure, related appurtenances, or development within thirty calendar days upon the receipt of the written notice from the owner or occupier, pursuant to paragraph (5);
- (7) The owner or occupier shall provide a final as-built written notice to the appropriate county building permitting agency of the final as-built size, type, and location of the building, structure, related appurtenances, or development. Such final as-built written notification shall be provided to the county agency within thirty calendar days of the completion, occupancy, or use of the building, structure, related appurtenances, or development. Failure to provide such written notice may void the building permit or building code exemption, or both, which voidance for such failure is subject to the sole discretion of the appropriate county building permitting agency;
- (8) No electrical power and no plumbing systems shall be connected to the building or structure without first obtaining the appropriate county electrical or plumbing permit, and all such installations shall be installed under the supervision of a licensed electrician or plumber, as appropriate, and inspected and approved by an appropriate county or licensed inspector or, if a county building agency is unable to issue an electrical permit because the building or structure is permit-exempt, an electrical permit shall be issued for an electrical connection to a meter on a pole beyond the permit-exempt structure in accordance with the installation, inspection, and approval requirements in this paragraph;

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- (9) Disposal of wastewater from any building or structure constructed or installed pursuant to this section shall comply with chapter 342D; ~~[and]~~
- (10) Permit-exempt structures shall be exempt from any certificate of occupancy requirements[-]; and
- (11) The appropriate county fire department and county building permitting agency shall have the right to enter the property, upon reasonable notice to the owner or occupant, to investigate exempted agricultural buildings for compliance with the requirements of this section; provided that if entry is refused after reasonable notice is given, the applicable department or agency may apply to the district court of the circuit in which the property is located for a warrant, directed to any police officer of the circuit, commanding the police officer to provide sufficient aid and to assist the department or agency in gaining entry onto the property to investigate exempted agricultural buildings for compliance with the requirements of this section."

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

SECTION 3. This Act shall take effect upon its approval.

(Approved September 15, 2020.)