

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 501

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/26/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S501-PCS75163-TJ-16

Short Title: Swine House Renovations/Site Limits.

(Public)

Sponsors:

Referred to:

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN
3 PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR
4 RENOVATION OF SWINE HOUSES AT THOSE FARMS.

5 Whereas, the General Assembly finds that the swine industry makes important
6 contributions to the people and economy of North Carolina; and

7 Whereas, the General Assembly finds that facilitating the improvement and
8 upgrading of swine farms within North Carolina through the construction and renovation of
9 swine houses at certain preexisting swine farms can provide benefits to the well-being of the
10 animals at the farms, while maintaining and enhancing the ability of those swine farms to
11 remain competitive and to protect the environment; Now, therefore,
12 The General Assembly of North Carolina enacts:

13 SECTION 1. Article 67 of Chapter 106 of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 106-806. Construction or renovation of swine houses at preexisting swine farms.**

16 (a) As used in this section, the following definitions apply:

17 (1) 'New swine farm' means any swine farm the operations of which were sited
18 on or after October 1, 1995. 'New swine farm' does not include any
19 preexisting swine farm, even if a subsequent site evaluation is performed on
20 or after October 1, 1995, at the preexisting swine farm.

21 (2) 'Preexisting swine farm' means any swine farm either the operations of
22 which were begun prior to October 1, 1995, or the site evaluation of which
23 was approved prior to October 1, 1995, by the Department of Environment
24 and Natural Resources under Part 1A of Article 21 of Chapter 143 of the
25 General Statutes.

26 (3) 'Renovation or construction,' 'renovated or constructed,' and any similar
27 phrase mean any activity to renovate, construct, reconstruct, rebuild, modify,
28 alter, change, restructure, upgrade, improve, enlarge, reduce, move, or
29 otherwise perform construction work on a swine house that is a component
30 of a swine farm.



1 (b) Notwithstanding any other provisions of this Article, a swine house that is a
2 component of a preexisting swine farm can be constructed or renovated if the construction or
3 renovation of that swine house satisfies all of the following requirements:

4 (1) The construction or renovation of the swine house does not result in an
5 increase in the permitted capacity of the swine farm, as measured in the
6 annual steady state live weight capacity of the swine farm.

7 (2) The construction or renovation of the swine house does not result in
8 requiring an increase in the total permitted capacity of the animal waste
9 management systems located at the swine farm.

10 (3) Except as provided in subsection (c) of this section, for any swine house that
11 fails to meet any siting requirement for a swine house under G.S. 106-803,
12 the construction or renovation of the swine house does not result in any
13 portion of the constructed or renovated swine house being located any closer
14 to the building or the property that is the object of the siting requirement that
15 the swine house fails to meet.

16 (4) Regardless of the footprint of the existing swine house, renovation or
17 construction of a swine house shall not be allowed in the 100-year
18 floodplain.

19 (c) A swine house that is a component of a preexisting swine farm can be constructed
20 or renovated such that it results in a portion of the constructed or renovated swine house being
21 located closer to a residence, school, hospital, church, or a property boundary than is allowed
22 under subdivision (3) of subsection (b) of this section if written permission is given by the
23 owner or owners of the property directly affected by the siting requirements specified under
24 G.S. 106-803 and recorded with the register of deeds.

25 (d) This section does not apply to the construction or renovation of a swine house that is
26 a component of a new swine farm."

27 **SECTION 2.** This act is effective when it becomes law and applies to
28 constructions or renovations that occur on or after that date.