

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 774  
PROPOSED COMMITTEE SUBSTITUTE H774-PCS70396-MH-16

Short Title: Building Code Exclusion/Primitive Structures.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING  
3 CODE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-138 reads as rewritten:

6 "§ 143-138. North Carolina State Building Code.

7 ...  
8 (b3) Except as provided by ~~subsection (c1)~~subsections (b4) and (c1) of this section, the  
9 Code may contain provisions regulating every type of building or structure, wherever it might  
10 be situated in the State.

11 (b4) Building rules do not apply to (i) farm buildings that are located outside the  
12 building-rules jurisdiction of any municipality, ~~or (ii)~~(ii) farm buildings that are located inside  
13 the building-rules jurisdiction of any municipality if the farm buildings are  
14 ~~greenhouses~~greenhouses, (iii) a primitive camp, or (iv) a primitive farm building. For the  
15 purposes of this subsection:

16 (1) A "farm building" shall include any structure used or associated with equine  
17 activities, including, but not limited to, the care, management, boarding, or  
18 training of horses and the instruction and training of riders. Structures that  
19 are associated with equine activities include, but are not limited to, free  
20 standing or attached sheds, barns, or other structures that are utilized to store  
21 any equipment, tools, commodities, or other items that are maintained or  
22 used in conjunction with equine activities. The specific types of equine  
23 activities, structures, and uses set forth in this subdivision are for illustrative  
24 purposes, and should not be construed to limit, in any manner, the types of  
25 activities, structures, or uses that may be considered under this subsection as  
26 exempted from building rules. A farm building that might otherwise qualify  
27 for exemption from building rules shall remain subject only to an annual  
28 safety inspection by the applicable city or county building inspection  
29 department of any grandstand, bleachers, or other spectator-seating  
30 structures in the farm building. An annual safety inspection shall include an  
31 evaluation of the overall safety of spectator-seating structures as well as  
32 ensuring the spectator-seating structure's compliance with any building  
33 codes related to the construction of spectator-seating structures in effect at  
34 the time of the construction of the spectator-seating.

35 (2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more  
36 glass or plastic walls, has an area over ninety-five percent (95%) of which is



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used to grow or cultivate plants, is built in accordance with the National Greenhouse Manufacturers Association Structural Design manual, and is not used for retail sales. Additional provisions addressing distinct life safety hazards shall be approved by the local building-rules jurisdiction.

(3) A "farm building" shall include any structure used for the display and sale of produce, no more than 1,000 square feet in size, open to the public for no more than 180 days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.

(4) A "primitive camp" shall include any structure primarily used or associated with outdoor camping activities, including structures used for educational, instructional, or recreational purposes for campers and for management training, that are (i) not greater than 4,000 square feet in size and (ii) are not intended to be occupied for more than 24 hours consecutively. "Structures primarily used or associated with outdoor camping activities" include, but are not limited to, shelters, tree stands, outhouses, sheds, rustic cabins, campfire shelters, picnic shelters, tents, tepees or other indigenous huts, support buildings used only for administrative functions and not for activities involving campers or program participants, and any other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with outdoor camping activities such as hiking, fishing, hunting, or nature appreciation, regardless of material used for construction. The specific types of primitive camping activities, structures, and uses set forth in this subdivision are for illustrative purposes and should not be construed to limit, in any manner, the types of activities, structures, or uses that are exempted from building rules.

(5) A "primitive farm building" shall include any structure used for activities, instruction, training, or reenactment of traditional or heritage farming practices. "Primitive farm buildings" include, but are not limited to, sheds, barns, outhouses, doghouses, or other structures that are utilized to store any equipment, tools, commodities, livestock, or other items supporting farm management. These specific types of farming activities, structures, and uses set forth by this subdivision are for illustrative purposes and should not be construed to limit in any manner the types of activities, structures, or uses that are exempted from building rules.

...."

**SECTION 2.** This act is effective when it becomes law.