

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS75103-LD-52B (03/09)

Short Title: Swine House Renovations/Site Limits.

(Public)

Sponsors: Senators Rouzer and Jackson (Primary Sponsors).

Referred to:

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) Notwithstanding any other provisions of this Article, a swine house that is a
17 component of a preexisting swine farm can be constructed or renovated so long as the
18 construction or renovation of that swine house satisfies all of the following requirements:

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

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

25 (3) For any swine house that fails to meet any siting requirement for a swine
26 house under G.S. 106-803, the construction or renovation of the swine house
27 does not, subject to subsection (b) of this section, result in any portion of the
28 constructed or renovated swine house being located any closer to the
29 building or the property that is the object of the siting requirement that the
30 swine house fails to meet.

31 (b) A swine house that is a component of a preexisting swine farm can be constructed
32 or renovated such that it results in a portion of the constructed or renovated swine house being
33 located closer to a residence, school, hospital, church, or a property boundary than is allowed
34 under subdivision (3) of subsection (a) of this section if written permission is given by the
35 owner of the property and recorded with the register of deeds.



1 (c) As used in this section, the following definitions apply:

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

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

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

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

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