

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-118
SENATE BILL 501**

**AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN
PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR
RENOVATION OF SWINE HOUSES AT THOSE FARMS.**

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

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

The General Assembly of North Carolina enacts:

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

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

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

- (1) 'New swine farm' means any swine farm the operations of which were sited on or after October 1, 1995. 'New swine farm' does not include any preexisting swine farm, even if a subsequent site evaluation is performed on or after October 1, 1995, at the preexisting swine farm.
- (2) 'Preexisting swine farm' means any swine farm either the operations of which were begun prior to October 1, 1995, or the site evaluation of which was approved prior to October 1, 1995, by the Department of Environment and Natural Resources under Part 1A of Article 21 of Chapter 143 of the General Statutes.
- (3) 'Renovation or construction,' 'renovated or constructed,' and any similar phrase mean any activity to renovate, construct, reconstruct, rebuild, modify, alter, change, restructure, upgrade, improve, enlarge, reduce, move, or otherwise perform construction work on a swine house that is a component of a swine farm.

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

- (1) The construction or renovation of the swine house does not result in an increase in the permitted capacity of the swine farm, as measured in the annual steady state live weight capacity of the swine farm.
- (2) The construction or renovation of the swine house does not result in requiring an increase in the total permitted capacity of the animal waste management systems located at the swine farm.
- (3) Except as provided in subsection (c) of this section, for any swine house that fails to meet any siting requirement for a swine house under G.S. 106-803, the construction or renovation of the swine house does not result in any portion of the constructed or renovated swine house being located any closer to the building or the property that is the object of the siting requirement that the swine house fails to meet.



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

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

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

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

In the General Assembly read three times and ratified this the 4th day of June, 2011.

s/ Richard Y. Stevens
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 9:12 a.m. this 13th day of June, 2011