

52: 27D-121

LEGISLATIVE HISTORY CHECKLIST  
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(Greenhouses-agricultural  
solid waste)

NJSA: 52:27D-121  
LAWS OF: 1992 CHAPTER: 12  
BILL NO: A754  
SPONSOR(S): Shinn  
DATE INTRODUCED: Pre-filed  
COMMITTEE: ASSEMBLY: Solid Waste  
SENATE: Senior Citizen  
AMENDED DURING PASSAGE: No  
DATE OF PASSAGE: ASSEMBLY: February 10, 1992  
SENATE: May 7, 1992  
DATE OF APPROVAL: May 26, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes  
COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes  
FISCAL NOTE: No  
VETO MESSAGE: No  
MESSAGE ON SIGNING: No  
FOLLOWING WERE PRINTED:  
REPORTS: No  
HEARINGS: No

KBG:pp

P.L.1992, CHAPTER 12, approved May 26, 1992  
1992 Assembly No. 754

1 AN ACT concerning certain greenhouses, and amending P.L.1975,  
2 c.217.

3  
4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 1. Section 3 of P.L.1975, c.217 (C.52:27D-121) is amended to  
7 read as follows:

8 3. Definitions. As used in this act [, unless the context clearly  
9 indicates otherwise]:

10 "Building" means a structure enclosed with exterior walls or  
11 fire walls, built, erected and framed of component structural  
12 parts, designed for the housing, shelter, enclosure and support of  
13 individuals, animals or property of any kind.

14 "Business day" means any day of the year, exclusive of  
15 Saturdays, Sundays, and legal holidays.

16 "Certificate of occupancy" means the certificate provided for  
17 in section 15 of this act, indicating that the construction  
18 authorized by the construction permit has been completed in  
19 accordance with the construction permit, the State Uniform  
20 Construction Code and any ordinance implementing said code.

21 "Commissioner" means the Commissioner of Community  
22 Affairs.

23 "Code" means the State Uniform Construction Code.

24 "Commercial farm building" means any building located on a  
25 commercial farm which produces not less than \$2,500[.00] worth  
26 of agricultural or horticultural products annually, which  
27 building's main use or intended use is related to the production of  
28 agricultural or horticultural products produced on that farm. A  
29 building shall not be regarded as a commercial farm building if  
30 more than 1,200 square feet of its floor space is used for purposes  
31 other than its main use. A greenhouse constructed in conjunction  
32 with the odor control bio-filter of a solid waste or sludge  
33 composting facility, which greenhouse produces not less than  
34 \$2,500 worth of agricultural or horticultural products in addition  
35 to its function as a cover for the bio-filter, shall be considered a  
36 commercial farm building for the purposes of this act, provided,  
37 however, that the greenhouse is not intended for human  
38 occupancy.

39 "Construction" means the construction, erection,  
40 reconstruction, alteration, conversion, demolition, removal,  
41 repair or equipping of buildings or structures.

42 "Construction board of appeals" means the board provided for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 in section 9 of this act.

2 "Department" means the Department of Community Affairs.

3 "Enforcing agency" means the municipal construction official  
4 and subcode officials provided for in section 8 of this act and  
5 assistants thereto.

6 "Equipment" means plumbing, heating, electrical, ventilating,  
7 air conditioning, refrigerating and fire prevention equipment, and  
8 elevators, dumbwaiters, escalators, boilers, pressure vessels and  
9 other mechanical facilities or installations.

10 "Hearing examiner" means a person appointed by the  
11 commissioner to conduct hearings, summarize evidence, and  
12 make findings of fact.

13 "Maintenance" means the replacement or mending of existing  
14 work with equivalent materials or the provision of additional  
15 work or material for the purpose of the safety, healthfulness, and  
16 upkeep of the structure and the adherence to such other  
17 standards of upkeep as are required in the interest of public  
18 safety, health and welfare.

19 "Manufactured home" or "mobile home" means a unit of  
20 housing which:

21 (1) Consists of one or more transportable sections which are  
22 substantially constructed off site and, if more than one section,  
23 are joined together on site;

24 (2) Is built on a permanent chassis;

25 (3) Is designed to be used, when connected to utilities, as a  
26 dwelling on a permanent or nonpermanent foundation; and

27 (4) Is manufactured in accordance with the standards  
28 promulgated for a manufactured home by the Secretary of the  
29 United States Department of Housing and Urban Development  
30 pursuant to the "National Manufactured Housing Construction  
31 and Safety Standards Act of 1974," Pub.L. 93-383 (42 U.S.C. §  
32 5401 et seq.) and the standards promulgated by the commissioner  
33 pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.).

34 "Municipality" means any city, borough, town, township or  
35 village.

36 "Owner" means the owner or owners in fee of the property or a  
37 lesser estate therein, a mortgagee or vendee in possession, an  
38 assignee of rents, receiver, executor, trustee, lessee, or any other  
39 person, firm or corporation, directly or indirectly in control of a  
40 building, structure, or real property and shall include any  
41 subdivision thereof of the State.

42 "Premanufactured system" means an assembly of materials or  
43 products that is intended to comprise all or part of a building or  
44 structure and that is assembled off site by a repetitive process  
45 under circumstances intended to insure uniformity of quality and  
46 material content.

47 "Public school facility" means any building, or any part  
48 thereof, of a school, under college grade, owned and operated by  
49 a local, regional, or county school district.

50 "State sponsored code change proposal" means any proposed  
51 amendment or code change adopted by the commissioner in  
52 accordance with subsection c. of section 5 of this act for the  
53 purpose of presenting such proposed amendment or code change  
54 at any of the periodic code change hearings held by the National

1 Model Code Adoption Agencies, the codes of which have been  
2 adopted as subcodes under this act.

3 "Stop construction order" means the order provided for in  
4 section 14 of this act.

5 "State Uniform Construction Code" means the code provided  
6 for in section 5 of this act, or any portion thereof, and any  
7 modification of or amendment thereto.

8 "Structure" means a combination of materials to form a  
9 construction for occupancy, use, or ornamentation, whether  
10 installed on, above, or below the surface of a parcel of land;  
11 provided the word "structure" shall be construed when used  
12 herein as though followed by the words "or part or parts thereof  
13 and all equipment therein" unless the context clearly requires a  
14 different meaning.

15 (cf: P.L.1986, c.119, s.1)

16 2. This act shall take effect immediately.

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21 Defines certain agricultural structures of a solid waste facility as  
22 commercial farm buildings.

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#### STATEMENT

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21 This bill would amend the "State Uniform Construction Code  
22 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to allow  
23 consideration of greenhouses constructed over bio-filters for  
24 solid waste or sludge composting facilities as "commercial farm  
25 buildings." Bio-filters are odor control components of  
26 composting facilities. They typically cover large areas and  
27 require protection from the weather. The construction of a  
28 greenhouse to act as both cover for the bio-filters and as a  
29 nursery is an example of a beneficial use of otherwise wasted  
30 space.

31 However, the current definition of a "commercial farm  
32 building" precludes the design of such a greenhouse in compliance  
33 with the criteria reserved for farm buildings because the  
34 greenhouse is located at the site of a solid waste facility.  
35 Inclusion of a bio-filter greenhouse as a "commercial farm  
36 building" would significantly reduce design and construction costs  
37 and maintain the economic viability of the arrangement without  
38 any additional risk to public safety and welfare.

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ASSEMBLY SOLID WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 754

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 1992

The Assembly Solid Waste Committee favorably reports Assembly Bill No. 754.

This bill would amend the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to allow a greenhouse constructed over a bio-filter for a solid waste or sludge composting facility to be included in the definition of a "commercial farm building." Bio-filters are odor control components of composting facilities. They typically cover large areas and require protection from the weather. The construction of a greenhouse to act as both cover for the bio-filters and as a nursery is an example of an efficient use of space.

Under existing law, the definition of a "commercial farm building" precludes the design of such a greenhouse in compliance with the criteria reserved for farm buildings because the greenhouse is located at the site of a solid waste facility. Inclusion of a bio-filter greenhouse as a "commercial farm building" would significantly reduce the design and construction costs of a composting facility while maintaining the economic viability of the arrangement without any additional risk to public safety and welfare.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review, which has been completed.

SENATE SENIOR CITIZENS, VETERANS  
AFFAIRS AND AGRICULTURE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 754**

**STATE OF NEW JERSEY**

DATED: APRIL 2, 1992

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Assembly Bill No. 754.

This bill would amend the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to allow a greenhouse constructed over a bio-filter for a solid waste or sludge composting facility to be included in the definition of a "commercial farm building." Bio-filters are odor control components of composting facilities. They typically cover large areas and require protection from the weather. The construction of a greenhouse to act as both cover for the bio-filters and as a nursery would be a beneficial and efficient use of space.

Under existing law, the definition of a "commercial farm building" precludes the design of such a greenhouse in compliance with the criteria reserved for farm buildings because the greenhouse is located at the site of a solid waste facility. Inclusion of a bio-filter greenhouse as a "commercial farm building" would significantly reduce the design and construction costs of a composting facility while maintaining the economic viability of the arrangement without any additional risk to public safety and welfare.