

"HOOP HOUSE" EXEMPTION IN CONSTRUCTION CODE

Phone: (517) 373-8080
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House Bill 5130 as introduced
Sponsor: Rep. Adam F. Zemke
Committee: Agriculture
Complete to 3-15-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5130 would define a "hoop house" as a temporary structure and exempt such structures from the state construction code if they meet certain requirements. The bill would amend Sections 21 and 10 of the Stille-DeRossett-Hale Single State Construction Code Act (PA 230 of 1972). The bill would take effect 90 days after the date it is enacted into law.

The bill would define hoop house as a structure, typically used to extend the growing season for plants by creating a warmer environment, which meets all of the following:

- Is built according to manufacturer recommendations of a series of noncombustible arches covered with translucent plastic sheeting.
- Does not have a permanent anchoring system or foundation.
- Does not have an impermeable floor.

A hoop house that meets all of the following requirements would be exempt from this act and the code:

- Is not used to store solvents, gases, or other chemicals or flammable materials.
- Does not redirect existing drainage.
- If used for the sale of agricultural products, not more than 400 square feet are used for seasonal trade in agricultural products and at least 50% of the agricultural products offered for sale are produced on a farm that is owned or controlled by the person who owns the hoop house.

HB 5130 also would add language stating these requirements would not limit the applicability to hoop houses of any exclusions from the definitions of "building" and "structure."

"Building" is presently defined as "a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by individuals, animals, or property. Building does not include a building, whether temporary or permanent, incidental to (which the bill would change to, 'associated with') the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. Building includes a part or parts of the building and all equipment in the building unless the context clearly requires a different meaning."

"Structure" is presently defined as "that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include a work of heavy civil construction including, but not limited to, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility, or facility for the generation, transmission, or distribution of electricity. Structure includes a part or parts of a structure and all equipment in the structure unless the context clearly requires a different meaning."

The bill also makes other technical changes that would not substantially impact its present meaning.

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Josh Roesner
Fiscal Analyst: Paul B.A. Holland

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.