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## ***TECHNICAL BULLETIN***

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**Code Effective Date:**            **January 1, 2008**

**Source Document:**    **Article 18 of the Executive Law of New York State**

**Topic:**                            **Temporary Greenhouse**

This document provides guidance regarding regulating the construction and use of a “temporary greenhouse.”

Article 18 of the Executive law, know as the New York State Uniform Fire Prevention and Building Code Act, is the enabling legislation for the Uniform Fire Prevention and Building Code (Uniform Code), which became effective January 1, 1984. Section 372 provides the following definitions for “building” and “temporary greenhouse” definitions:

**“Building** means a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals, or property. The word “building” shall be construed when used herein as though followed by the words “or part or parts thereof” unless the context clearly requires a different meaning. The term “building” shall also mean “factory manufactured home” and “mobile home.” The term “building” shall not include a “temporary greenhouse.”

**“Temporary greenhouse** means specialized agricultural equipment having a framework covered with demountable polyurethane materials or materials of polyurethane nature and lacking a permanent and continuous foundation, which is specifically designed, constructed, and used for the culture and propagation of horticultural commodities. A “temporary greenhouse” may include, but is not limited to, the use of heating devices, water and electrical utilities, and supporting poles embedded in non-continuous concrete. **In no instance will a temporary greenhouse be used for the retail sale of any farm or non-farm products.”**

Therefore, the Uniform Code does not regulate the construction of a temporary greenhouse. A temporary greenhouse does not have to be located on a farm, nor in an agricultural district defined by the New York State Agriculture and Markets Law. A temporary greenhouse may be for personal use or for commercial use, however, it cannot be open to the general public for the sale of products. The definition of temporary greenhouse provides that it is specialized agricultural equipment having a framework covered with demountable polyurethane materials or materials of polyurethane nature and lacking a permanent and continuous foundation. However, the definition, nor anything else in the law, does not require the temporary greenhouse to be dismantled periodically nor at any time.

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