



Building Standards and Codes

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TECHNICAL BULLETIN

Code Effective Date: October 31, 2017¹

Source: New York State Executive Law, Article 18 - UNIFORM FIRE PREVENTION AND BUILDING CODE ACT

Topic: Temporary Greenhouse

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

Article 18 of the Executive Law, known 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 initially became effective January 1, 1984. Executive Law § 372 provides the following 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 parts 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.*

In general, the Uniform Code prescribes “standards for the construction of all buildings or classes of buildings, or the installation of equipment therein, including standards for materials to be used in connection therewith, and standards for safety and sanitary conditions.” See Executive Law § 378(1) (emphasis added). Executive Law § 377 lists as one purpose of the Uniform Code to: *provide reasonably uniform standards and requirements for construction and construction materials for public and private buildings, including factory manufactured homes, consonant with accepted standards of engineering and fire prevention practices.* (emphasis added). Therefore, as a “temporary greenhouse” does not meet the definition of a “building,” the Uniform Code does not regulate the construction of structures that meet the definition of a “temporary greenhouse.”

¹ The “Code Effective Date” for this Technical Bulletin is October 31, 2017, which is the effective date of the current version of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

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 “*used for the retail sale of any farm or non-farm products.*” The definition of a “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, which is specifically designed, constructed and used for the culture and propagation of horticultural commodities.*” However, neither the definition nor anything else in the law, requires the “temporary greenhouse” to be dismantled either periodically or at all.

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