



FARM BUILDING & STRUCTURE AFFIDAVIT

Applicant Information			
Name of Owner		Phone Number	
Email		Tax Map Number	
Owner's Address			
Property Location or Address (If not same as above)			

How are farm buildings regulated by the State Building Code?

Farm buildings and structures are exempt from the Virginia Uniform Statewide Building Code (USBC). In order to qualify for this exemption, the structure must be used for a specific purpose which is directly related to an operating farm. Virginia's farm building exemption in general exempts farm buildings from the Virginia Building Code under § 36-99.

§ 36-99. Provisions of Code; modifications.

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to floodproofing regulations or mudslide regulations, as applicable. However, any farm building or structure (i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:

1. Portable fire extinguishers for the purpose of fire suppression;
2. A simple written plan in case of an emergency, but such plan shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and
3. A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one inch in height.



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How are farming operations defined in Virginia Code?

The CODE OF VIRGINIA § 36-97 defines farm buildings and structures as follows:

A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses related to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage of use of supplies and materials used on the farm; or
6. Implementation of best management practices associated with farm operations.

A farm is defined in § 3.2-300 in the Code of Virginia:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.



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In order to verify an understanding of the specific purpose for the proposed structure, please answer the following questions related to the activities conducted on the property:

Is the proposed structure to be used for residential purposes? If "Yes", then the structure is not eligible to be exempt from the Building Code	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Do farming operations take place on the property? If "No", then the structure is not eligible to be exempt from the Building Code If "Yes", then please describe the farming activities and how they contribute materially to your support:	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div> <hr/> <hr/> <hr/>

Questions	
1. Is the proposed structure to be used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm?	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div> Type of Products:
2. Is the proposed structure to be used for sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products?	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div> Type of Animals/Products:
3. Is the proposed structure to be used for business or office uses related to the farm operations?	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div>
4. Is the proposed structure to be used to hold farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div> Type of Equipment:
5. Is the proposed structure to be used for storage of use of supplies and materials used on the farm?	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div> Type of Supplies/Materials:
6. Is the proposed structure to be used for the implementation of best management practices associated with farm operations?	<div style="text-align: center;"> <input type="checkbox"/> YES or <input type="checkbox"/> NO </div> Description of BMPs:

Building Information	
Type of Structure	
Building Use	
Building Size (Square Feet)	
Height	
Tax Map Number	



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AFFIDAVIT

By completing the following affidavit, you are swearing that the proposed structure meets the farm structure exemption of the USBC. No building permit or building inspections will be required. **Building a structure without a building permit that is not legally exempt, would constitute a violation of Code of Virginia § 36-106 which is deemed a misdemeanor and subject to a fine of up to \$2,500.** Each day the violation continues after conviction or court-ordered abatement period has expired shall constitute a separate offense. Presentation of a false affidavit may also constitute violation of other state laws which may be punishable separately. **The structure is not exempt from other laws, regulations and ordinances, including the Dinwiddie County Zoning Ordinance and Dinwiddie County Erosion and Sediment Control Ordinance.** I acknowledge and authorize the Commissioner of Revenue's Office to inspect new construction when completed for tax assessment purposes.

Commonwealth of Virginia

County/ City of _____, to wit:

COMES NOW _____ (name), and after having been sworn, state that I have read and understand the information above, have truthfully answered all questions on this application, and affirm that the structure proposed to be built qualifies as a *farm structure* as defined by the USBC.

Owner Signature: _____ Date: _____

Sworn and subscribed to before me, a Notary Public in and for the jurisdiction aforesaid by _____, whose name is signed to the above, on this _____ day of _____, 20____.

My commission expires: _____

Notary Public

Seal

For Office Use Only	Signature	Date
Director of Planning & Zoning		
Building Official		