



**Farm Structure Exemption**  
 Madison County Building Department  
 414 N. Main St. Madison, VA 22727  
 Phone (540) 948-6102

Farm structures are exempt from the Virginia Uniform Statewide Building Code (USBC). In order to qualify for the exemption, the structure must be used for the specific purpose that is directly related to farming operations. The Code of Virginia section 36-97 defines farms structures as follows:

**Farm Building (Structure):** A building or structure not used for residential purposes, located on property where farming operations take place, and is used primarily for any of the following uses or combinations 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 relating to the farm operations where the area utilized for such office use has an occupancy load of less than 11 people;
- 4) use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment used on a farm;
- 5) storage or use of supplies and materials used on the farm; or
- 6) Implementation of best management practices associated with farm operations. The bill also provides that farm buildings and structures are exempt from the provisions of the Building Code, except those portions of farm buildings and structures that
  - a. have over 2,000 square feet used for retail trade purposes or for the sampling of agricultural products or
  - b. are used by the general public for any type of public assembly purposes where 75 or more people are present at any one time.

Such buildings or structures lying within a floodplain or in a mudslide-prone area are subject to flood proofing and/mudslide operations. This exemption does not apply to any building or portion thereof used as a restaurant and licensed by the Board of Health.

Please answer the following questions to verify if the structure qualifies as farm exempt:

1. Is the property currently being used as a farm operation?    Yes    No  
**"Farm operation"** means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. *(Code of Virginia section 25.1-400)*
2. Is the identified structure intended to be used for one or more of the following:    Yes    No
  - a. The storage, handling, production, display, sampling or sale of any items listed in Question 1
  - b. For sheltering, raising, handling, or processing of agricultural animals or animal products
  - c. The maintenance, storage or use of equipment or materials related to the activities listed in question 1
  - d. For business or office use or implementation of best management practices associated with the farm use

If you answered **NO** to either question, the structure is not exempt from requirements of the USBC. If you answered **YES** to both questions, please complete the affidavit below.

By completing the following affidavit, you are stating that the identified structure meets the farm structure exemption of the USBC. No permits will be issued and no inspections performed by Madison County Building Department. The structure is not exempt from other laws, regulations and ordinances including those of the Madison County Zoning Ordinance or E&S Land Disturbance regulations. Presentation of a false affidavit is a violation of the USBC and may also constitute violation of other federal, state and local regulations.

# Farm Structure Exemption Affidavit

## Owner Information:

Owners Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Zoning: \_\_\_\_\_ Land Use: Yes No

---

## Structure Information:

Size of structure: \_\_\_\_\_

Electrical Service to Structure: Yes No Electric Service Supplier: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

---

I \_\_\_\_\_ have read and understand the above and affirm that the structure identified qualifies for farm exemption.

\_\_\_\_\_  
Owners Signature (Must be signed in front of Notary)

\_\_\_\_\_  
Date

City/County of \_\_\_\_\_  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_ (Name of person seeking acknowledgment)

Notary Public's signature \_\_\_\_\_

Notary registration number: \_\_\_\_\_

My commission expires: \_\_\_\_\_

---

Zoning Approval \_\_\_\_\_ Building Approval \_\_\_\_\_

Permit Fee \$25.00

Paid Date: \_\_\_\_\_

Payment Type: \_\_\_\_\_