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TECHNICAL BULLETIN

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Source Document: 19NYCRR 1221 - *Building Code of New York State (BCNYS)*

Topic: Agricultural building vs Horse riding arena

This document explains the occupancy classifications and the code requirements for a horse boarding stable, and a barn for raising animals and/or growing and storing crops, versus an indoor horse riding arena. *Building Code of New York State (BCNYS)* section 101.2, *Scope*, exception 2. provides that agricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation are exempt from requirements of the BCNYS. A commercial horse boarding building, and a barn for raising animals and/or growing and storing crops are considered agricultural and a riding arena is not. Please note that the building department which has jurisdiction may require a building permit for the construction of agricultural buildings, to insure that the building meets the zoning requirements and to alert the assessor.

Article 25AA of the Agriculture and Markets Law provides for preferential assessments, referred to as agricultural assessments, for agricultural land which satisfies certain statutory criteria. To be eligible for an agricultural assessment, land must satisfy the definition for the term "land used in agricultural production" set out in Agriculture and Markets Law §301. It is worth noting that in 1994 the definition of land used in agricultural production was amended to provide that land used to support a commercial horse boarding operation would thereafter be included within the definition and consequently be eligible for an agricultural assessment.

Whether the property owner files for an agricultural assessment or not, a horse boarding facility and a barn for raising animals and/or growing and storing crops, no matter the size, is an agricultural building for purposes of the BCNYS and is exempt from the construction and inspection requirements.

Fire Code of New York State (FCNYS) section 102.1(5) contains the same exception to the construction requirements of the code. Agricultural buildings are not classified under any occupancy classification in BCNYS Chapter 3.

FCNYS section 102.1(5) also states:

Agricultural buildings shall be subject to the applicable requirements of fire safety practice and methodology prescribed herein.

This section can only be used when the Code Enforcement Official is notified by the Fire Official of an fire event in an agricultural building.

An indoor horse riding arena for the use of the people boarding their horses on said farm is classified as a U occupancy. If such arena is used for other than private purposes, such as teaching horsemanship skills or entertainment for the public, the occupancy classification is A-3 (up to 300 persons). The allowable area for such a building is 5,000 square feet for a U and 6,000 square feet for a A-3, of wood frame construction. BCNYS section 507, *Unlimited area buildings*, 507.5 for group A-3 buildings of type I or II (non-combustible) construction are allowed unlimited area however they are required to be sprinklered and to be surrounded by 60 foot public ways or yards.

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