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TECHNICAL BULLETIN

Law Effective Date: July 3, 2007

Source Document: Article 18 of the Executive Law

Reference Documents: 19NYCRR 1203 - Uniform Code: Administration and Enforcement
19NYCRR 1221 - Building Code of New York State
19NYCRR 1225 - Fire Code of New York State
19NYCRR 1240 - Energy Conservation Construction Code

Topic: Periodic Inspections of Agricultural Buildings

This is to clarify the requirements of Chapter 159 of the laws of 2007. The requirements of the law have been incorporated into Article 18 of the Executive Law section 381(1), entitled Administration and enforcement of the New York State uniform fire prevention and building code, as follows:

*Nothing in the rules shall require or be construed to require regular, periodic inspections of (A) owner-occupied one and two-family dwellings, **or (B) agricultural buildings used directly and solely for agricultural purposes**, provided, however that this shall not be a limitation on inspections conducted at the invitation of the owner or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.*

This portion of Article 18 of the Executive Law, the enabling legislation for the Uniform Fire Prevention and Building Code, means that agricultural buildings are exempt from the requirements of periodic fire safety and property maintenance inspections in **19NYCRR 1203**, which establishes minimum standards for administration and enforcement of the Uniform Code which must be incorporated into each local law, as well as other buildings for which regulations have been promulgated pursuant to section 381(1)(g) [see 19NYCRR Part 1201].

Building Code of New York State (BCNYS) section 101.2, Scope, exception 2 provides that the BCNYS is not applicable to agricultural buildings as follows:

Agricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation.

Additionally, *Fire Code of New York State (FCNYS) section 102.1 exception 5 and Energy Conservation Construction Code of New York State (ECNYS) section 101.4.2.5 have similar exceptions. 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.

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