# AGRICULTURAL EXEMPTION
# GUIDANCE DOCUMENT AND LIST OF REQUIREMENTS

## AGRICULTURE EXEMPTION

☐ Land Use Permit signed and approved by the municipality

☐ PMCA 2 page Building Permit Application

☐ Plot Drawing – (Show location and distances of proposed structure in proximity to all other improvements, utility lines, easements, right of ways and property lines)

☐ Ag Exemption Affidavit – This is used to help administer the Ag Exemption request

☐ The Schedule F is NOT a requirement but nice to have and appreciated.

☐ Verification that the Structure is NOT going to be within a Flood Plain or Flood Way (Plot Drawing must show any nearby water courses).

☐ **If in Flood Plain** – Any project located in a flood plain may not obtain a Agricultural Exemption until such time that all documentation for Construction in a Flood Plain is submitted and approved.

- All Construction occurring 18" above the base flood elevation or below must obtain permitting and meet the requirements of the Local Municipal Ordinance(s), Pa Uniform Construction Code and the International Building Code. The elevation of the lowest floor containing habitable space must be at least 18" above the Base Flood Elevation.

☐ Fee of $117.50 to cover Application / Administration / Review Letter and Mailing

**► When constructed under this exemption the use of the structure is limited to those defined under 35 Pa Code 7210.103 as follows:◄**

"**Agricultural building." A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap.**

**The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.**

**This term also includes: no more than one structure per parcel of land which meets all of the following requirements:**

i. **The structure is used for the direct, seasonal sale of agricultural commodities.**
ii. **The structure is open on at least 25% of the perimeter of the structure when in operation.**
iii. **The structure is operated by a producer whose products make up not less than 50% of the agricultural commodities being sold.**
iv. **If not located on the producer's property, the structure is erected for less than 180 days of a calendar year.**
v. **The structure has an area of not more than 1,000 square feet.**

**Some key words here are those that specifically define the agricultural use of the structure. The storage of automobiles, use as a workshop, or for anything other than agricultural implements (not for hire), housing of animals other than livestock (wildlife, companion animals, etc. For example or the use as a kennel), use as office space or additional living or habitable space, the installation of any feature that would turn the structure into habitable space all are items which would violate your agricultural exemption and void the current approval.**

Any such use is a change of approved occupancy and requires application for and approval of a Change of Use or Occupancy from the municipal Building Code Official prior to commencement of the activity or use. Such a change of use or occupancy would require compliance with whatever the current code is at the time of application. This compliance determination will require that the current code administrator then evaluate the structures design and construction as well as the intended use to determine code compliance.

Violation of any of the above conditions constitutes a criminal offence in the Commonwealth of Pennsylvania under 35 Pa Code 7210.903, with each day becoming a new violation.

**PMCA Office Locations:**

**Chambersburg Office:** 1013 Wayne Ave. Chambersburg, PA 17201 **Phone:** 717 496-4996
**Adams Office:** 1895B York Road, Gettysburg, PA 17325 **Phone:** 717 321-9046
**Bedford Office:** 125 S. Richard Street, Suite 102, Bedford, PA 15522 **Phone:** 814 310-2326
**Somerset Office:** 510 Georgian Place, Somerset, PA 15501 **Phone:** 814 444-6112

# *Agricultural Building Exemption Form*

PROPERTY / SITE INFORMATION

Municipality | County | Tax Parcel I.D. | *Official use only [date stamp]*

Location of Property where Proposed Agriculture Building: (Complete Street City Zip)

Clearly Define Size of Structure and Intended Use:

NAME AND CONTACT INFORMATION OF THE OWNER OF THE PROPERTY:

*Print Full Name* | *Phone (Cell and/or Land line)* | *Email Address*

*Complete Mailing Address:* *Street/P.O. Box* *City* *State* *Zip*

OWNER SECTION**:** (To be completed only by the property or building owner)

1. I certify and acknowledge that the proposed building intended to be erected or constructed at the above location meets the definition of an "agricultural building" as defined below by the Pennsylvania Uniform Construction Code 35 Pa Code 7210.103. I also acknowledge that I am responsible to obtain a Building Permit, Municipal Land Use Permit and all other approvals as required should the use or occupancy of the building be changed and when no longer being utilized as an agricultural building.
2. I hereby certify that I am the owner of the property listed on Section "B" of this Application. I understand that submission of this form grants authorized representatives of the municipality access to this property to inspect the structure(s) under construction.

*Owner Name (Print)* | *Owner Signature* | *Date*

***State of*** _____ ***County of*** _____

*On this_____day of_____, 20____, before me, a Notary Public, the undersigned officer, appeared*

_____*, Known to me, or satisfactorily proven, to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he / she or they executed that same for the purposes herein contained.*

*In Witness Whereof, I hereto set my hand and official seal:* _____

► An Agricultural exemption of a structure is limited to those defined under 35 Pa Code 7210.103 as follows: ◄

"Agricultural building." A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals and a milk house. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

- It is important to note that buildings containing areas that agricultural products are processed, packaged, or treated are NOT exempt from the Code.
- Also any space that us used to conduct business, such as an office, or places of occupancy that could be open to the general public must be permitted and meet all Code requirements.

PA MUNICIPAL CODE ALLIANCE, Inc.
A SAFEbuilt® COMPANY

**Chambersburg Office:** 1013 Wayne Ave. Chambersburg, PA 17201 **Phone:** 717 496-4996
**Bedford Office:** 125 S. Richard Street, Suite 102, Bedford, PA 15522 **Phone:** 814 310-2326
**Somerset Office:** 510 Georgian Place, Somerset, PA 15501 **Phone:** 814 444-6112
**Adams Office:** 1895B York Road, Gettysburg, PA 17325 **Phone:** 717 321-9046
**Email:** pmca@pacodealliance.com **Website:** https://pacodealliance.com/

# APPLICATION FOR BUILDING PERMIT / USE CERTIFICATE

Rcvd. Date Stamp Here

**Please print legibly –** failure to do so may result in a denial, delay or rejection of this application.

Permit Application No._____

## 1. PROPERTY / SITE INFORMATION

Site Address: _____ Tax Map / Parcel No.: _____
Complete Address / Street / Lot #

_____
City State Zip

Municipality: _____ County: _____ Land Use Permit No._____

**Use:** ☐ **Residential** ☐ Single-Family Dwelling / Duplex ☐ Multi Family ☐ New / ☐ Relocated Manufactured Home ☐ Modular

☐ **Commercial** ☐ Other _____ Floodplain present: ☐ Yes ☐ No

**Improvement Type:** ☐ New ☐ Addition ☐ Alteration ☐ Repair/Replacement ☐ Relocation ☐ Other _____

## 2. LAND / PROPERTY OWNER'S INFORMATION (Complete Section 5 for Contractor's Info)

First Name Mi. Last Name Phone No: Cell No.:

Street Address City State Zip Email:

## 3. BUILDING / STRUCTURE OWNER'S INFORMATION [If Different From Above]

First Name Mi. Last Name Phone No: Cell No.:

Street Address City State Zip Email:

## 4. BUILDING PERMIT APPLICATION

Provide below description of Work: *(Also provide details on plot plan: Show all improvements on lot & approx. distances to lot lines)*

_____

_____

_____

_____

_____

Total Lot Area: _____ Acres/Sq. Ft. ESTIMATED COST OF CONSTRUCTION: $_____

ICC Use Group: _____ ICC Construction Type: _____

ESTIMATED START DATE: _____/_____/_____ ESTIMATED COMPLETION DATE: _____/_____/_____

## 5. CONTRACTOR INFORMATION

Business Name: _____ Phone No: _____

Contractor Street Address | City | State | Zip

Person in Charge of Work: _____ Phone No.: _____

Email: _____ Cell No.: _____

Workman's Compensation Insurance: ☐ Provided ☐ On Record ☐ Exempt PA Home Improvement Contr. Reg. #_____

**►► THIS SECTION MUST BE FULLY COMPLETED OR THE APPLICATION MAY BE REJECTED AS INCOMPLETE ◄◄**

## 6. CERTIFICATION

I certify that I am the owner of record, or that I have been authorized by the owner of record to submit this application and that the work described has been authorized by the owner of record. I understand and assume responsibility for the establishment of official property lines for required setbacks prior to the start of construction, and agree to conform to all applicable local, state, and federal laws governing the execution of this project. I certify that the Code official or his representative shall have the authority to enter the areas in which this work is being performed, at any reasonable hour, to enforce the provisions of the Codes governing this project. I further certify that this information is true & correct to the best of my knowledge and belief. Ref. 18 Pa. Cons. Stat. §4903.

Applicant Signature | Print Name (***legibly***): | Date

Applicant Phone (Land Line and Cell) | Applicant Email

Business Name (if applicable) | Email

☐ Business **OR** ☐ Applicant Complete Mailing Address

Business Phone Number (Land Line and Cell)

## 7. PROJECT DETAILS

**Trades**: ☐ Building ☐ Electrical Work ☐ Plumbing Work ☐ Mechanical Work (HVAC) ☐ Fire Suppression/Fire Alarm System

Heat Source (if applicable): _____ Fuel Type: _____

**Foundation Type**: ☐ Crawlspace ☐ Foundation ☐ Slab at Grade ☐ Piers ☐ Other: _____

**Details:** _____

## SUBCONTRACTOR INFORMATION

*Please list subcontractors for major trades. Use additional sheet(s) if needed.* ☐Additional sheet(s) attached

| Contractor | Address | Phone No | Pa HIC # |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

**APPLICANT OR AUTHORIZED AGENT IS RESPONSIBLE FOR CONTACTING PMCA OFFICE FOR ALL REQUIRED INSPECTIONS.**

►► IF NOT APPLICABLE TO YOUR PROJECT PLEASE PUT **N/A** ON THE LINE/ SPACE ◄◄