2017 DOI/OSFM Code College
NCGS 143-138 - FARM BUILDINGS

Opinions and Guidance

Carl Martin, RA
Chief Building Code Consultant
919-647-0009
carl.martin@ncdoi.gov
Objective

To provide guidance for addressing where the codes apply to farm buildings used for events in light of GS 143-138(b4).

Disclaimer

This presentation is not legal advice or interpretation of law as DOI has no statutory authority to provide such legal advice or interpretation of law.
What do you think?
Apparently built as a wedding type venue and not for farming use.

What parts must be code compliant and be permitted?

Let’s examine the related statute.
For the purpose of this subdivision, a “farm building” means any nonresidential building or structure that is used for a bona fide farm purpose as provided in G.S. 153A-340. A “farm building” shall include:
A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, “agritourism” means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.
A "farm building" shall not lose its status as a farm building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.
The statutes do not say that a building can be constructed or modified for such assembly use.

The statutes only indicate that a farm building can be used for such assembly purposes without having to comply with the codes for that use.
A "farm building" shall not lose its status as a farm building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

DOI Guidance Paper:
GS 143-138 - Wedding Venues and Farm Buildings.doc
Question:

Does a building constructed for use as a wedding venue or similar use on a farm outside the rules jurisdiction of a municipality qualify for the “farm building” building code exemption found in General Statute 143-138(b4) and Section 101.2 of the NC Building Code?
The statute seems to address existing farm buildings that may be used from time to time for functions such as weddings. It does not appear that the statute contemplates new construction that is intended primarily for functions such as weddings.
Answer (continued):

Based on the opinion above, the following guidance is offered:

▪ An existing farm building that is to be used for a function such as a wedding venue and adds systems such as plumbing or HVAC for that function, those systems are not exempt from the requirements of the codes.

▪ New buildings constructed specifically for functions such as wedding venues are not exempt from the requirements of the codes.

▪ Electrical systems are never exempt from the requirements of the codes.
Dol Guidance Paper

To Muddy the Water

A letter issued by Dol on August 16, 2016 by then Dol Deputy Commissioner, Chris Noles.

2016 Farm Building Jonczak NCDOI Decision - Farm Building.pdf

This August 16 decision referenced above does not necessarily contradict the guidance paper.
Although the project was a building that apparently was intended for events, the letter does not address renovations made or features added specifically for events.

It only addressed a stop work order.

The decision appears to be based on the fact that the building is also used for farming purposes.
To Muddy the Water Further

June 6, 2014 letter issued by NC Special Deputy Attorney General, Donald Teeter to Alamance County Attorney, Clyde Albright.

2012 Barns as Wedding Venues DoJ.pdf
To Muddy the Water (continued)

The letter fails to address the language of the statute, but instead addresses what is perceived by the writer as the overall intent.

As indicated in a previous slide, the language “does not lose” appears to address a change of use and not physical work performed to accommodate the new use.
I am no attorney, but:

As indicated in a previous slide, the language in GS 143-138(b4)(1a) “does not lose” appears to address a change of use and not physical work performed to accommodate a new use.

If the intent was to allow event centers to be constructed without conformance to the State Building Codes, the exemption would have been listed under (b4)(1) as a subsection where other exempt farm buildings are listed instead of under a separate paragraph directly under (b4).
Dol Guidance Paper

The remainder of the presentation is based on the Dol Guidance Paper.
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson

Any code violations?

Does it have footings?
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson

Was the shed designed for wind uplift?

Are these doors ok?
Example #1: Heritage Farm - Dobson

Is there a vapor barrier under the slab?
Example #1: Heritage Farm - Dobson

Is the floor required to be code compliant?

Guardrail
Columns
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson

No columns present for the upper level.
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson
Example #1: Heritage Farm - Dobson

The floor live loads should be 100psf (ref. Table 1607.1)
Example #1: Heritage Farm - Dobson

Lumber Sizing

102016 Heritage Farm\Heritage Farm Barn.pdf
Example #1: Heritage Farm - Dobson

2nd Level

Are there footings under the mezzanine columns?
Example #1: Heritage Farm - Dobson

Permits and inspections?
- Electrical
- Mechanical
- Plumbing
- Building structure not associated with the farming function
- Handicap Accessibility
Example #2: Alexander Homestead - Charlotte
Example #2: Alexander Homestead - Charlotte

Looks like a barn.

Lots of ventilation when the doors are open.

We will assume it is or was a barn.
Examples

Example #2: Alexander Homestead - Charlotte
Examples

Example #3: Double J - Weaverville
Examples

Example #3: Double J - Weaverville

Not an exhaust fan. It is a tobacco basket.
Examples

Example #3: Double J – Weaverville

Tobacco Baskets
Examples

Example #3: Double J - Weaverville
Examples

Example #4: Hodges Farm - Charlotte
Examples

Example #4: Hodges Farm - Charlotte
Examples

Example #4: Hodges Farm - Charlotte

Portable heaters

Sliding Doors
Examples

Example #5: Vino Oasi Farm - Stem
Example #5: Vino Oasi Farm - Stem

“The Vino Barn
Guests will enjoy a heated and cooled enclosed building with space for over 150 seated guests. Enjoy the view of one of our ponds while you lounge on the covered porch during your special event. Inside awaits indoor bathrooms, catering kitchen and a built-in bar. The facility includes seating and tables for your special day.”
Examples

Example #5: Vino Oasi Farm - Stem
Examples

Example #5: Vino Oasi Farm - Stem
Examples

Example #5: Vino Oasi Farm - Stem
Application in ETJ

Session Law 2011-363 (HB168) added G.S. 160A-360(k) to provide that “property that is located in the geographic area of a municipality’s extraterritorial jurisdiction and that is used for bona fide farm purpose is exempt from exercise of the municipality’s extraterritorial jurisdiction under this article”. That means that a municipality has no authority to enforce the State Building Codes in the ETJ.
Summary

Exempt?
- Whatever is required for the farm use ——— Yes
- Electrical system ———— No
- Mechanical system for the farm use ——— Yes
- Mechanical system specifically for the venue use —— No
- Plumbing system for the farm use ———— Yes
- Plumbing system specifically for the venue use ——— No

Document everything that is claimed as farm exempt.
Thank You!

Carl Martin - Chief Building Code Consultant
NCDoI
919-647-0009
Carl.martin@ncdoi.gov