

MICHIGAN FARM BUREAU

Construction Code Limited Exemption for Agricultural Buildings

Fact Sheet

1. The Michigan Construction Code Act [technically, the Stille-Derossett-Hale Single State Construction Code Act] MCL 125.1501, *et seq*, exempts certain agricultural buildings from its scope by the definition of the term “building.” Specifically, MCL 125.1502(a)(1)(f) provides:

(f) “Building” means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. *Building does not include a building, whether temporary or permanent, incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade.* Building includes the meaning “or part or parts of the building and all equipment in the building” unless the context clearly requires a different meaning.

2. The definition of “agricultural or agricultural purposes” is contained in MCL 125.1502(a)(1)(a).

(a) “Agricultural or agricultural purposes” means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

3. The act specifically exempts agricultural buildings from the requirement that an owner apply for and obtain a building permit. This exception is provided in MCL 125.1510(8):

(8) Notwithstanding this section, a building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade.

4. The 2003 Michigan Building Code, Section 202, defines “Agricultural Building” as:

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

5. The definition of “farm” in the Michigan Right-to-Farm Act at MCL 286.472(a) says:

“Farm” means the land, plants, animals, *buildings*, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Section 3 of the Right-to-Farm Act says that a farm or a farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices.

6. The “protection” for the location of livestock production facilities in the site selection GAAMP is limited. For example, that GAAMP provides:

New livestock production facilities shall not be constructed within 1500 feet of areas zoned for residential use where agriculture uses are excluded.