

Agricultural Exemption from State Building Code Relevant Minnesota Rules and Statutes

Minnesota Rules, Chapter 1300.0030 PURPOSE AND APPLICATION.

Subpart 1 states, “[t]he purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.”

While the building code applies statewide, in subpart 2A, the rules also state the building code does not apply “to agricultural buildings” with limited exceptions in the case of floodplain management and electrical installations.

Minnesota State Statutes Section 326B.103

Subdivision 3 defines an agricultural building as “a structure on agricultural land...designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.”

The Minnesota Department of Labor and Industry is the state agency responsible for enforcing compliance with the state’s building code. The agency has ruled that to qualify for an agricultural exemption from the state building code, a two-part test is required where both the structure and the land must meet the qualifying definitions.

Minnesota State Statutes Section 273.13, subdivision 23, paragraph (e), is part of the property tax code that defines agricultural land as “contiguous acreage of ten acres or more, used during the preceding year for “agricultural purposes”. “Agricultural purposes” as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity.”

Under paragraph (f) of the same subdivision, “real estate of less than ten acres, which is exclusively or intensively used for raising or cultivating agricultural products, shall be considered as agricultural land.” There are some additional requirements if the land also contains a residential structure.

The Department of Labor and Industry points out that building officials should rely on how the property is classified according to the records of the county assessor’s office, when determining if a property qualifies for an exemption to the building code.