



**AFFIDAVIT
FARM STRUCTURE EXEMPTION**

REVISED 3/25/2020

Farm buildings and structures are exempt from the Virginia Uniform Statewide Building Code (USBC). In order to qualify for this exemption, the structure must be used for a specific purpose which is directly related to an operating farm. The Code of Virginia §36-97 and **Section 102** of the 2015 edition of the USBC defines a farm building/structure as follows:

Farm Structure (building): A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses relating to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage or use of supplies and materials used on the farm; or,
6. Implementation of best management practices associated with farm operations.

Such buildings or structures lying within a flood plain or in a mudslide-prone area are subject to flood-proofing and/or mudslide regulations. This exemption does not apply to any building or portion located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed by the Virginia Board of Health.

OWNER NAME: _____ **PHONE:** _____

ADDRESS: _____

PROPERTY ADDRESS: _____ **TAX MAP** _____ **PARCEL** _____

In order to verify an understanding of the specific purpose for the proposed structure, please answer the following questions related to the activities conducted on the property:

1. Is the property currently being used for the production of agricultural, horticultural, floricultural or silvicultural products intended for sale to domestic and/or foreign markets?

(please circle one)

YES NO

2. Is the property currently being used for the raising or processing of farm animals or farm animal products intended for sale to domestic and/or foreign markets?

(please circle one)

YES NO

3. Is the proposed building/structure to be used for:
 - a) the storage, handling or production of the products listed in question 1, **or**
 - b) for the sheltering, raising or processing of the animals listed in question 2, **or**
 - c) for the maintenance, storage or use of equipment related to the activities referenced in questions 1 or 2?

(please circle one)

YES NO

If you answered **NO** to **ALL 3** of the previous questions, the proposed structure **IS NOT** exempt from the USBC.

If you answered **YES** to either of the 3 previous questions, please complete the affidavit below.

By completing the following affidavit, you are stating that the proposed structure meets the farm structure exemption of the USBC. There will be no inspections required or performed by this office. Presentation of a false affidavit would constitute a violation of **Section 105** of the USBC and subject to a fine not to exceed **\$2,500.00**. Presentation of a false affidavit may also constitute violation of other federal, state or local regulations which may be punishable separately. The structure **is not exempt** from other laws, regulations and ordinances including the Nelson County Zoning Ordinance and the Nelson County Erosion and Sediment Control Ordinance.

OWNER NAME: _____ PHONE: _____

ADDRESS: _____

PROPERTY ADDRESS: _____ TAX MAP _____ PARCEL _____

I (Print Owner's Name) _____ have read and understand the above and affirm that the structure proposed to be built qualifies as a "farm structure".

Owner Signature: _____ Date: _____

County/City of _____
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by

(name of person seeking acknowledgment)

Notary Public

My commission expires: _____

