

Construction Codes Advisory

Promoting construction of safe, healthy, habitable buildings

Farm Buildings in *The Construction Codes Act*

Overview

The *Construction Codes Act* (the CC Act) is the legislation for governing the construction and occupancy of buildings in Saskatchewan. The CC Act provides an exemption for farm buildings when the principal use of the building is for farming purposes and the building satisfies specific criteria.

Farm Building Exemption

Clause 6(2)(c) of the CC Act establishes that construction standards do not apply to farm buildings; they are exempt. To clarify the application of this exemption, the CC Act and *The Building Code Regulations* (the BC Regulations) provide definitions with the criteria for a building to be considered a “farm building”. These definitions help distinguish between farm buildings and other buildings located on agricultural land for the purpose of applying the construction standards.

The CC Act defines a farm building as:

“2 “**Farm building**” means, subject to the regulations, a building that:

- (a) does not contain a residential occupancy;
- (b) is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*; and
- (c) is used for the following purposes:
 - (i) the housing of livestock;
 - (ii) the production, storage or processing of primary agricultural and horticultural crops or feeds;
 - (iii) the housing, storage or maintenance of equipment or machinery associated with an agricultural operation;
 - (iv) Any other prescribed purpose;”

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The Agricultural Operations Act defines an “agricultural operation” as:

“2(a) “Agricultural operation” means an agricultural operation:

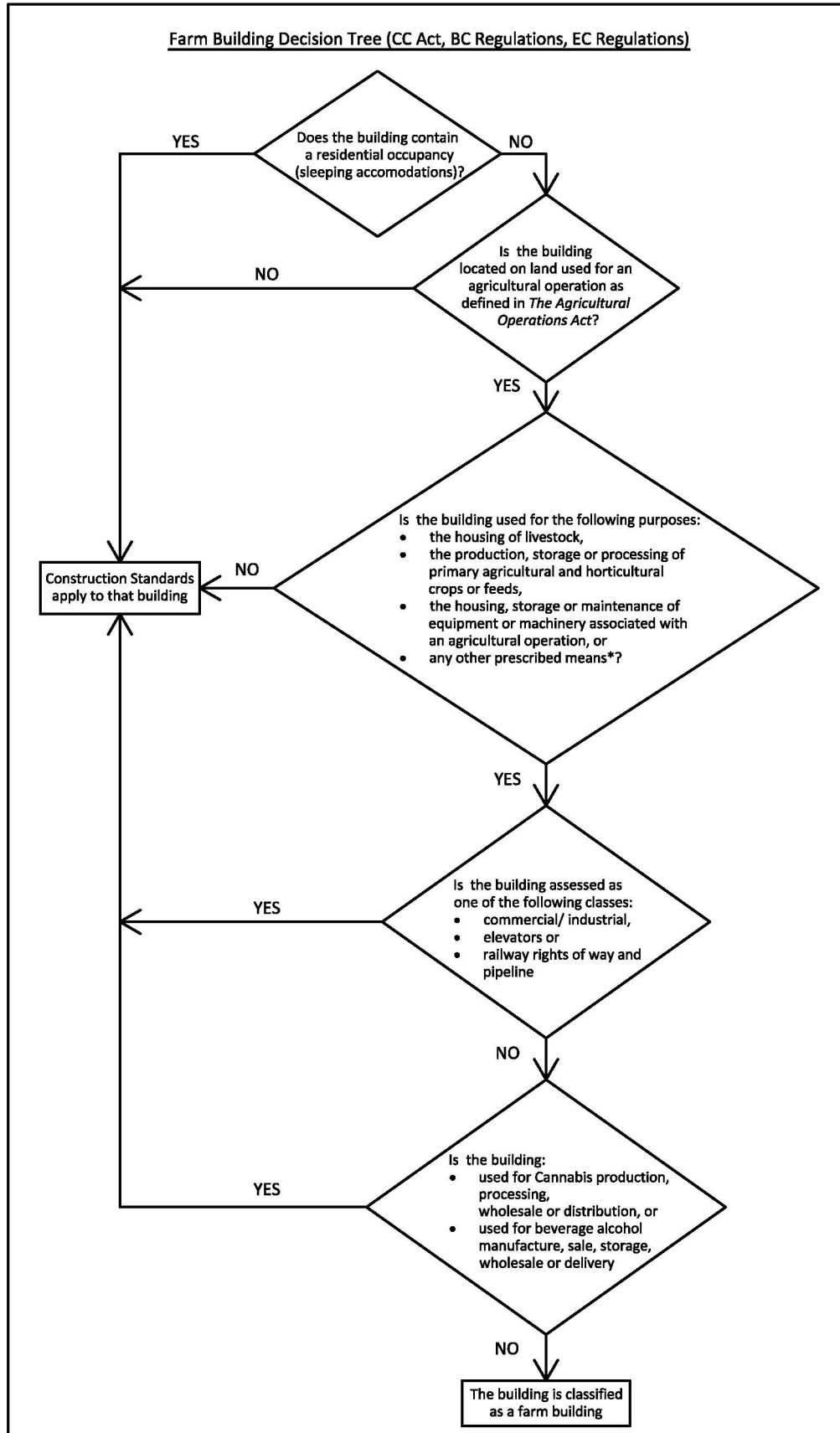
- (i) that is carried out on a farm, in the expectation of gain or reward, including:
 - (A) cultivating land;
 - (B) producing agricultural crops, including hay and forage;
 - (C) producing horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs, flowers, greenhouse crops and specialty crops;
 - (D) raising all classes of livestock, horses, poultry, fur-bearing animals, game birds and game animals, bees and fish;
 - (E) carrying on an intensive livestock operation;
 - (F) producing eggs, milk, honey and other animal products;
 - (G) operating agricultural machinery and equipment, including irrigation pumps and noise-scare devices;
 - (H) conducting any process necessary to prepare a farm product for distribution from the farm gate;
 - (I) storing, handling and applying fertilizer, manure, organic wastes, soil amendments and pesticides, including both ground and aerial application;
 - (J) any other prescribed agricultural activity or process; or
- (ii) that is prescribed as an agricultural operation for the purposes of this Act;”

The BC Regulations further clarify the definition of a “farm building” by adding:

“2(2) For the purposes of the Act and these regulations, a building is not a farm building if:

- (a) the building is used in the production, processing, wholesaling or distribution of cannabis as defined in the *Cannabis Act* (Canada) or *The Cannabis Control* (Saskatchewan) Act;
- (b) the building is used for the manufacture, sale, storage, wholesale or delivery of beverage alcohol as authorized by *The Alcohol and Gaming Regulation Act, 1997*; or
- (c) the building is classified for assessment purposes in one of the following classes:
 - (i) commercial and industrial;
 - (ii) elevators;
 - (iii) railway rights of way and pipeline.

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* Prescribed means any other definition as provided in either the Building Code or Energy Code Regulations

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Farm Residences

Farm residences and other buildings where sleeping accommodation is provided on a regular, temporary or seasonal basis are not considered farm buildings and are not exempt from construction standards. They are required to comply with the applicable provisions of the National Building Code of Canada adopted for use in Saskatchewan.

Subsection 2(1) of the BC Regulations defines a “farm residence” as:

“Farm residence” is a building that contains a residential occupancy and that is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*;

Existing farm residences that were exempt from construction standards at the time of their construction will remain exempt; however, any work on the building started after January 1, 2022, is required to comply with the construction standards as specified in Section 6 of the BC Regulations.

Subsection 2(1) of the BC Regulations define “work” as:

“Work” means any design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of a building.”

Consult Your Local Authority

Although farm buildings are exempt from construction standards under the CC Act, a local authority can choose, through their building bylaw, to require farm buildings to comply with construction standards and obtain building permits.

Contact your local authority before you begin any renovation or construction projects, since each situation is unique and requires special consideration. Discussing your project with the municipality and their appointed building official can help you by ensuring your building project complies with all construction codes before you begin.

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This guide is published by the Saskatchewan Ministry of Government Relations for purposes of providing information to users on the topic contained herein. In case of conflict between <i>The Construction Codes Act</i> (the CC Act), <i>The Building Code Regulations</i> (the BC Regulations) and <i>The Agricultural Operations Act</i> and this Advisory, provisions of the CC Act, the BC Regulations and <i>The Agricultural Operations Act</i> apply.	