



CLASS 1 STRUCTURE AGRICULTURAL PURPOSE EXEMPTION

This document provides guidance on how to determine whether a building or structure meets the agricultural purpose exemption, provided for in IC 22-12-1-4(c), for purposes of determining whether a building or structure is a Class 1 structure.

To make this determination, the following question must be answered.

1. Is the structure being used for an agricultural purpose?

See IC 22-12-1-2 for the definition of agricultural purpose. Generally, an agricultural purpose is a purpose related to cultivation of soil, the production of crops, or the raising of livestock. This also extends to structures that are an **integral** part of the agricultural operation, that, when viewed on their own, would not be considered as used for an agricultural purpose. Examples of these structures include repair garages for farm equipment, storage sheds, or grading buildings.

If yes, proceed to the next question. If no, the agricultural exemption does not apply.

2. If the structure is being used for an agricultural purpose, is it being used for any other purpose?

Examples of other purposes would be operation of a restaurant, operation as an event center, etc.

If no, proceed to the next question. If yes, the agricultural exemption does not apply.

3. If the structure is only being used for an agricultural purpose, is the structure located on the land where the agricultural operation is located?

In other words, is the structure located on the land where the crops are produced, where the livestock is raised, where the soil is cultivated? This requirement is known as the “farm rule.” The building or structure must be located on the farm. This applies even if the structure is being used for an agricultural related reason, such as repair of farm equipment, or storage of produce or materials.

If yes, proceed to the next question. If no, the agricultural exemption does not apply.

4. If the structure is located on the farm and only being used for an agricultural purpose, is it:
(a) used for retail trade; or
(b) a stand used for retail sales of farm produce for more than 8 consecutive months in a calendar year?

If there is retail trade in a structure that is not a stand, then the duration of retail trade does not matter.

If no, the agricultural exemption applies, and the building or structure is not a Class 1 structure, is not required to obtain a design release, and is not required to be constructed in conformance with the building code. If yes, then the agricultural exemption does not apply.

If you have any questions or concerns regarding the application of this exemption to a particular project, please contact our Plan Review Section at planreview@dhs.in.gov or (317) 232-2222.