

# Construction Codes Advisory

Promoting construction of safe, healthy, habitable buildings

## Farm Buildings and Farm Residences in *The Construction Codes Act*

### Overview

*The Construction Codes Act* (the CC Act) replaced *The Uniform Building and Accessibility Standards Act* as the legislation that governs the construction and occupancy of buildings in Saskatchewan, effective January 1, 2022.

Farm buildings remain exempt from construction standards. The CC Act and *The Building Code Regulations* (the BC Regulations) provide definitions to help distinguish between exempt farm buildings and non-exempt buildings located on agricultural land for the purpose of applying construction standards.

Farm residences and other buildings where sleeping accommodation is provided on a regular or temporary/seasonal basis are not farm buildings and are not exempt from construction standards. They must comply with applicable provisions of the National Building Code of Canada adopted for use in Saskatchewan. Existing farm residences remain exempt unless renovations or additions were started after January 1, 2022.

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

Before any construction begins, building owners are recommended to contact their local authority to discuss their project.

For more information, the applicable provisions of the CC Act, the BC Regulations and *The Agricultural Operations Act* are provided below.

### Definitions

#### ***The Construction Codes Act***

**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

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(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;

**6(2)** The construction standards do not apply to:

- (c) a farm building;

### ***The Building Code Regulations***

**2(1)** “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*;

**(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.

### **Existing farm buildings**

**6(1)** Notwithstanding subsection 3(3) but subject to subsections (2) to (4), a building that was exempt from construction standards pursuant to the former Act by reason of being classified as a farm building, and that is now subject to the construction standards pursuant to the Act, is required to comply with the construction standards for any work that begins after the Act comes into force.

**(2)** Subject to subsections (3) and (4), any work on a building mentioned in subsection (1) that began before the Act comes into force remains exempt from construction standards.

**(3)** A building owner is responsible for demonstrating that work mentioned in subsection (2) began before the Act comes into force.

**(4)** A farm building that was subject to a local authority’s building bylaw pursuant to the former Act remains subject to the local authority’s building bylaw after the Act comes into force.

**(5)** A building official may issue a building official order pursuant to subsection 25(5) of the Act for an unsafe condition of a farm building to which construction standards apply.

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## *The Agricultural Operations Act*

**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;

## Consult Your Local Authority

The application of Saskatchewan building standards is a shared responsibility that includes a role for the building owner, the local authority (i.e., the municipality), the Government of Saskatchewan, the building official and architects, engineers and contractors.

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.	