

AGRICULTURAL BUILDINGS CONVERTED TO ASSEMBLY OCCUPANCY

This document is intended to clarify several commonly misunderstood provisions related to the applicability of the Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (Energy Code) regarding Agricultural Buildings that are converted to Assembly Occupancy, commonly referred to as “Wedding Barns.” This document is not intended to cover all scenarios or uses. The applicability of the Uniform and Energy Codes to each building or use must be evaluated on a case-by-case basis.

What is an Agricultural Building and what provisions of the Uniform Code apply?

An Agricultural Building is defined in the 2020 Building Code of New York State (2020 BCNYS) as: “A structure designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.” If any part of the structure is used by the public for any purpose, then it is **not** an Agricultural Building. That statement is true even in cases where agriculture is occurring within said building, or on the same property. Refer to technical bulletin [TB-2007-BCNYS](#) for more information about what qualifies as an Agricultural Building and how the Uniform Code applies.

Although an Agricultural Building as defined above is exempt from the construction related provisions of the Uniform Code, [TB-2007-BCNYS](#) also helps to clarify how the 2020 Existing Building Code of New York State (2020 EBCNYS) can be used to convert a previously exempt building to a nonexempt building (such as a Group A assembly occupancy). In order to utilize this compliance path in the 2020 EBCNYS, it must be first determined if the Agricultural Building meets the definition of an existing building. The definition for existing building is provided in Chapter 2 of the 2020 EBCNYS as “A building that is legally occupied and/or for which a certificate of occupancy authorizing its use(s) has been issued, without regard to the date on which such legal occupancy began or the date on which such certificate of occupancy was issued.” See the [COP 2021-01](#) for more information on how to determine whether a building is legal and how buildings and their uses not considered “legal” can become “legal.”¹

NOTE: Many of these conversions also necessitate other work defined in the 2020 EBCNYS such as repairs, alterations, and additions. Accordingly, the work will need to comply with the requirements of the 2020 EBCNYS for the types of work performed.

Does a converted wedding barn have to comply with the provisions of the Energy Code?

All buildings or structures undergoing a Change in Use or Occupancy shall comply with the applicable provisions of the Energy Code.²

When an agricultural barn is converted into a wedding venue, does a registered architect or professional engineer need to prepare the building permit’s construction documents?

For the majority of cases, yes as required by state or local law.³

The owner/applicant is calling the building part of an “Agritourism” use – is it subject to the Uniform Code and Energy Code?

An agricultural tourism (or “Agritourism”) designation is given by [NYS Agriculture and Markets Law](#) and is separate from the Executive Law and Energy Law which provide the statutory authority for the Uniform Code and Energy Code, respectively. Such designation does **not** supersede the requirement to comply with the provisions of the Uniform Code and Energy Code.⁴

If the converted wedding barn is in a rural area without access to a public waterworks system, then is an automatic sprinkler system required?

As noted above, many of these conversions also necessitate other work defined in the 2020 EBCNYS such as repairs, alterations, and additions. Accordingly, the work will need to comply with the requirements of the 2020 EBCNYS for all types of work performed, not only the Change of Occupancy provisions. Although this will vary depending on specific circumstances, such buildings, due to their conversion to a Group A assembly occupancy, are required to have automatic sprinkler systems installed, regardless of access (or lack thereof) to a public waterworks system.

When the building site is far from the public road and part of an active farm, does it and the site have to be handicap accessible?

Accessibility requirements can be found in Section 305.4.2 of the 2020 EBCNYS. In general, buildings are required to have Accessible entrances and parking when undergoing a Change of Occupancy.

Must the building have permanent bathroom facilities, or would temporary restroom facilities be adequate?

Required toilet facilities need to be as permanent as the occupancy that they serve. Temporary toilet facilities can be used to accommodate temporary occupancies but cannot accommodate permanent occupancies. Buildings in which plumbing fixtures are installed shall be connected to either a public sewer or an approved private sewage disposal system.⁵

¹ To qualify for access to the provisions in the 2020 EBCNYS, the former “agricultural building” must first transition to a classified Group ‘U’ occupancy. That transition isn’t a “change of occupancy” for reasons that are rooted in Section 312.1 of the 2020 BCNYS. However, the transition **does** subject the building to the Uniform Code’s retroactive provisions, including the structure related provisions of Sections 304 and 305 of the 2020 Property Maintenance Code of New York State.

Furthermore, compliance for any alterations that may be required for transitioning an “agricultural building” into a certified Group ‘U’ occupancy is determined using the 2020 EBCNYS. The provisions in Section 303 of the 2020 EBCNYS for the building’s structure apply regardless of the compliance method chosen by the applicant.

² See Section 102.2.2 of the 2020 EBCNYS and the provisions of Chapter 5 (commercial) of the 2020 Energy Conservation Construction Code of New York State.

³ See Section 106.2.9 of the 2020 EBCNYS.

⁴ See Section 102.2 of the 2020 BCNYS; see also Executive Law §383(1).

⁵ See Section 701 of the 2020 Plumbing Code of New York State.