

AFFIDAVIT OF FARM EXEMPTION

I _____, applicant, hereby declare a farm based exemption from the requirements of the Kentucky Building Code for the building located at _____, by the following statement.

I have reviewed the definition of a farm in chapter 2 of the KBC, the criteria for a farm structure in article 101.4 of the KBC and do hereby declare that the building at the above location meets these requirements.

I also declare that this building shall not be for any other use and that I am aware of the penalties for violation of the KBC as provided by KRS 198B.990.

THIS THE _____ DAY OF _____, _____.

SIGNATURE - APPLICANT

SUBSCRIBED AND SWORN TO BEFORE ME BY _____,
APPLICANT, ON THIS THE _____ DAY OF _____.

NOTARY PUBLIC - STATE AT LARGE

My commission expires _____.

FARM EXEMPTION REFERENCES

KBC definition of FARM: Property located outside the corporate limits of a municipality on at least 10 acres and having a bona fide agricultural or horticultural use as defined by KRS 132.010(9) and (10) and qualified by and registered with the property valuation administrator in that county.

KRS 132.010 (9) "Agricultural land" means any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government.

KRS 132.010 (10) "Horticultural land" means any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants.

KBC 101.4 Farm Structures: If a building, other than a dwelling, is to be located on a farm, it is exempt from the requirements of this code if all of the following criteria are met:

1. The building use is incident to the operation of the farm (e.g., storage building, etc.); and
2. The building is located outside the boundary of a municipality; and
3. The building is not to be used in the business of retail trade; and
4. The building is not to be used as a regular place of work for 10 or more people; and
5. The building is not to be used in the storage or processing of timber products.

KRS 198B.990 Penalties:

1. Any person who violates any provision of KRS 198B.140, or of the Uniform State Building Code, or any directive or order issued pursuant thereto shall be fined not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000). Each day the violation continues shall constitute a separate offense.

KRS 198B.140 Hindrance of building inspectors prohibited: No person shall hinder an inspector enforcing any of the provisions of this chapter in the performance of his lawful duties under this chapter.