

Code Outreach Program – Exemptions from the Uniform Code

This edition of the Code Outreach Program focuses on some commonly asked questions related to buildings and structures that may be exempt from the Uniform Fire Prevention and Building Code, or portions thereof.

Article 18 of New York State Executive Law § 378(1) states that the Uniform Code shall address “Standards for the construction of all buildings or classes of buildings, or the installation of equipment therein, including standards for materials to be used in connection therewith, and standards for safety and sanitary conditions. Notwithstanding the above, sleeping quarters in a children’s overnight camp as defined in subdivision one of section thirteen hundred ninety-two of the public health law shall be governed by subdivision one of section thirteen hundred ninety-four of such law.”

§ 372 defines a building as “a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property.” The term “building” includes a “factory manufactured home” and “mobile home,” but does not include a “temporary greenhouse.”

In addition to the above, there are several exemptions scattered throughout the Uniform Code that exempt certain kinds of buildings and structures. Below is a partial list of structures that are exempt, either in whole or in part, from the Uniform Code. Please note that every structure must be carefully evaluated based on its actual use to determine if it meets the requirements for any exemptions.

The following types of structures **are** specifically mentioned in either Executive Law or the Uniform Code as being exempt, either whole or in part:

- **Sleeping quarters in children’s overnight camps** – Partially exempt per § 378 (1) of Article 18 of Executive Law noted above. Please see the following [Code Interpretation](#) for additional information on sleeping quarters in children’s overnight camps.
- **Temporary Greenhouses** – Exempt from the Uniform Code per the definition of a “building” provided above. Please see the following [Technical Bulletin](#) for more information.
- **Agricultural Buildings** (per the definition provided in the 2017 Uniform Code Supplement) –
 - Exempt from the [2015 International Building Code](#) and the [2015 International Existing Building Code](#) (per the 2017 Uniform Code Supplement, Item 1.1, Chapter 1, Sections 101.2.2 Exception 2, and 101.2.8 Exception 2, respectively).
 - Exempt from the construction and design provisions of the 2015 International Fire Code (per the 2017 Uniform Code Supplement, Item 1.1, Chapter 1, Sections 101.2.6.1, Exception 1).
 - Note: Agricultural Buildings are **not** exempt from the “administrative, operational and maintenance provisions” of the 2015 International Fire Code or the [2015 International Property Maintenance Code](#). Look for [Technical Bulletins](#) to be posted soon for additional information on agricultural buildings.
- **Structures such as radio and television transmission, communication and wind generation towers not attached to buildings** – Exempt from the Uniform Code per the [2017 Uniform Code Supplement](#), Item 1.1, Chapter 1, Section 101.2, Exception 4. When these types of structures are attached to buildings, they are subject to the Uniform Code provisions. Section 3108 of the 2015 International Building Code, for example, addresses telecommunication and broadcast towers.
- **Construction trailers used as temporary offices for monitoring construction at a construction site** – Exempt from the Uniform Code per the 2017 Uniform Code Supplement, Item 1.1, Chapter 1, Section 101.2, Exception 3.

The following types of structures **are not** specifically mentioned in either Executive Law or the Uniform Code as being exempt or partially exempt; however, based on the language provided in Executive Law and the Uniform Code, these structures can be characterized as being exempt as described below:

- **Solar Farms** – Solar farms that are not associated with a building or other structure regulated by the Uniform Code do not meet the definition of a “building” provided above. Only when the solar farm can be considered equipment and/or a system that is an appurtenance to a building are they subject to the Uniform Code requirements (see other sections such as 605.11 of the [2015 International Fire Code](#)).
- **Ponds** – The Uniform Code does not contain a definition for “Ponds” and subsequently does not contain construction provisions for them. The 2017 Uniform Code Supplement contains the definition of a swimming pool, which does **not** include “structures, basins, or chambers” which are **not** intended for “swimming, diving or recreational bathing” (i.e. koi ponds or drainage and irrigation ponds).

Additionally, certain buildings such as structures that do not exceed 144 square feet, and are used as tool and storage sheds, playhouses or similar uses, **may** be exempted from the requirement for a building permit as allowed by [19 NYCRR 1203.3 \(1\)](#), however, an exemption from the permit requirement does not constitute an exemption from the Uniform Code. Codes users should review the local law for the municipality in which construction takes place to determine when a building permit is required.

Note: The above referenced information/exemptions are not intended to apply to any other ordinance, law, or regulation. Being exempt from the Uniform Code does not exempt these structures from other potential provisions outside of the Uniform Code. Code users should review all relevant ordinances, laws, or other regulations that may be applicable. Look for [Technical Bulletins](#) to be posted soon regarding NYS agencies with permitting authority.

Please look for our next edition of the Code Outreach Program at the beginning of next month.

DBSC - A Division of Department of State
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If you have questions pertaining to the Code Outreach Program, email us at COP.codes@dos.ny.gov

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: codes@dos.ny.gov

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