

Meeting Summary
Agritourism Event Structure Technical Advisory Committee
June 14, 2023
10:00 am
Virginia Housing Center
Glen Allen, VA

Committee Members Present

- Chris Barry, VA Fire Services Board
- Joe Lerch, VA Association of Counties
- Shawn Maddox, VA Fire Prevention Association
- Martha Moore, VA Farm Bureau
- Jimmy Moss, VA Building Code Officials Association

Other Attendees

- Justin Bell, Office of the Attorney General
- Jeff Brown, Dept. of Housing and Community Development
- Brad Copenhaver, VA Agribusiness Council (Representative)
- Cindy Davis, Dept. of Housing and Community Development
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- Katelyn Jordan, VA Farm Bureau (Representative)
- Anne Leigh Kerr, VA Wineries Association
- Chase Sawyer, Dept. of Housing and Community Development
- Brett Vassey, VA Craft Brewers Guild (Representative)

Key Takeaways

- Stakeholders would like additional guidance regarding how to comply with the three new requirements imposed by SB1305 (§36-99.B, 1-3)
- There remains uncertainty in which agricultural buildings and structures must comply with the new safety requirements
- It is unclear the enforcement mechanism for the new requirements; they will be effective starting July 1, 2023

Note: Please note the summary and notes included do not include a specific endorsement or opinion of the committee or any one committee member.

Summary

Department of Housing and Community Development (DHCD) staff provided an overview of [SB1305](#), legislation that continues the 2022 efforts of the Agritourism Event Structure Technical Advisory Committee as established by [SB400](#) (2022). The new legislation implemented three minimum safety requirements for farm buildings and structures that are open to the general public for agritourism activities. The legislation also requires the Committee to meet at least four times during 2023 to continue considering issues of concern regarding fire safety and the welfare of the general public at agritourism facilities. The Committee is to report its findings and

recommendations to the Board of Housing and Community Development (the Board) by November 1, 2023.

As directed by the Board at its May 8, 2023, meeting, the Committee first considered the issue of unclear terms and definitions, specifically the term “primarily” as used in the definition of “farm building and structure” in [§ 36-97](#) of the Virginia State Code. The Committee discussed how the uncertainty in this term has led to inconsistent application of the exemption across localities). Furthermore, the Committee discussed uncertainty in the legislative language and noted it is difficult to discern which facilities must comply with the new minimum safety requirements. Additionally, several committee members emphasized the fact that there is only a farm building and structure exemption from the Uniform Statewide Building Code (USBC), not an agritourism exemption as stated in the second enactment clause of SB1305.

The Committee discussed some issues that exist with the three new minimum safety requirements that were created by SB1305, chiefly the lack of specificity in complying with the requirements. Committee members reported that affected entities attempting to comply with the requirements do not know how to do so because the requirement to have a portable fire extinguisher and have a simple written emergency plan do not provide enough detail. Additionally, there were questions as to what entity/organization will be enforcing these new minimum safety requirements and what are the consequences to a facility for noncompliance.

Additional questions regarding the enforcement of the new minimum safety standards were discussed. Currently, State Code does not indicate who is authorized to enforce these requirements. It was noted that USBC requirements are typically construction related requirements that are not inspected on an ongoing basis. It was suggested that local fire services may be a better option for enforcement rather than local building officials given the ongoing nature of the requirements. It was suggested that if fire services were to enforce these requirements, the requirements should be moved to a more appropriate State Code section.

With the understanding the new minimum safety requirements are effective as of July 1, 2023, the Committee agreed that its next meeting should focus on identifying specific methods by which a facility could comply with these requirements. It was suggested that the Committee could start by reviewing relevant sections of the Statewide Fire Prevention Code (SFPC).

Future Considerations

- Methods for compliance with new minimum safety requirements
- Additional minimum safety requirements
- Safety standards for facilities of all sizes and types
- Mechanisms for inspection and enforcement
- Application of the farm buildings and structures exemption