



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 780 CMR 3.00

CHAPTER TITLE: Use and Occupancy

AGENCY: State Board of Building Regulations and Standards

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
This regulation governs use and occupancy classification for structures.

REGULATORY AUTHORITY: C. 802 of Acts of 1972, as amended and MGL C. 143 Sections 93-100

AGENCY CONTACT: Don Finocchio PHONE: 617-727-3200,
x-25206

ADDRESS: 1 Ashburton Place, Boston, MA 02108

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

DHCD and MMA, 7/10/09.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: August 11, 2009 Public Hearing

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

For the first five years: Provides clarity to the agricultural building use and occupancy classification to facilitate the permitting process, which should save time and money.

No fiscal effect: _____

SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Provides clarity to the agricultural building use and occupancy classification to facilitate the permitting process, which should save time and money.

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation.
Use and occupancy classification for agricultural buildings and structures.

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

780 CMR 312.1 and 312.2.

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: *William Francis Galvin* DATE: 10/21/09

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1143 DATE: 11/13/09

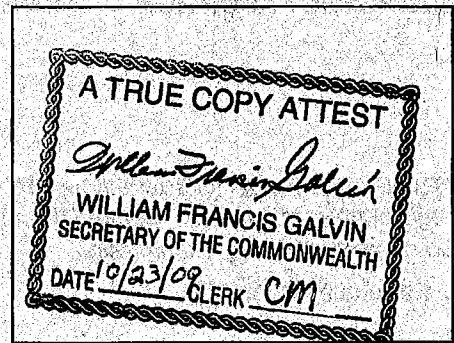
EFFECTIVE DATE: 11/13/09

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USE AND OCCUPANCY CLASSIFICATION

780 CMR 312.0 UTILITY AND MISCELLANEOUS GROUP U

312.1 General. Buildings and structures of an accessory character to an agriculture use or miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of 780 CMR commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- (1) Agricultural buildings
- (2) Aircraft hangars, accessory to a one- or two-family residence (See 780 CMR 412.3)
- (3) Barns
- (4) Carports
- (5) Fences more than six feet (1829 mm) high

- (6) Grain silos, accessory to a residential occupancy
- (7) Greenhouses
- (8) Livestock shelters
- (9) Private garages
- (10) Retaining walls
- (11) Sheds
- (12) Stables
- (13) Tanks
- (14) Towers

312.2 Agricultural Buildings. Agricultural buildings shall be exempt from the provisions otherwise applicable to use Group U buildings, but shall be governed by the provisions set forth in 780 CMR 120.C.

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
THE MASSACHUSETTS STATE BUILDING CODE

NON-TEXT PAGE