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CONSTRUCTING UNDER THE RIGHT TO FARM ACT

The Construction Code Act, Act 230 of 1972 defines agricultural as:

“Agricultural or agricultural purposes” means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.”

Section 125.1510(8) Notwithstanding this section, a building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if it is **not used in the business of retail trade.**

The generally accepted management practices (Gamps) establishes new facilities and includes environmental issues and nuisance issues relating to a facility. A building constructed under the “right to farm act” **must remain a farm building used exclusively for agricultural purposes.** If, at some future date, the owner wishes for it to be used otherwise, the building would have to conform to the township zoning ordinances and building codes in existence at that future date – a permit and inspections would be required, as well as zoning approval granted.

If someone wishes to construct a building under the “right to farm” act, it is not their decision to be made whether that building qualifies as an agricultural building. They can submit documentation to the County Zoning Enforcement Officer, and in the case that there is not a County Zoning Enforcement Officer, they can submit documentation to the Michigan Department of Agriculture. These agencies will provide their opinion regarding the construction under the right to farm act. Ultimately, it is the Court who determines if a building can be built under the right to farm act.

Ira Township’s policy regarding construction under the right to farm act is as follows: When a property owner expresses an interest in constructing a building under the right to farm act, they are required to:

- Submit in writing the exact purpose and use of the building
- Set forth in writing that they understand the building must always be used exclusively for agricultural purposes
- Submit a copy of their income taxes showing that they have income (or loss) from their farm
- Receive acknowledgement from the Township that they can construct this building under the “right to farm” act
- Obtain a zoning permit from the Township – issued by the building department