

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code

Garden-Type Utility Sheds and Similar Structures

Adopted Amendments: N.J.A.C. 5:23-2.14, 2.18, 3.2, 3.14 and 3.21

Adopted Repeal: N.J.A.C. 5:23-9.9

Proposed: January 5, 2009 at 41 N.J.R. 16(a).

Adopted: March 22, 2009 by Joseph V. Doria, Jr., Commissioner,

Department of Community Affairs.

Filed: _____, 2009 as R. 2009, d. _____, **with technical changes** not requiring additional public notice or comment (see N.J.A.C 1:30-4.3).

Authority: N.J.S.A. 52:27D-124.

Effective Date: _____, 2009.

Expiration Date: June 13, 2013.

JOSEPH V. DORIA, JR., Commissioner

Summary of Public Comments and Agency Responses: **A comment was received** from George A. Spais of the New Jersey Builders Association.

COMMENT: The exemption from permit requirements that is proposed for sheds that are accessory to buildings of Groups R-2, R-3, R-4 and R-5 should be extended to all groups other than H. This would be consistent with section 105.2 of the International Building Code (IBC), which is not in effect because it is in Chapter 1, Administration, which was not retained in the New Jersey amended edition of the IBC.

RESPONSE: While the Department would certainly consider the merits of any proposal to extend the permit exemption for sheds to those that are accessory to buildings not in Groups R-2, R-3, R-4 and R-5, the change requested by the commenter was not part of the proposal, and it therefore cannot be made on adoption.

Agency-initiated changes: In the proposal, the terms “building permit” and “electrical permit” were used, instead of the correct terms, which are “construction permit for building work” and “construction permit for electrical work.” The correct terminology is being substituted on adoption.

Federal Standards Statement

No Federal standards analysis is required because this amendment is not being adopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State statute that incorporates or refers to Federal law, standards or requirements.

Full text of the proposal follows (additions indicated in boldface with asterisks ***thus***; deletions indicated in brackets with asterisks *[thus]*).

5:23-2.14 Construction permits—when required

(a) (No change.)

(b) The following are exceptions from (a) above:

1.-7. (No change.)

8. A **construction permit for** building **work** **[permit]** shall not be required for garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height, and accessory to buildings of Group R-2, R-3, R-4 or R-5 and which do not contain a water, gas, oil or sewer connection. **[An]** **A** **construction permit for** electrical **work** **[permit]** shall be required, when applicable.

9.- 10. (No change.)

(c)-(g) (No change.)