

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code

Garden-type utility sheds and similar structures

Proposed Amendments: N.J.A.C. 5:23-2.14, 2.18, 3.14, 3.21

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

Authorized by: Joseph V. Doria, Jr., Commissioner, Department of Community Affairs,
and Charles M. Kuperus, Secretary of Agriculture

Authority: N.J.S.A. 52:27D-123.2

Proposal Number: PRN 2008-

Calendar: See Summary below for explanation of exception to calendar requirement.

Submit written comments by: Mar.6, 2009 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625-0802
Fax Number: (609) 633-6729
E-mail: mticktin@dca.state.nj.us

JOSEPH V. DORIA, JR.
Commissioner of Community Affairs

CHARLES M. KUPERUS,
Secretary of Agriculture

The agency proposal follows:

Summary

At N.J.A.C. 5:23-2.14, Construction permits—when required, this rule would exempt a garden-type utility shed that is not more than 100 square feet from a building permit as long as there are no water, gas, oil or sewer connections; it would not exempt the garden-type utility shed from an electrical permit required pursuant to the electrical subcode. The shed would have to be of sufficient weight to remain in place or to be anchored.

At N.J.A.C. 5:23-2.18, Inspections, this rule would delete the cross-reference to N.J.A.C. 5:23-9.9. N.J.A.C. 5:23-9.9 is proposed for deletion because the garden-type utility shed provisions would

be moved to the building subcode and one- and two-family dwelling subcode.

At N.J.A.C. 5:23-3.2(d), Matters covered; exceptions—commercial farm buildings, a new section is proposed that would exempt from the building permit requirement turn-out or livestock sheds that are no greater than 250 square feet, no taller than 14 feet high, and have no foundation and no floor as long as there are no water, gas, oil or sewer connections. An electrical permit may be required pursuant to the electrical subcode. The turn-out or livestock shed must be of sufficient weight to remain in place or must be anchored.

In addition, a new requirement is proposed that would exempt garden-type utility sheds that are no greater than 200 square feet and no taller than 10 feet high from the building permit as long as there are no water, gas, oil or sewer connections; it does not exempt the garden-type utility shed from an electrical permit required pursuant to the electrical subcode. The garden-type utility sheds must be of sufficient weight to remain in place or must be anchored.

At N.J.A.C. 5:23-3.14, Building subcode, this rule proposal would not require footings for a garden-type utility shed that is not more than 100 square feet and contains no water, oil, gas or sewer connections. The shed must be of sufficient weight to remain in place or must be anchored.

In addition, accessory garden-type utility sheds that are greater than 100 square feet and less than 200 square feet would not be subject to a building permit if they are dimensionally stable and contain no water, oil, gas or sewer connections. In this case, an accessory garden-type utility shed would also be also exempt from the footing requirements. To be considered dimensionally stable, the shed must have a floor system that is tied to the walls so that it reacts to loads as a unit.

At N.J.A.C. 5:23-3.21, one- and two-family dwelling subcode, the proposed amendments are identical to those got garden-type utility sheds that are proposed for the building subcode. These requirements would provide consistency for garden-type utility sheds that are accessory to a one- or two-family dwelling and for those that are accessory to buildings with three or more dwelling units.

This rule is proposed with the concurrence of the Department of Agriculture and the State Board of Agriculture, which approved it at its May 28, 2008 meeting.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a) 5.

Social Impact

The proposed amendments are expected to have a positive social impact in that they would promote commercial agriculture, thereby increasing the opportunity for residents of the State to purchase freshly grown food. They would also make the process easier for anyone who wants to install a small shed.

Economic Impact

The proposed amendments are expected to have a positive economic impact for farm operators in that they would allow use of turn-out sheds that can be moved around the farm without the need for permits or construction of footings. Anyone installing a small shed would also save time and money by not having to obtain a permit for the work.

Federal Standards Statement

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

Jobs Impact

The Department does not anticipate that the proposed amendments would result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendments are expected to have a positive impact on the agriculture industry by reducing costs associated with construction and alteration of commercial farm buildings. Farmers want to be able pull turn out sheds from place to place on their farms without having to get permits and construct footings. . The building subcode requires permits and footings for sheds greater than 100 square feet. This proposal would create an exception to that requirement for use of a turn-out shed that is not greater than 250 square feet as long that moves as a unit and can remain in place in order to protect against its becoming wind-borne debris.

Regulatory Flexibility Analysis

These proposed amendments would not impose new compliance, reporting, or recordkeeping requirements on farm operators, most of which are “small businesses” within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 *et seq.*, or upon any other “small business.” There are no professional services required for compliance with the proposed amendments that are not already necessary. The proposed amendments should benefit these small businesses in that would reduce costs associated with construction.

Smart Growth Statement

The Department does not expect that the proposed amendments would have any impact upon either the achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Smart Growth Impact

This proposal is intended to allow farmers to move turn-out sheds on their farms without incurring the cost of constructing footings and obtaining permits. It would be most unlikely to have any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

This proposal is intended to allow farmers to move turn-out sheds on their farms without incurring the cost of constructing footings and obtaining permits. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

Full text of the proposal follows (additions indicated in bold face **thus**; deletions indicated in brackets [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 **building** 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**. [Such garden-type utility sheds and similar structures are required to comply with the requirements at N.J.A.C. 5:23-9.9.] **An electrical permit shall be required, when applicable.**

9. – 10. (No change.)
(c) – (g) (No change.)

5:23-2.18 Inspections

(a) (No change.)
(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one-and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode;

ii. Foundations and all walls up to grade level prior to covering or back filling;

(1) For new construction, a foundation location survey showing all building corners of the foundation shall be submitted to the construction official as soon as possible after the installation of the foundation wall. A land surveyor licensed in the State of New Jersey shall prepare the survey. The proposed foundation location as shown on the original plot plan shall also be shown on the foundation location survey.

(A) Exception: A foundation location survey shall not be required for additions, decks, swimming pools, sheds [as described in N.J.A.C. 5:23-9.9] or similar structures.

(2) For new construction and additions, the foundation location survey for a building that is located in a flood plain shall include flood hazard certificates as required by section 1612.5 of the building subcode or section R301.2.4 of the one-and two-family dwelling subcode.

iii. – iv. (No change.)

2. – 4. (No change.)

(c) – (h) (No change.)

5:23-3.2 Matters covered; exceptions

(a) – (c) (No change.)

(d) Rules concerning commercial farm buildings are as follows:

1. – 4. (No change.)

5. A three sided turn-out shed used to shelter livestock shall be exempt from the permit requirements of the Uniform Construction Code provided there is no permanent foundation or floor and provided the structure is 250 square feet or less in area and 14 feet or less in height and has no utility (water, gas, oil, sewer or electric) connections.

i. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete shall not be required for anchoring.

6. Garden-type utility sheds and similar structures shall be exempt from the permit requirements of the Uniform Construction Code provided the structure is 200 square feet or less in area, 10 feet or less in height, has no utility (water, gas, oil, sewer or electric) connections and the shed is dimensionally stable without the foundation system. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit.

i. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete shall not be required for anchoring.

Recodify 5. – 11. as 7. – 13. (No change in text.)

5:23-3.14 Building subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified as follows:

1. – 17. (No change.)

18. Chapter 18, Soils and Foundations, shall be amended as follows:

i. – iv. (No change.)

v. **Section 1805.2, Depth of footings, shall have the following exceptions added:**

“Exceptions:

1. 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 structures of Group R-2, R-3 or R-4 and does not contain a water, gas, oil or sewer connection. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

2. Accessory garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, 10 feet or less in height and accessory to structures of Group R-2, R-3 or R-4 provided the shed is dimensionally stable without the foundation system and does not contain a water, gas, oil or sewer connection. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.”

Recodify v. – xi. as vi. – xii. (No change in text.)

19. – 27. (No change.)

5:23-3.21 One- and two-family dwelling subcode

(a) – (b) (No change.)

(c) The following chapters or sections of the IRC/2006 shall be modified as follows:

1. – 3. (No change.)

4. Chapter 4, Foundations shall be amended as follows:

i. (No change.)

ii. **Section R403.1.4, Minimum depth, shall have the following exceptions added:**

“Exceptions:

1. Accessory garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height and does not contain a water, gas, oil or sewer connection. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

2. Accessory garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, and 10 feet or less in height, provided the shed is dimensionally stable without the foundation system and does not contain a water, gas, oil or sewer connection. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.”

Recodify ii. – vii. as iii. – viii.

5. – 22. (No change.)