

**FACT SHEET FOR  
COMMERCIAL FARM BUILDINGS  
STANDARDS UNDER THE NEW JERSEY  
UNIFORM CONSTRUCTION CODE**

New Jersey Department of Agriculture  
In Consultation with the New Jersey  
Department of Community Affairs

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## **INTRODUCTION**

In 1977, New Jersey adopted the rules for the Uniform Construction Code (UCC) that included the adoption of a national building code, BOCA (Building Officials & Code Administrators), as its building subcode. BOCA made little reference to agricultural buildings, so legislation (P.L. 1986, c.119) was passed that directed the Departments of Community Affairs (DCA) and Agriculture (NJDA) to jointly promulgate separate, clearly defined requirements for commercial farm buildings.

New Jersey's first Farm Building Code (N.J.A.C. 5:23-3.2) was adopted in April 1988. In order to clarify the code's interpretation and application to farm buildings, the rule has been amended periodically to insure that the construction of commercial farm buildings is not impeded by overly-restrictive construction requirements

The Farm Building Code will enable the agriculture sector to expand and to remain competitive with growers and producers in other states by making construction less burdensome to the farming community. At the same time, the rules continue to protect the health, safety, and welfare of New Jersey's citizens.

## **DEFINITIONS**

**Accessory:** means it shall not exceed 10 percent of the area.

**Building Height:** means the vertical distance from grade to the average height of the highest roof surface.

**Certificate Of Occupancy:** means the certificate issued by the local enforcing agency which permits the occupancy of the building in accordance with the approved plans and specifications and which certifies compliance with the provisions of the law for the use and occupancy of the building.

**Commercial Farm Building:** means any building located on a “commercial farm” as defined in N.J.S.A. 4:1c3, which produces not less than \$2,500 worth of agricultural or horticultural products annually which building’s main use or intended use is related to the production of agricultural or horticultural products produced on the farm. (N.J.S.A. 52:27D-121).

**Fire Barrier:** A fireresistance-rated vertical or horizontal assembly of materials designed to restrict the spread of fire in which openings are protected.

**Fire Wall:** A fire resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

**Fire Separation Distance:** means the distance in feet measured from the building face to the closest interior lot line, to the center of a street or public way or to an imaginary line between two buildings on the same property.

**Groups:** are the classifications of buildings or structures in the building subcode based on the purpose for which they are used.

Examples:

**Group A, Assembly:** Structures used or designed for the gathering together of persons for purposes, such as structures intended for the production or viewing of events and usually provided with fixed seats, and also spaces without permanent seats where people assemble for entertainment, lectures or other similar purposes.

**Group M, Mercantile:** Structures used for display or sales purposes and accessible to the public including, among others, retail stores, shops and salesrooms and markets. Retail farm stands and markets are considered mercantile and must be constructed according to requirements for Group M.

**Group S-1, Moderate Hazard Storage:** Those buildings that are not classified as Group S-2 shall be classified as Group S-1. The combustibility of the building and the materials stored in the structure will be the decisive factor.

**Group S-2, Low Hazard Storage:** Commercial farm buildings are a designated group. They shall comply with the construction code provisions applicable to Group S-2 in the building subcode, except as otherwise provided in the Farm Building Code subsection of the UCC (N.J.A.C. 5:23-3.2(d)).

**Means Of Egress:** means a continuous and unobstructed path of vertical and horizontal egress travel for building occupants from any point in a building or structure to a public right-of-way.

**Mezzanine:** means a partial floor, such as a loft, which does not exceed one-third of the size of the floor below. A mezzanine does not constitute a story and the farmer can use this area as storage.

**Mixed Use or Multiple Use:** means a building occupied for two or more uses not included in the same occupancy. An example of mixed use is a propagation greenhouse (commercial farm building) attached to a retail farm market (Group M, Mercantile).

**Occupants:** include family members, employees, and members of the public, delivery people, and everyone who is present in the structure.

**Permit:** means an official document issued by the local enforcing agency to authorize work/construction. The subcodes are: barrier free, building, electrical, elevator, energy, fire protection, mechanical, and plumbing.

**Public Way:** means any street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated, or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet.

**Special Amusement Building:** means any temporary or permanent building or portion thereof that is occupied for amusement, entertainment or educational purposes and contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so the means of egress path is not readily apparent.

**Temporary Greenhouse:** also called a “hoop house” or “polyhouse”, used exclusively for the production or storage of live plants.

**Zoning:** means the partitioning of a municipality by ordinance into sections reserved for different identified uses. Activities in each zone are restricted to the use(s) stated in the zoning ordinance, including agriculture, commercial, and residential. A proposal to construct a building that does not conform to the zoning conditions requires a variance from the Zoning Board of Adjustment.

**Zoning Variance:** means permission to depart from the requirements of a municipal zoning ordinance.

## COMMERCIAL FARM BUILDING DESIGNATION

1. **Give some examples of commercial farm buildings. Who can provide additional information on what constitutes a commercial farm building?**

Commercial farm buildings shall include, but are not limited to, the following: stall barns, milking parlors, poultry houses, horse arenas, packing houses for agricultural or horticultural commodities, farrowing (swine) houses, greenhouses and buildings used for the storage of agricultural or horticultural products, farm machinery and farm equipment, or farm materials and supplies that are produced or used on the farm. If a construction official questions whether a structure qualifies as a commercial farm building, the farmer can request that the official contact the NJDA or the Code Assistance Unit in DCA for guidance.

## PERMITS

2. **When is a UCC permit required?** A UCC permit is required when a building is constructed, enlarged, altered or demolished.
3. **Is a UCC permit required for ordinary maintenance?** Ordinary maintenance a defined term in the UCC and is exempt from UCC permits, does not require notification to the local enforcing agency or require any inspections. Ordinary maintenance includes, but is not limited to, exterior and interior painting; the installation or replacement of any window or door in the same opening without altering the dimensions or framing of the original opening; the repair of existing roofing material not exceeding 25 percent of the total roof area within any 12 month period; the repair of existing siding with like material not exceeding 25 percent of the total building exterior wall area within any 12 month period; and the repair or replacement of any part of a porch or stoop which does not structurally support a roof above. Refer to N.J.A.C. 5:23-2.7 for a list of other ordinary maintenance, including plumbing, electrical, heating, ventilation and air conditioning.

Ordinary maintenance shall not include cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or bearing support; the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; any work affecting structural or fire safety; and any work that will increase the non-conformity of any existing building or structure with the requirements of the regulation.

4. **Is a UCC permit required for minor work?** Yes. Minor work is a defined term in the UCC. Work can proceed upon notice to the enforcing agency before the permit is issued. Minor work includes, but is not limited to, the construction or total replacement of any porch or stoop which does not provide structural support for any roof or portion of a building; replacement of any existing plumbing pipe with new and approved material of like capacity; the installation of drinking fountains and condensate drains in existing structures; and the replacement of existing low pressure hot water heaters with new ones of the like capacity. N.J.A.C. 5:23-2.17A defines "minor work".

5. **Is a UCC permit required for all types of greenhouses?** No, the UCC has a permit exemption provision for temporary greenhouses or hoop houses that meet all of the following criteria:
- no wider than 31 feet;
  - must have an unobstructed path of not greater than 150 feet from any point to a door or fully accessible wall area;
  - plastic covering shall not exceed 6 mils;
  - used exclusively for the production or storage of live plants;
  - no permanent anchoring system or foundation; and
  - will not be used for storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials.

Greenhouses that do not meet all of the criteria established for temporary greenhouses must secure a building permit.

6. **When are permits required for temporary greenhouses or hoop houses?** A permit is not required for a temporary greenhouse or hoop house but if a temporary greenhouse has a device that is subject to the electrical code or mechanical code, a permit is required for the device. Also, if the temporary green house has a connection to a potable water system, a permit is required for a backflow prevention system.
7. **Is a UCC permit required to demolish or remove a structure?** Yes, a permit must be secured before either of these activities takes place.

### **OTHER TYPES OF STRUCTURES ON FARMS**

8. **Is farm labor housing considered a commercial farm building?** No. The definition of a commercial farm building (N.J.S.A. 52:27D-121 and N.J.A.C. 5:23-3.2) does not include farm labor housing. The federal regulations controlling worker housing require compliance with State laws and regulations.
9. **Are packing houses located on the farm that have activities such as washing, cleaning, hydro-cooling, vacuum cooling, grading, sizing and packing the agricultural or horticultural commodities produced on the farm considered a commercial farm building?** Yes. A packinghouse on a farm that is utilized by the farmer for the first step in a sequence of processing of commodities produced on the farm is classified as a commercial farm building. The packinghouse shall not include specialized machinery other than the washing, cleaning, hydrocooling, vacuum cooling, grading, sizing and packing of agricultural or horticultural products.
10. **Can a farm office be located within a commercial farm building that is built under the Farm Building Code?** Yes. However, there can be no more than 10 office employees and the office cannot exceed 1,200 square feet. Such offices are considered incidental to the structure as long as direct access is provided to the outside.

11. **What happens if the office has more than 10 employees or is larger than 1,200 square feet?** The office is no longer considered an incidental part of the commercial farm building and must be separated from the farm portion of the structure by a fire separation assembly. It must meet all provisions of the building subcode for Group B (Business).
12. **Is a farm market considered a commercial farm building?** No. Farm markets are considered mercantile structures and must conform to the building subcode provisions for Group M, Mercantile.
13. **Can a farm house be constructed under the Farm Building Code?** No. All buildings for human habitation must be constructed according to the provisions for Group R, Residential, under the building subcode.
14. **Farm wineries, those that cultivate grapes and produce wine, often have an area of the building where the grapes are crushed, pressed, stored, and hand bottled. Can these structures qualify as a commercial farm building?** Yes. As long as the structure meets the definition of a commercial farm building and there is no automatic bottling machine, it qualifies as a commercial farm building and can be constructed using the commercial farm building provisions of the UCC.
15. Can a commercial farm building be used temporarily as a “special amusement building” (a haunted house for Halloween)? Yes. A commercial farm building may be used as a special amusement for no more than 15 days in a calendar year providing:
  - A permit is obtained from the local fire official, the fee for which should not exceed \$75.00 per event;
  - The farm building must have a hard-wired automatic fire detection system; an emergency public address system that is audible throughout the entire special amusement building; lighted exit signs; and approved directional signs.
  - The interior wall and ceiling finishes are required to be Class I. Class I wall finish is typically gypsum wallboard or other non-combustible finish material.
  - The special amusement building must be provided with an automatic fire sprinkler system, however, there is one exception for the temporary use.

A building or space without a sprinkler system is permitted provided that all of the following conditions are met:

- The special amusement is limited to 1,000 square feet of total building area or a 1,000 square feet portion of the building that is separated from the remainder of the building by a wall that is fire resistance rated one-hour (a typical one-hour wall is steel framed with 5/8 Type X gypsum on both sides of the wall and any openings (doors or windows) in the wall are required to be protected with rated doors or shutters);

- The maximum exit access travel distance is 50 feet (the travel distance is measured from most remote point in the space to the exit);
- The special amusement is located on the ground floor;
- A 20 feet perimeter suitable for fire-fighting ground operation is provided; and
- Sufficient fire department personnel and apparatus are standing by on the site at all times the special amusement is occupied.

These exceptions for fire sprinklers are only applicable when the commercial farm building is being used as a special amusement for no more than 15 days in one calendar year. If the building is being used for a longer period of time, the sprinkler system is mandatory.

Before undertaking this type of activity, be sure to review N.J.A.C. 5:70-4.16 as the above is a brief summary of the requirements contained in this section.

These provisions are not applicable to outdoor hayrides unless during the hayride the wagon enters the farm building.

If a farmer chooses to use the Special Amusement for a period longer than 15 days in the calendar year, it is considered a change in the character of the use and the building is required to comply with all of the requirements contained in the Change of Use section of the Rehabilitation Subcode of the Uniform Construction Code.

### **GRAIN BINS, SILOS and TURN OUT SHEDS**

- 16. Is a UCC permit required for a poured-in-place concrete silo, poured-in-place concrete storage tank, a concrete pad poured in place for the silos or grain bins or a pre-engineered post frame/timber construction building (also referred to as pole barn)?**

Yes, a UCC permit is required for a poured-in-place concrete silo, poured-in-place storage tank and pre-engineered post frame/timber construction building because these structures are designed and manufactured on site and, therefore, have not been evaluated for structural integrity. The UCC directs DCA to promulgate relaxed construction standards for commercial farm buildings; it does not direct, or allow DCA to promulgate rules that exempt these structures from the UCC entirely.

- 17. Is a UCC permit required for a three-sided turn-out shed that will be used to shelter livestock?** No, a permit is not required provided the following guidelines are met:

- There is no permanent foundation or floor;
- The structure is 250 square feet or less in area;
- The structure is 14 feet or less in height;
- There are no utility connection: gas, water, oil sewer or electric;
- The structure is of sufficient weight to remain in place or must be anchored to the ground.

18. **Is a UCC permit required for a pre-cast grain bin or silo?** No, pre-engineered grain bins and silos and pre-cast grain bins and silos do not need a UCC permit because they have been pre-engineered, that is they have been evaluated for structural integrity. However, permits are required for:
- the foundation that supports a grain bin or silo;
  - all electric or plumbing hook-ups to the grain bin or silo must comply with the applicable UCC subcode;
  - and inspections are required.
19. **Is a permit required for the foundation and plumbing and electrical connections associated with pre-engineered grain bin, silo or turn out sheds?** Yes, a permit must be secured for on-site construction work associated with pre-engineered grain bins, silos and turn out sheds. For example, a UCC permit must be secured for the slab (foundation) that is poured to support the grain bin or silo and a permit must be secured if electricity will be used to operate fans or heaters.
20. **Is concrete required to anchor the three-sided turn-out shed or a garden-style shed to the ground?** No, concrete is not required. If concrete is used as a foundation, a permit must be secured.

### **LIFE SAFETY FEATURES**

21. **Lightning protection is required for structures built under the Farm Building Code. Are the seal and signature of a state registered design professional required for lightning protection plans? Is a permit required?** No, signed and sealed plans are not required. However, an electrical subcode permit is required for lightning protection devices. The installation of all lightning protection equipment must comply with the requirements set forth by NFPA 780. The Lightning Protection Institute (LPI) offers national certification of correct lightning protection system installations, and of the professional members who have qualified, through testing, as experienced and knowledgeable. Certification assures national standards are met including those set forth by the National Fire Protection Association (NFPA 780) and Underwriter's Laboratories (UL96A). To locate a certified installer, contact the LPI by telephone at 800-488-6864, by facsimile at 847-577-7276 or by email at [strike@lightning.org](mailto:strike@lightning.org). Or visit their web site at [www.lightning.org](http://www.lightning.org)
22. **Are commercial farm buildings required to have electricity?** No, under the UCC, farmers have the option of installing electric service to the farm building. UCC permits have technical sections, one of which covers electric. If there is no electric service in a farm building, then an electrical subcode permit is not required. However, if electric service is provided, an electrical subcode permit must be secured.
23. **Are commercial farm buildings constructed under the Farm Building Code required to have emergency egress lighting installed?** When electricity is provided, any electric light

provided shall satisfy the egress lighting requirement and a battery back-up power source is not required unless the commercial farm building will be used as a place of temporary public assembly as specified in the Farm Building Code.

- 24. Are illuminated exit signs required for farm buildings built under the Farm Building Code?** No. The UCC exempts farm buildings from illuminated exit signs but non-illuminated exit signs must be provided.
- 25. Many farm buildings utilize overhead or sliding doors. Are these considered a means of egress?** No. All means of egress doors must be side-hinged and, in a building with an occupant load of 50 or more, must open in the direction of egress. The building subcode does include an exception from the side-hinged requirement for doors to private garages, factory and storage areas with an occupant load of 10 or fewer.
- 26. Fire extinguishers and "no smoking" signs must be provided in all commercial farm buildings constructed under the Farm Building Code. What is the proper placement of the extinguishers and "no smoking" signs?** The building code requires that fire extinguishers must be visible and available to the occupants. Under NFPA 10, the maximum travel distance to a fire extinguisher is 150 feet. The National Fire Prevention Code requires that "no smoking" signs must be placed in a manner so they are readily observed by the occupants. Placement in a conspicuous place near every entrance to the building would satisfy this requirement.

### MISCELLANEOUS

- 27. What are the additional requirements in order to build an unlimited height or area commercial farm building under the Farm Building Code?** They include the following:
- The maximum travel distance to any exit in the lower level shall not exceed 150 feet.
  - The structure must have a fire separation distance of 50 feet from the property line and any other non-commercial farm building on the same lot, or on an owner's contiguous lots.
  - One exit is required for each 15,000 square feet of floor area or fraction thereof.
  - Exit signs must be posted (but do not have to be illuminated).
  - An occupancy limit of 30 people must be posted.
  - Lightning protection in accordance with NFPA 780 must be installed.
  - Fire extinguishers must be distributed throughout.
  - No smoking signs must be posted.
- 28. Can an unlimited height or area commercial farm building have two stories?** Yes. A two-story unlimited height or area commercial farm building can be constructed under the Farm Building Code. However, an approved automatic fire suppression system must be provided throughout the structure.

- 29. Can I have a loft in my commercial farm building built under the building subcode or the Farm Building Code and, if so, what is the maximum travel distance to an exit?** The aggregate floor area of the loft (mezzanine) cannot be more than one-third of the area of the floor below. The maximum travel distance (means of egress) to an exit is 300 feet.
- 30. Can a farmer prepare his own plans?** No. All designs for new construction work, alterations, repairs, expansions, additions or modifications must be signed and sealed by a New Jersey licensed architect or engineer. Plans which are developed by Rutgers Cooperative Extension may be used as a model; however, these plans must be reviewed and approved by a New Jersey licensed architect or engineer and signed and sealed by this professional.
- 31. Is an architect's or engineer's seal required on a farm building plan?** Yes. The seal and signature of the registered architect or licensed engineer who prepared the plans must be affixed to the plans.
- 32. The farmer is now authorized to prepare his own sketch plan of the site under the UCC and submit it to the local construction official. What type of information must be included in the farm sketch plan? Can a municipality require a site plan under the municipal zoning ordinance?** There are two separate types of site plans which are often required when a building is erected. The UCC requires a site plan and a municipal zoning ordinance may also require a site plan. The signed and sealed site plan waiver under the UCC has no bearing on the requirements under a municipal zoning ordinance.

The easiest way to satisfy the site plan requirement in the UCC is to use a survey of the site or a copy of the tax map. However, a pencil sketch of the farm would be sufficient. Items that should be noted on the sketch plan include the size and location of all new and existing construction on the site, the distances of all new and existing construction from the lot lines, and the distances of all new construction from all existing structures.

The Municipal Land Use Law gives the governing body the option to adopt an ordinance that would require preparation of a site plan as a condition for the issuance of a UCC permit. The construction official cannot issue a permit before the municipal zoning officer has signed-off on the building permit application. Not all municipal zoning ordinances require a site plan prepared by a registered design professional. Some municipal ordinances include a provision for the landowner to develop the site plan. Check with your municipal zoning officer for the municipal requirements on site plan preparation.

- 33. Nursery and greenhouse sales areas are an integral part of a farm operation. Although these areas are not specifically for retail sales, small numbers of people should be allowed to enter the greenhouse to select the plants they wish to purchase. Is this permissible?** In most instances, optimum utilization of space in the greenhouse means that unobstructed aisles and clear paths to exits are not a priority. Public access to greenhouses must be limited unless adequate safety features are present to protect the public. However, this will not prevent a customer, who is accompanied by the farmer or farm employee, from

viewing a plant before purchasing it in an area designated for mercantile sales. The area to which the public has access when accompanied by a farmer or farm employee should be incidental to the main use of the greenhouse, which is for the production of an agricultural or horticultural commodity.

- 34. Do all commercial farm buildings have to be constructed under the UCC provisions for the Farm Building Code?** No. The provisions under the Farm Building Code are not mandatory. The Farm Building Code was adopted to provide construction code relief for farm buildings of unlimited height or area. One can always build under the building subcode and all provisions for the appropriate Group designation must be followed. However, if the building subcode is used for an unlimited height and area farm building, there may be additional construction code criteria that add to the cost of construction. Some of the additional costs may include fire separation walls, automatic fire suppression systems, lighted exit signs, emergency egress lighting, etc. The Farm Building Code affords the farm community relaxed construction code criteria for farm buildings where the main use or intended use is related to the production of agricultural or horticultural products produced on the farm. In most instances, the Farm Building Code is used for the construction of unlimited height or area commercial farm buildings.
- 35. Can a farmer install an oven that will be used to bake pies, in a commercial farm building?** Yes. However, the commercial farm building and the oven baking area are different Group classifications and must be separated by the required fire separation assemblies and meet all applicable requirements of the building subcode.
- 36. Can a farmer perform his own electrical and plumbing work on his commercial farm building?** No. According to the Electrical Contractors Licensing Act of 1962 and the State Plumbing License Law of 1968, electrical and plumbing work cannot be undertaken except by persons licensed to perform such work.
- 37. If I am building a commercial farm building that meets the height and area limitations established in the building subcode Table 503, do I have to comply with the life safety requirements in the Farm Building Code?** No. Only those commercial farm buildings that exceed the height or area limits in the building subcode, must comply with the life safety feature provisions of the Farm Building Code. It should be recognized that a farm building that is not a commercial farm building must comply with all the provisions of the UCC for the applicable Group.
- 38. Does the building subcode require a specific fire separation distance between commercial farm buildings? Between an unlimited height or area commercial farm building and a non-commercial farm building, such as a residential home?** Two or more commercial farm buildings may be constructed on the same lot, or on an owner's contiguous lot(s) without meeting the fire separation distance between them as referenced in the Farm Building Code. Other buildings must comply with the fire separation requirements in the building subcode. The code gives distances that enable a building to be constructed without fire resistance ratings. When these fire separation distances are applied between two buildings on the same lot, the distances must be added. For example, a residence requires a

5-foot distance for a zero fire resistance rating. A commercial farm building built under the Farm Building Code requires a 50-foot separation. So for both buildings to be constructed without rating the exterior walls, a 55-foot distance is required. A retail farm market (a mercantile building) must be separated from a commercial farm building constructed under the Farm Building Code by 65 feet (50 feet for the farm building and 15 feet for the mercantile building).

## **STORAGE**

- 39. What can be stored in a commercial farm building?** There are no restrictions as to what can be stored in a commercial farm building except if the building is occupied by more than 10 people. In that case, hazardous materials must not exceed the allowable exempt amounts reflected in Tables 307.1(1) and 307.1(2) of the building subcode unless the area occupied is separated by appropriate fire resistance rated construction. Examples of materials and supplies which are not limited in quantity include items such as hay, straw and other livestock bedding material, burlap bags and twine, boxes and crates used for shipping, pots for plants, and livestock feed. Examples of materials that are considered hazardous include, but are not limited to, Spanish moss, excelsior, and corrosive or irritant materials such as acid, chlorine, combustible and flammable liquids and pesticides.

## **PERMIT FEES, INSPECTIONS, VARIATIONS & APPEAL PROCEDURES**

- 40. How are UCC permit fees calculated?** The UCC permit fee is calculated on the basis of the volume of the building or, in the case of alterations, the estimated cost. For open sheds and similar structures, the volume is measured within the perimeter of the roof with a height from the grade line to the mean roof level. For structures without basements, the volume includes the height measured to a level located one-fifth the distance from the first floor level to the bottom of the footings, not exceeding 2 ½ feet below the first floor level.
- 41. Who sets the fee at the municipal level?** The municipality establishes enforcing agency fees by ordinance. The fees are collected before issuing a permit. A schedule of the fees is posted in the construction official's office and is accessible to the public.
- 42. What is the New Jersey State permit surcharge fee? Are farmers exempt from this fee?** This is a surcharge fee that is used by the State to provide training and certification for construction officials. Farmers are not exempt from this fee however no fee is collected for pre-engineered systems of commercial farm buildings.
- 43. Are there any permit fees required for the construction of pre-engineered systems (grain bins, silos, etc.) of commercial farm buildings?** No building subcode permit fees are collected for engineered systems of commercial farm buildings. However, there will be fees assessed for any on site construction (plumbing, electric and foundation work)

associated with the installation of the pre-engineered systems of commercial farm buildings. These fees are calculated based on the estimated cost of the work.

- 44. Permits are required for plumbing, electric and foundation work associated with the on site construction of pre-engineered systems of commercial farm building (grain bins, silos, etc). How are these fees calculated?** The fees for foundation work are based on the estimated cost of the work and shall be computed as a unit rate per \$1,000 of estimated costs. The fees for electrical and plumbing work are based on the number of fixtures and devices to be installed.
- 45. How often are inspections required?** The construction official and appropriate subcode officials periodically inspect during the progress of the work as necessary to ensure that the work conforms to the approved plans and the requirements of the regulations. There are four required inspections. Work must stop and may not resume until these inspections are completed. The inspections are footings, foundation, framing, and finish material (N.J.A.C. 5:23-2.18)
- 46. How much advance notice must be given to the enforcing agency that the work is ready for an inspection and how long do I have to wait for an inspection?** The enforcing agency must be given 24 hours notice prior to the time the inspection is desired. The inspections must be performed within three business days of the time it was requested.
- 47. Can the building be used or occupied following the final inspection?** A building or structure cannot be used or occupied in whole or in part until a certificate of occupancy is issued by the construction official.
- 48. Can I apply for a variation if I cannot comply with a provision in the UCC?** Yes. The local enforcing agency has the sole authority to grant variations. An application for a variation must be filed in writing with the construction official who must take action within 20 business days of receipt.
- 49. How long does it take to secure a building permit from the construction official?** The construction official must approve or deny in whole or in part within 20 business days. All denials must be in writing. If the official fails to grant or deny an application within 20 business days, such failure is deemed a denial for the purposes of an appeal to the Construction Board of Appeals.
- 50. If my application is denied, can I appeal the construction official's decision?** Yes. The applicant can appeal to the Construction Board of Appeals within 15 days of receipt of written notice of the denial. The appropriate appeal fee must accompany the written appeal. Within 10 business days of submission of the appeal, the Board must render a decision. Failure of the Board to hear an appeal and render a decision within 10 business days is deemed a denial of the appeal. An appeal of the Board's decision must be made to a court of competent jurisdiction. (N.J.A.C. 5:23A)

## TEMPORARY PUBLIC ASSEMBLY

51. **The rule and statute state that, when a commercial farm building is used temporarily as a place of public assembly, a permit must be secured from the local fire official and the permit fee shall not exceed \$75 per event. Is the local fire official required to charge this fee?** The local governing body will decide by ordinance if a fee will be assessed. However, by statute, they cannot charge more than \$75 per event.
52. **When are the temporary public assembly provisions in a commercial farm building triggered? Is a permit required and where can it be secured?** When a group of 50 or more visits a farm, the temporary public assembly provisions are triggered. The threshold of 50 was reached after consulting the building code, which allows an assembly of 50 or fewer persons that is incidental to the main use group to be included as part of the main use and after conferring with the State Board of Agriculture. Temporary public assembly permits can be secured from the local fire official. Small groups of fewer than 50 people, such as a class tours or study groups, are not subject to the permit requirements.
53. **Are there any limits on the number of days each calendar year that a commercial farm building can be used temporarily as a place of public assembly?** Yes. The rule limits temporary public assembly in commercial farm buildings to 15 days in a calendar year.
54. **The temporary public assembly provision in the rule is limited to 15 calendar days each year. If I exceed this limit, will I be required to implement construction upgrades in order to meet another Group classification in the building code?** If the limit of 15 calendar days for temporary public assembly gatherings is exceeded, the building will be required to comply with the Assembly Group classification requirements of the building subcode and will not be eligible for the commercial farm building subcode provisions of the UCC. Examples of life safety features that may be required include additional means of egress, installation of a fire suppression system and installation of lighted exit signs and emergency egress lighting.

## OTHER PERTINENT INFORMATION

**Soil Erosion and Sediment Control, Ch. 251, N.J.S.A. 4:24-39 et seq.** Any construction, including farm buildings, which requires a municipal construction permit and which disturbs more than 5,000 square feet of soil, is required to secure certification of a soil erosion and sediment control plan from the local Soil Conservation District (SCD). If the farm conservation plan addresses the farm building construction, the conservation plan **may be** approved by the SCD. For assistance, contact your local Soil Conservation District or call (609) 292-5540 for the telephone number of the local district office.

**Zoning:** Any questions on determining how a particular parcel of land is zoned and what activities are permissible in that zone should be directed to the municipal zoning official. If there is a dispute between the municipality and the farmer regarding zoning issues, the farmer may be eligible for the protections of the Right to Farm Act. The farmer should contact his/her County Agriculture Development Board or the State Agriculture Development Committee at (609) 984-2504 for assistance.

**For copies of this Fact Sheet, contact:**

New Jersey Department of Agriculture  
PO Box 330  
Trenton, New Jersey 08625-0330  
Phone (609) 292-2242  
Fax (609) 633-7229  
E-Mail: [roberta.lang@ag.state.nj.us](mailto:roberta.lang@ag.state.nj.us)

**For questions on the Farm Building Code or other construction code issues, contact:**

New Jersey Department of Community Affairs  
Division of Codes and Standards  
Code Assistance Unit  
101 South Broad Street  
Trenton, New Jersey  
Phone (609) 984-7609  
FAX (609) 984-7717

Mailing Address:  
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