

52:27D-121

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27D-121 (Uniform Construction Code--redefine certain use group criteria)

LAWS OF: 1986

CHAPTER 119

BILL NO: A1448

Sponsor(s): Shinn

Date Introduced: Pre-filed

Committee: Assembly: Economic Development & Agriculture

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 12, 1986

Senate: Sept. 15, 1986

Date of Approval: October 8, 1986

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments adopted 5-8-86 (with statement)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1448

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman SHINN

AN ACT concerning agricultural buildings and amending and supplementing P. L. 1975, c. 217.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1975, c. 217 (C. 52:27D-121) is amended to
2 read as follows:

3 3. Definitions. As used in this act unless the context clearly indi-
4 cates otherwise:

5 "Building" means a structure enclosed with exterior walls or fire
6 walls, built, erected and framed of component structural parts,
7 designed for the housing, shelter, enclosure and support of individu-
8 als, animals or property of any kind.

9 "Business day" means any day of the year, exclusive of Satur-
10 days, Sundays, and legal holidays.

11 "Certificate of occupancy" means the certificate provided for in
12 section 15 of this act indicating that the construction authorized by
13 the construction permit has been completed in accordance with the
14 construction permit, the State Uniform Construction Code and any
15 ordinance implementing said code.

16 "Commissioner" means the Commissioner of Community Affairs.

17 "Code" means the State Uniform Construction Code.

18 ****[Commercial farm building]** means ***[those buildings]** ***** any
19 building* used in connection with and for the purpose of producing
20 agricultural or horticultural products *which is located on a farm
20A which produces agricultural or horticultural products* worth
20B \$2,500.00 or more annually. *No building shall be regarded as a

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted February 3, 1986.**

****—Assembly amendments adopted May 8, 1986.**

20C *commercial farm building if any portion of it is used for residen-*
 20D *tial purposes.*]***“Commercial farm building” means any build-*
 20E *ing located on a commercial farm which produces not less than*
 20F *\$2,500.00 worth of agricultural or horticultural products annually*
 20G *which building’s main use or intended use is related to the pro-*
 20H *duction of agricultural or horticultural products produced on that*
 20I *farm. A building shall not be regarded as a commercial farm build-*
 20J *ing if more than 1,200 square feet of its floor space is used for pur-*
 20K *poses other than its main use.***

21 “Construction” means the construction, erection, reconstruction,
 22 alteration, conversion, demolition, removal, repair or equipping of
 23 buildings or structures.

24 “Construction board of appeals” means the board provided for
 25 in section 9 of this act.

26 “Department” means the Department of Community Affairs.

27 “Enforcing agency” means the municipal construction official and
 28 subcode officials provided for in section 8 of this act and assistants
 29 thereto.

30 “Equipment” means plumbing, heating, electrical, ventilating, air
 31 conditioning, refrigerating and fire prevention equipment, and
 32 elevators, *dumbwaiters*, escalators, boilers, pressure vessels and
 33 other mechanical facilities or installations.

34 “Hearing examiner” means a person appointed by the com-
 35 missioner to conduct hearings, summarize evidence, and make
 36 findings of fact.

37 “Maintenance” means the replacement or mending of existing
 38 work with equivalent materials or the provision of additional work
 39 or material for the purpose of the safety, healthfulness, and up-
 40 keep of the structure and the adherence to such other standards
 41 of upkeep as are required in the interest of public safety, health
 42 and welfare.

43 “Manufactured home” or “mobile home” means a unit of housing
 44 which:

45 (1) Consists of one or more transportable sections which are
 46 substantially constructed off site and, if more than one section, are
 47 joined together on site;

48 (2) Is built on a permanent chassis;

49 (3) Is designed to be used, when connected to utilities, as a
 50 dwelling on a permanent or nonpermanent foundation; and

51 (4) Is manufactured in accordance with the standards promul-
 52 gated for a manufactured home by the Secretary of the United
 53 States Department of Housing and Urban Development pursuant
 54 to the “National Manufactured Housing Construction and Safety

55 Standards Act of 1974," Pub. 93-383 (42 U. S. C. § 5401 et seq.)
 56 and the standards promulgated by the commissioner pursuant to
 57 P. L. 1975, c. 217 (C. 52:27D-119 et seq.).

58 "Municipality" means any city, borough, town, township or
 59 village.

60 "Owner" means the owner or owners in fee of the property or
 61 a lesser estate therein, a mortgagee or vendee in possession, an
 62 assignee of rents, receiver, executor, trustee, lessee, or any other
 63 person, firm or corporation, directly or indirectly in control of a
 64 building, structure, or real property and shall include any sub-
 65 division thereof of the State.

66 "Premanufactured system" means an assembly of materials or
 67 products that is intended to comprise all or part of a building or
 68 structure and that is assembled *off site* by a repetitive process
 69 under circumstances intended to insure uniformity of quality and
 70 material content.

71 "Public school facility" means any building, or any part thereof
 72 of a school, under college grade, owned and operated by a local,
 73 regional, or county school district.

74 "State sponsored code change proposal" means any proposed
 75 amendment or code change adopted by the commissioner in accor-
 76 dance with subsection c. of section 5 of this act for the purpose of
 77 presenting such proposed amendment or code change at any of
 78 the periodic code change hearings held by the National Model Code
 79 Adoption Agencies, the codes of which have been adopted as sub-
 80 codes under this act.

81 "Stop construction order" means the order provided for in section
 82 14 of this act.

83 "State Uniform Construction Code" means the code provided for
 84 in section 5 of this act, or any portion thereof, and any modification
 85 of or amendment thereto.

86 "Structure" means a combination of materials to form a con-
 87 struction for occupancy, use, or ornamentation whether installed
 88 on, above, or below the surface of a parcel of land; provided, the
 89 word "structure" shall be construed when used herein as though
 90 followed by the words "or part or parts thereof and all equipment
 91 therein" unless the context clearly requires a different meaning.

1 2. (New section) a. ****[The]**** *Notwithstanding any other pro-*
 2 *vision of P. L. 1975, c. 217 (C. 52:27D-119 et seq.), the* ****** Com-
 3 *missioner of the Department of Community Affairs* ****and the**
 4 *Secretary of Agriculture* ****** shall, within ****[120]**** ****270**** days
 5 of the effective date of this amendatory and supplementary act,
 6 ****[adopt as part of the State]**** ****jointly promulgate, pursuant**

7 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
8 52:14B-1 et seq.), separate construction code criteria for com-
9 mercial farm buildings. The commissioner shall, upon adoption,
10 incorporate these criteria into the State Uniform Construction

11 Code.** **[Uniform Construction Code, separate use group cri-
12 teria for height and area limitations of commercial farm buildings.

13 b. * [These criteria shall provide an exemption for commercial] *
14 *Commercial* farm buildings * [constructed of combustible mate-
15 rials] * not exceeding 100,000 square feet in area and 50 feet in
16 height * [from] * *shall not be* required * [installation] * *to in-
17 stall* * [of fire alarms and] * fire suppression systems if:

18 * [(1) The building is not open to the general public except for
19 incidental use, constituting less than 10% of the time of its use;
20 and] * *(1) Not more than 25 members of the general public are
21 permitted to enter the building during any one day, except that,]**
22 ** [on not more than five days of each calendar year, there shall be
23 no restriction of the number who may enter; and*

24 (2) The building is separated from other buildings by a mini-
25 mum of 50 feet, not including arcades connecting two or more
26 buildings and used exclusively as passageways. These arcades
27 shall be constructed of not less than one hour fire-resistive ma-
28 terials, noncombustible materials, fire retardant treated wood or
29 heavy timber construction with two inch nominal sheathing.

30 c. Incidental * [for auxiliary] * use of 10% or less of the area
31 of a commercial farm building is permitted if the use is necessary
32 to the commercial farm operation. This use shall in no way change
33 the use group criteria for the building.

34 *d. For the purposes of this section, "incidental use" means any
35 use of a building supplemental to its main use.*** **b. The Sec-
36 retary of Agriculture shall, in consultation with the Commissioner
37 of Community Affairs and all other interested and affected parties,
38 prepare the criteria to be proposed for adoption pursuant to the
39 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
40 et seq.). The Secretary may, in his discretion, make use of the
41 services of Rutgers, The State University to prepare the proposed
42 criteria.

43 c. The commissioner and the Secretary shall, to the greatest
44 extent possible, ensure that the criteria provide no impediment to
45 the orderly development of the State's agricultural and horticul-
46 tural enterprises. They shall pay particular attention to estab-
47 blishing separate height, area, fire protection and construction type
48 requirements which are more suitable to agricultural and horti-

49 *cultural uses than those which are presently incorporated in the*
50 *State Uniform Construction Code.*

51 *d. The commissioner and the Secretary shall ensure that, to the*
52 *greatest extent possible, criteria are completely eliminated for*
53 *structures and buildings which are not intended for human oc-*
54 *cupancy such as storage bins, silos and the like.***

1 ***3. Any use of a commercial farm building other than its main*
2 *use which constitutes a high hazard because it involves the gene-*
3 *ration, processing or storage of corrosive, highly toxic, flammable*
4 *or explosive materials shall be segregated from the main use by*
5 *fire resistance-rated construction.*

1 *4. A commercial farm building may be used temporarily as a*
2 *place of public assembly if a permit for such use has been issued*
3 *by the local fire official pursuant to the code adopted pursuant to*
4 *the "Uniform Fire Safety Act," P. L. 1983, c. 383 (C. 52:27D-192*
5 *et seq.). The fee for the issuing of the permit and any inspection*
6 *required in connection with the issuance shall not exceed \$75.00.***

1 ***[3.]** **5.** This act shall take effect immediately.*

AGRICULTURE

Modifies the State Uniform Construction Code as it applies to
commercial farm buildings.

ASSEMBLY, No. 1448

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman SHINN

ASSEMBLY, No. 4101

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 12, 1985

By Assemblymen SHINN and COLBURN

AN ACT concerning agricultural buildings and amending and
supplementing P. L. 1975, c. 217.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1975, c. 217 (C. 52:27D-121) is amended to
2 read as follows:

3 3. Definitions. As used in this act unless the context clearly indi-
4 cates otherwise:

5 "Building" means a structure enclosed with exterior walls or fire
6 walls, built, erected and framed of component structural parts,
7 designed for the housing, shelter, enclosure and support of individu-
8 als, animals or property of any kind.

9 "Business day" means any day of the year, exclusive of Satur-
10 days, Sundays, and legal holidays.

11 "Certificate of occupancy" means the certificate provided for in
12 section 15 of this act indicating that the construction authorized by
13 the construction permit has been completed in accordance with the
14 construction permit, the State Uniform Construction Code and any
15 ordinance implementing said code.

16 "Commissioner" means the Commissioner of Community Affairs.

17 "Code" means the State Uniform Construction Code.

18 "*Commercial farm building*" means those buildings used in
19 *connection with and for the purpose of producing agricultural or*
20 *horticultural products worth \$2,500.00 or more annually.*

21 "Construction" means the construction, erection, reconstruction,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter enclosed in asterisks or stars has been adopted as follows:**

22 alteration, conversion, demolition, removal, repair or equipping of
23 buildings or structures.

24 "Construction board of appeals" means the board provided for
25 in section 9 of this act.

26 "Department" means the Department of Community Affairs.

27 "Enforcing agency" means the municipal construction official and
28 subcode officials provided for in section 8 of this act and assistants
29 thereto.

30 "Equipment" means plumbing, heating, electrical, ventilating, air
31 conditioning[;], refrigerating and fire prevention equipment, and
32 elevators, [dumb waiters] *dumbwaiters*, escalators, boilers, pres-
33 sure vessels and other mechanical facilities or installations.

34 "Hearing examiner" means a person appointed by the com-
35 missioner to conduct hearings, summarize evidence, and make
36 findings of fact.

37 "Maintenance" means the replacement or mending of existing
38 work with equivalent materials or the provision of additional work
39 or material for the purpose of the safety, healthfulness, and up-
40 keep of the structure and the adherence to such other standards
41 of upkeep as are required in the interest of public safety, health
42 and welfare.

43 "Manufactured home" or "mobile home" means a unit of housing
44 which:

45 (1) Consists of one or more transportable sections which are
46 substantially constructed off site and, if more than one section, are
47 joined together on site;

48 (2) Is built on a permanent chassis;

49 (3) Is designed to be used, when connected to utilities, as a
50 dwelling on a permanent or nonpermanent foundation; and

51 (4) Is manufactured in accordance with the standards promul-
52 gated for a manufactured home by the Secretary of the United
53 States Department of Housing and Urban Development pursuant
54 to the "National Manufactured Housing Construction and Safety
55 Standards Act of 1974," Pub. 93-383 (42 U. S. C. § 5401 et seq.)
56 and the standards promulgated by the commissioner pursuant to
57 P. L. 1975, c. 217 (C. 52:27D-119 et seq.).

58 "Municipality" means any city, borough, town, township or
59 village.

60 "Owner" means the owner or owners in fee of the property or
61 a lesser estate therein, a mortgagee or vendee in possession, an
62 assignee of rents, receiver, executor, trustee, lessee, or any other
63 person, firm or corporation, directly or indirectly in control of a

64 building, structure, or real property and shall include any sub-
65 division thereof of the State.

66 “Premanufactured system” means an assembly of materials or
67 products that is intended to comprise all or part of a building or
68 structure and that is assembled **[offsite]** *off site* by a repetitive
69 process under circumstances intended to insure uniformity of
70 quality and material content.

71 “Public school facility” means any building, or any part thereof
72 of a school, under college grade, owned and operated by a local,
73 regional, or county school district.

74 “State sponsored code change proposal” means any proposed
75 amendment or code change adopted by the commissioner in accor-
76 dance with subsection c. of section 5 of this act for the purpose of
77 presenting such proposed amendment or code change at any of
78 the periodic code change hearings held by the National Model Code
79 Adoption Agencies, the codes of which have been adopted as sub-
80 codes under this act.

81 “Stop construction order” means the order provided for in section
82 14 of this act.

83 “State Uniform Construction Code” means the code provided for
84 in section 5 of this act, or any portion thereof, and any modification
85 of or amendment thereto.

86 “Structure” means a combination of materials to form a con-
87 struction for occupancy, use, or ornamentation whether installed
88 on, above, or below the surface of a parcel of land; provided, the
89 word “structure” shall be construed when used herein as though
90 followed by the words “or part or parts thereof and all equipment
91 therein” unless the context clearly requires a different meaning.

1 2. (New section) a. The Commissioner of the Department of
2 Community Affairs shall, within 120 days of the effective date of
3 this amendatory and supplementary act, adopt as part of the State
4 Uniform Construction Code, separate use group criteria for height
5 and area limitations of commercial farm buildings.

6 b. These criteria shall provide an exemption for commercial farm
7 buildings constructed of combustible materials not exceeding 100,000
8 square feet in area and 50 feet in height from required installation
9 of fire alarms and fire suppression systems if:

10 (1) The building is not open to the general public except for
11 incidental use, constituting less than 10% of the time of its use;
12 and

13 (2) The building is separated from other buildings by a mini-
14 mum of 50 feet, not including arcades connecting two or more

15 buildings and used exclusively as passageways. These arcades shall
16 be constructed of not less than one hour fire-resistive materials,
17 noncombustible materials, fire retardant treated wood or heavy
18 timber construction with two inch nominal sheathing.

19 c. Incidental or auxiliary use of 10% or less of the area of a
20 commercial farm building is permitted if the use is necessary to
21 the commercial farm operation. This use shall in no way change
22 the use group criteria for the building.

1 3. This act shall take effect immediately.

STATEMENT

This bill would direct the Commissioner of the Department of Community Affairs to adopt as part of the State Uniform Construction Code distinct use group criteria for height and area limitations of commercial farm buildings. These criteria would specifically exempt commercial farm buildings, constructed of combustible materials not exceeding 100,000 square feet in area and 50 feet in height, from installing fire alarms and fire suppression systems if the building is not to be open to the general public and is separated from other buildings by a minimum of 50 feet. Buildings could be connected by arcades used as passageways and constructed in a manner as to prevent the spread of fire.

While the bill would exempt large commercial farm buildings from requirements concerning fire suppression, all other requirements regarding stress and load factors would still be in effect.

The purpose of this bill is to permit the agricultural industry in the State to take advantage of the increasing interest by horse breeders to locate in the State and to accommodate a more efficient poultry industry.

ASSEMBLY ECONOMIC DEVELOPMENT AND
AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1448

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 1986

This bill directs the Commissioner of Community Affairs to adopt as part of the State Uniform Construction Code separate use group criteria for height and area limitations of commercial farm buildings. As amended by the committee, the bill would also exempt any commercial farm building not exceeding 100,000 square feet or 50 feet in height from installing fire suppression systems if the building is separated from other buildings by at least 50 feet and public access to the building is limited. Up to 10% of the area of the building may be devoted to uses which are supplemental to the main use of the building but no portion may be used for residential purposes.

The committee amended the bill so that it would:

1. Modify the definition of a "commercial farm building" to clarify that no portion of the building may be used for residential purposes and that it must be located on a farm which produces at least \$2,500.00 worth of agricultural or horticultural products annually;
2. Delete the bill's exemption for commercial farm buildings from requirements to install fire alarms;
3. Expand the bill's exemption from requirements to install fire suppression systems to exempt commercial farm buildings constructed of noncombustible materials as well as those constructed of combustible materials; and
4. Change the bill's limitations on public access to commercial farm buildings. Unamended, the bill provided that its exemption from fire safety requirements only applied to commercial farm buildings which are not open to the public 10% or more of the time they are in use. The amendments limit the number of members of the public permitted to enter on any day to a maximum of 25, except that there would be no restriction of the number during five days out of each calendar year.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.



SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1448

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 19, 1986

The Senate County and Municipal Government Committee reports favorably Assembly Bill 1488 2nd OCR.

Assembly Bill 1448 2nd OCR establishes a definition of "commercial farm building" in the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and directs the Commissioner of the Department of Community Affairs (DCA) and the Secretary of Agriculture to promulgate separate construction code criteria for commercial farm buildings.

The provisions of P. L. 1975, c. 217 directed the Commissioner of DCA to adopt a State Uniform Construction Code to regulate the structural design, construction, maintenance and use of buildings and structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal or demolition of existing buildings and structures. There are no specific provisions relating to commercial farm buildings in the law.

This bill defines "commercial farm building" as any building located on a commercial farm which produces at least \$2,500.00 of agricultural or horticultural products annually and which building's main or intended use is related to the production of agricultural or horticultural products produced on the farm.

In addition, the bill directs the Commissioner of DCA and the Secretary of Agriculture to jointly promulgate separate construction code criteria into the State Uniform Construction Code. To the greatest extent possible, the commissioner and the secretary are to ensure that the criteria provide no impediment to the orderly development of agricultural and horticultural enterprises and ensure that criteria are completely eliminated for structures and buildings which are not intended for human occupancy, such as storage bins and silos. Particular attention is to be given to establishing separate height, area, fire protection and construction type requirements for agricultural and horticultural building uses.

The bill further provides that any use of a commercial farm building

besides its main use, which constitutes a high hazard shall be segregated from the main use by fire resistance-rated construction. A high hazard use may involve the generation, processing or storage of corrosive, highly toxic, flammable or explosive materials.

Finally, the bill provides that a commercial farm building may be used temporarily as a place of public assembly if the local fire official issues a permit for the building pursuant with the code adopted pursuant to the "Uniform Fire Safety Act," P. L. 1983, c. 383 (C. 52:27D-192 et seq.). A fee of up to \$75.00 may be charged for the permit and any inspection required.

Assembly Amendments
Proposed by Assemblyman Shinn
to

Assembly Bill No. 1448 OCR
Sponsored by Assemblyman Shinn

5-8

Amend:

Page	Sec.	Line
4	3	1

assembly if a permit for such use has been issued by the local fire official pursuant to the code adopted pursuant to the "Uniform Fire Safety Act," P.L. 1983, C. 383 (52:27D-192 et seq.).^{OK} The fee for the issuing of the permit and any inspection required in connection with the issuance shall not exceed \$75.00."

Omit "3." insert "5."

STATEMENT

These amendments change the bill to omit all of the bill's previous specific modifications of the ^{State} Uniform Construction Code regarding commercial farm buildings. Instead, the amendments require the Secretary of Agriculture, in collaboration with the Commissioner of Community Affairs, to develop new criteria for such buildings to be incorporated into the code. The secretary and the commissioner are directed to pay special attention to

Assembly Amendments
Proposed by Assemblyman Shinn

to

Assembly Bill No. 1448 OCR
Sponsored by Assemblyman Shinn

Amend:

Page

Sec.

Line

establishing height, area, fire protection and construction type requirements appropriate to agricultural and horticultural uses and to eliminate, as much as possible, criteria for buildings which are not intended for human occupancy. The amendments require that certain hazardous incidental uses of commercial farm buildings be separated for the main uses by fire resistance-rated construction. Any commercial farm building would be permitted to be used temporarily as places of public assembly upon the issuing of a permit by the local fire official.