

CHAPTER 6 BUILDING CODE

Authority

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i),
and N.J.A.C. 19:4-6.27.

Source and Effective Date

R.2003 d.9, effective December 9, 2002.
See: 34 N.J.R. 2539(a), 35 N.J.R. 258(a).

Chapter Expiration Date

Chapter 6, Building Code, expires on December 9, 2007.

Chapter Historical Note

Chapter 6, Building Code, was adopted as R.1970 d.46, effective May 1, 1970. See: 1 N.J.R. 17(b), 2 N.J.R. 52(a). Notice of routine program implementation. See: 25 N.J.R. 1010(a).

Subchapter 3, Uniform Construction Code; Uniform Procedure for Administration and Enforcement, was adopted as R.1977 d.457, effective on December 12, 1977. See: 9 N.J.R. 393(a), 10 N.J.R. 49(a).

Subchapter 1, General Provisions, and Subchapter 3, Uniform Construction Code; Uniform Procedure for Administration and Enforcement, were repealed, and a new Subchapter 1, General Provisions, was adopted as R.1991 d.233, effective May 6, 1991. See: 22 N.J.R. 2126(a), 23 N.J.R. 1451(a).

The expiration date of Chapter 6, Building Code, was extended by gubernatorial directive from May 6, 1996 to November 6, 1996. See: 28 N.J.R. 2566(c).

Pursuant to Executive Order No. 66(1978), Chapter 6, Building Code, was readopted as R.1996 d.399, effective July 26, 1996. See: 28 N.J.R. 2344(a), 28 N.J.R. 3969(d).

Pursuant to Executive Order No. 66(1978), Chapter 6, Building Code, was readopted as R.2001 d.241, effective June 21, 2001. See: 33 N.J.R. 385(a), 33 N.J.R. 2495(a).

Chapter 6, Building Code, was readopted as R.2003 d.9, effective December 9, 2002. See: Source and effective date.

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SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 1. GENERAL PROVISIONS

19:6-1.1 Authority

These rules are hereby adopted for the Hackensack Meadowlands District (District) pursuant to the Interagency Agreement between the New Jersey Meadowlands Commission (NJMC) and the New Jersey Department of Community Affairs (NJ DCA), and pursuant to N.J.S.A. 13:17-1 et seq.

Recodified from N.J.A.C. 19:6-1.2 and amended by R.2004 d.76, effective February 17, 2004.

See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

Substituted "District" for "HMD" and "New Jersey Department of Community Affairs (NJ DCA)" for "Department of Community Affairs (DCA)". Former N.J.A.C. 19:6-1.1 was reserved.

19:6-1.2 NJMC responsibility

The NJMC, acting as agent for the NJ DCA, shall have the responsibility, pursuant to N.J.S.A. 13:17-1 et seq., for the approval of all plans, for ensuring compliance with the New Jersey Uniform Construction Code (NJ UCC) and for enforcement as outlined in this chapter.

Administrative change.

See: 33 N.J.R. 3454(a).

Recodified from N.J.A.C. 19:6-1.3 and amended by R.2004 d.76, effective February 17, 2004.

See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

Substituted "ensuring" for "insuring" preceding "compliance". Former N.J.A.C. 19:6-1.2. Authority, recodified to N.J.A.C. 19:6-1.1.

19:6-1.3 Enforcement

(a) As per the Interagency Agreement between the NJ DCA and the NJMC dated February 27, 1991 and last amended March 10, 2003, the NJMC shall act as the NJ DCA's agent within the HMD.

(b) The NJMC shall have the responsibility for reviewing and approving plans for all work within the HMD, pursuant to N.J.S.A. 13:17-1 et seq., subject to the requirements of this chapter, in addition to the responsibilities cited in N.J.A.C. 19:6-1.2. The NJMC shall reserve the right to perform any or all inspections conducted in accordance with N.J.A.C. 5:23-2.18.

(c) Each municipal construction official has the responsibility of enforcing the requirements of the NJ UCC and of this chapter in that portion of the District within the boundaries of his or her municipality, except for the specific circumstances noted in these rules.

(d) At least one NJMC inspector/plan examiner in each subcode shall hold a class I license in accordance with N.J.A.C. 5:23. At least one member of the NJMC staff shall also be licensed as a construction official, in accordance with N.J.A.C. 5:23-5.6.

(e) In the event that a municipal code enforcement official fails to implement any provision of this chapter or the NJ UCC in that portion of the District within his or her jurisdiction, and no immediate action is deemed necessary by the NJMC, then the NJMC, with prior written approval by the NJ DCA, shall act in the capacity of that official, as agent for the NJ DCA, in order to ensure compliance with this chapter and the NJ UCC.

(f) Except for (g) below, when the NJMC shall determine that a violation of this chapter or the NJ UCC exists, the NJMC shall notify the municipal construction official in writing of such violation and request the municipal construction official and the appropriate subcode official to take action necessary to bring about compliance with this chapter or the NJ UCC and to notify the NJMC of his or her actions.

(g) When the NJMC determines that work in progress is being done contrary to approved plans and there is not adequate time to follow the procedure outlined in (f) above, and/or the NJMC believes that any delay may exacerbate the extent and nature of the violation, then the NJMC may act immediately to prevent continuation of such violations, as a subcode official acting as the agent of the NJ DCA. This designation is temporary in nature and the NJMC will act in this capacity until the violation is resolved. The municipality, upon written notification by the NJMC, of the emergency situation and of its resolution, shall resume compliance authority.

Administrative change.

See: 33 N.J.R. 3454(a).

Recodified from N.J.A.C. 19:6-1.4 and amended by R.2004 d.76, effective February 17, 2004.

See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

Substituted references to NJMC for OCE throughout. In (a), inserted "and last amended March 10, 2003" following "February 27, 1997". Former N.J.A.C. 19:6-1.3, NJMC responsibility, recodified to N.J.A.C. 19:6-1.2.

19:6-1.4 Fees

(a) Fees for plan review shall be in accordance with N.J.A.C. 19:4-11.4.

(b) In the event the NJMC enters into an agreement with any or all municipalities within the District to perform required inspections, the NJMC shall collect 100 percent of the NJMC's permit fee. Twenty percent of that fee, exclusive of plan review fees, will be returned to the municipality to cover administrative costs.

Administrative change.

See: 33 N.J.R. 3454(a).