

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.1996 d.399, effective July 26, 1996.
See: 28 N.J.R. 2344(a), 28 N.J.R. 3969(d).

Executive Order No. 66(1978) Expiration Date

Chapter 6, Building Code, expires on July 26, 2001.

Chapter Historical Note

Chapter 6, Building Code, was adopted pursuant to authority delegated at N.J.S.A. 13:17-1 et seq. 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 pursuant to authority of N.J.S.A. 13:11-1 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Provisions, and Subchapter 3, Uniform Construction Code; Uniform Procedure for Administration and Enforcement, were repealed, and a new Subchapter 1, General Provisions, was adopted by R.1991 d.233, effective May 6, 1991.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 was readopted by R.1996 d.399, effective July 26, 1996. See: Source and Effective Date.

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SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 1. GENERAL PROVISIONS

19:6-1.1 (Reserved)

19:6-1.2 Authority

These rules are hereby adopted for the Hackensack Meadowlands District (HMD) pursuant to the Interagency

Agreement between the Hackensack Meadowlands Development Commission (HMDC) and the Department of Community Affairs (DCA), and pursuant to N.J.S.A. 13:17-1 et seq.

19:6-1.3 HMDC responsibility

The HMDC, acting as agent for the Department of Community Affairs, shall have the responsibility, pursuant to N.J.S.A. 13:17-1 et seq., for the approval of all plans, for insuring compliance with the Uniform Construction Code (UCC) and for enforcement as outlined in this chapter.

19:6-1.4 Enforcement

(a) As per the Interagency Agreement between the Department of Community Affairs (DCA) and the Hackensack Meadowlands Development Commission (HMDC) dated February 27, 1991, the HMDC shall act as DCA's agent within the HMD.

(b) The Office of the Chief Engineer (OCE) 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. 19:6-1.3. The OCE 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 UCC and of this chapter in that portion of the HMD within the boundaries of his or her municipality, except for the specific circumstances noted in these rules.

(d) At least one OCE 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 OCE 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 UCC in that portion of the HMD within his or her jurisdiction, and no immediate action is deemed necessary by the HMDC, then the OCE, with prior written approval by the DCA, shall act in the capacity of that official, as agent for the DCA, in order to insure compliance with this chapter and the UCC.

(f) Except for (g) below, when the OCE shall determine that a violation of this chapter or the UCC exists, the OCE 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 UCC and to notify the OCE of his or her actions.

(g) When the OCE 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 OCE believes that any delay may exacerbate the extent and nature of the violation, then the OCE may act immediately to prevent continuation of such violations, as a subcode official acting as the agent of the DCA. This designation is temporary in nature and the OCE will act in this capacity until the violation is resolved. The municipality, upon written notification by the OCE, of the emergency situation and of its resolution, shall resume compliance authority.

19:6-1.5 Fees

(a) Fees for plan review shall be in accordance with N.J.A.C. 19:3-1.3.

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

19:6-1.6 Violations and penalties

For any violation of this chapter or the UCC, notice of violation and penalty procedure shall be in accordance with N.J.A.C. 19:4-6.24 and the UCC N.J.A.C. 5:23-2.31. All penalties shall be in accordance with the Uniform Construction Code.

19:6-1.7 Hackensack Meadowlands District uniform procedure

(a) All applications shall be initiated at the office of the municipal construction official and be in accordance with N.J.A.C. 5:23-2.15.

(b) The municipal construction official shall advise applicants that all applications requiring plan review are to be approved by HMDC prior to the issuing of a construction permit.

(c) Submittals to the HMDC for purposes of plan review shall consist of three sets of plans, copies of the standard UCC application forms filed with the municipality and plan review fees required by N.J.A.C. 19:3-1.3.

(d) Following approval of construction plans, the OCE shall return two copies of the approved plans and a Certificate of Compliance to the municipal construction official. Providing all prior approvals and the UCC rules have been satisfied, the municipal construction official shall then issue a construction permit, a copy of which shall be sent to the OCE.