

**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Provisions, and Subchapter 3, Uniform Construction Code; Uniform Procedure for Administration and Enforcement, were repealed, and a new Subchapter 1, General Provisions, was adopted as R.1991 d.233, effective May 6, 1991.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 (Reserved)**19:6-1.2 Authority**

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

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

19:6-1.3 NJMC responsibility

The NJMC, 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.

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

19:6-1.4 Enforcement

(a) As per the Interagency Agreement between the Department of Community Affairs (DCA) and the New Jersey Meadowlands Commission (NJMC) dated February 27, 1991, the NJMC 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 NJMC, 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.

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

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 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).

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 NJMC prior to the issuing of a construction permit.

(c) Submittals to the NJMC 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.

(e) Whenever the municipal construction official shall fail to issue a construction permit after the applicant has satisfied all provisions of this chapter and the UCC, the OCE shall issue such permit upon DCA's written authorization. The OCE will then assume all responsibility for the compliance of such project with this chapter.

(f) The inspection procedure shall be as follows:

1. The municipal code officials shall have the primary responsibility for all required inspections.

2. As per N.J.A.C. 19:6-1.4(b), the OCE reserves the right to perform all inspections pursuant to N.J.A.C. 5:23-2.18.

3. The OCE and Municipal Construction Official shall be notified by the owner or his or her agent at the various stages of construction when inspections are required.

4. If the municipal code official is temporarily unable to perform an inspection upon notification, he or she can request that the OCE perform the inspection without compensation.

5. When the municipal code official relinquishes his or her responsibility for the performance of subcode(s) inspection concerning specific projects, and the OCE agrees to perform the inspection, acting as DCA's agent, the NJMC shall receive fees for such subcode inspection in accordance with the municipality's fee schedule.

(g) Municipal construction officials and the OCE shall supply applicants with a list of all required inspections and apprise the applicant of his responsibility to notify the municipal construction official and the OCE when work is ready for inspection.

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

19:6-1.8 Certificates of occupancy

(a) No certificate of occupancy, temporary certificate of occupancy or certificate of continued occupancy, shall be issued by the municipal construction official without certification by the OCE that a final inspection has been performed by the OCE and that such occupancy meets all provisions of N.J.A.C. 19:4, 19:5 and this chapter, and the plans approved by the OCE.

(b) Whenever the municipal construction official fails to issue a certificate of occupancy for a structure or tenant space which is in compliance with all provisions of this chapter, the OCE, upon DCA's written authorization, will issue such certificate of occupancy and receive all fees associated with such certificates.

19:6-1.9 Appeals

(a) Whenever the OCE shall act as agent of the DCA in the capacity of a UCC enforcing official under these regulations, any appeal of a decision of the OCE shall be made directly to the Department of Community Affairs.

(b) Any appeal of a plan review determination shall be made directly to the New Jersey Meadowlands Commission in accordance with N.J.A.C. 19:4-6.25.

(c) Any appeals of a municipal decision within the HMD may be made in accordance with N.J.A.C. 5:23-2.35.

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

19:6-1.10 Severability

If any section or subsection of this chapter is invalidated by judicial decision, such decision shall not affect the remaining sections or subsections of these regulations.

19:6-1.11 NJMC statutory authority

Except as provided herein, nothing contained in this chapter shall be construed to affect the statutory authority of the Commission pursuant to N.J.S.A. 13:17-1 et seq.

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

SUBCHAPTER 2. FOUNDATIONS

19:6-2.1 Scope

These regulations shall be known and may be cited as the "foundation supplement," and in the event of any inconsistency between the provisions of this foundation supplement and the provisions of the Standard Building Code of New Jersey, as modified under subchapter 1, General Provisions, of this chapter, the provisions of this foundation supplement shall be controlling.

19:6-2.2 Foundations; generally

The foundation of buildings, including retaining walls, shall bear on, or be carried down to, satisfactory bearing materials in such manner that the entire transmitted load will be distributed over the supporting soils of any depth beneath the foundation at unit intensities within the allowable bearing values established in this subchapter. In addition, foundations shall be proportioned to limit settlements to a magnitude that will not cause damage to the proposed construction or to existing adjacent or nearby buildings during or after construction.

19:6-2.3 Depth of foundations

(a) The bottom surface of any footing, pier pile cap, or other foundation construction, other than grade beams, shall be carried down sufficiently to avoid exposure to frost except for foundation elements in the interior of closed and heated buildings.

(b) The bottom surface of any grade beam shall be carried down at least 18 inches below the lowest level of the adjoining ground surface that is exposed to frost.

19:6-2.4 Foundations at different levels

Where footings are supported at different levels, or at different levels from the footings of adjacent structures, the influence of the pressures under the higher footings on the stability of the lower footings shall be considered. Consideration shall be given to the requirements for lateral support of the material supporting the higher footings, the additional load imposed on the lower footings and assessment of the effects of dragdown on adjacent pile-supporting buildings.

19:6-2.5 Slabs on grade

Slabs on grade within or adjacent to a building shall be so designed to limit settlement of such slabs to a magnitude that will not impair their usability or cause damage to the building or its foundations.

19:6-2.6 Construction

(a) No foundation shall be placed on frozen soil. No foundation shall be placed in freezing weather unless provision is made to maintain the underlying soil free of frost.

(b) In an excavation where soil and ground water conditions are such that an inward or upward seepage might be produced in soil material intended to provide vertical or lateral support for foundation elements or for adjacent foundations, excavating methods that will control or prevent the inflow of ground water shall be employed to prevent disturbance of the soil material in the excavation or beneath existing buildings. No foundation shall be laid on soil that has been disturbed by seepage unless remedial measures, as directed by an architect or engineer, are taken.

19:6-2.7 Soil investigations; general

Borings in earth or rock, recovery of samples, test of soil samples, load tests, or other investigations or exploratory procedures shall be performed as necessary for the design and construction of a safe foundation, subject to inspection in accordance with requirements of this subchapter.

19:6-2.8 Borings

(a) Except for one and two-family dwellings with plan dimension not exceeding 2,500 square feet and where soil conditions are essentially uniform, at least five borings shall be made for each building, one in each corner and one in the center. For one and two-family dwellings of a size not to exceed 2,500 square feet, one boring shall be made for each such building. For buildings supported on piling, one boring shall be made for every 4,000 square feet of building area or fraction thereof, but not less than five borings for each building. Additional borings may be necessary if soil conditions are not found to be uniform. The boring program shall be expanded by probes as described in section 10 of this subchapter.

1. Where foundations are to rest on rock of class 1-65, 2-65, or 3-65, and such rock is exposed prior to construction over a part or all of the area of the buildings, borings will not be required in those areas where rock is exposed and the area (within the limits of the building) of the exposed rock surface shall not be included in the area used to compute the required number of borings provided the following requirements are met:

- i. The presence of defects or the inclination of bedding planes in the rock are of such size and location as to not affect the stability of the foundation;
- ii. The foundation is designed for bearing pressures not exceeding those permitted in table 613.6 of this subchapter, without increase for embedment.

(b) At least two thirds of the required number of borings shall be located within the area under the building. Those outside of the area shall not be more than 25 feet from the limits of the building. Borings shall be uniformly distributed or distributed in accordance with the loading pattern imposed by the building.

(c) Rules concerning depth are:

1. Unless soil material of class 1-65 through 3-65 is encountered at shallower depth, borings shall extend below the deepest part of the excavation, or in the case of pile supported buildings, below anticipated tip elevations of piling as necessary to satisfy the more restrictive of the following requirements:

- i. Borings shall extend deep enough into nominally satisfactory bearing material to establish its character and thickness, but not less than the following:

(1) Where the soil material is class 5-65: ten feet;