

**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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(revised)

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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 was amended in 1995 and 1997 to insure that the construction of commercial farm buildings is not impeded by overly restrictive construction requirements. In 2003 the Farm Building Code was amended to comply with the adopted building subcode (the International Building Code/2000 - New Jersey edition).

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 farm community. At the same time, the rule continues to protect the health, safety, and welfare of New Jersey's citizens.

- The revision made in 2009 was to address three sided turn-out sheds and garden type utility sheds and COAH fees.

## 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 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.

**FireWall**: 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 structure in the building subcode based on the purpose for which it is 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 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 the size of one-third 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, 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 performance of a specified activity in the UCC. 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 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 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 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. 5:23-9.3 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. However, 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 (N.J.A.C. 5:23-3.14 & the IBC NJ Edition 3101.1.1.4) that meet all of the following criteria:
- no wider than 31 feet;
  - plastic covering shall not exceed 6 mils;
  - plastic covering meets the flame spread ratings in National Fire Protection Association (NFPA) 701;
  - used exclusively for the production or storage of live plants; and
  - no permanent anchoring devices.

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

6. **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**

7. **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 requires compliance with State laws and regulations.
8. **Are packing houses located on the farm considered a commercial farm building?** Activities which take place in the building would include washing, cleaning, hydro-cooling, vacuum cooling, grading, sizing and packing the agricultural or horticultural commodities produced on the farm. 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, unless the exempted functions are only the first step in a sequence of processing to be performed on the farm.
9. **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.
10. **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).
11. **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.

12. **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.
13. **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.
14. **Can a commercial farm building be used temporarily as a “special amusement building” such as a haunted house during Halloween?** No. This will be a change in character of use for the existing building and the building or portion of the building is required to comply with the building subcode and fire protection subcode requirements of N.J.A.C. 5:23-6.31(a)5x. Examples of the fire protection subcode requirements include automatic fire detection, automatic sprinklers, automatic alarms, and exit signs.

## GRAIN BINS AND SILOS

15. **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.
16. **Is a UCC permit required for a pre-cast grain bin or silo?** No, pre-engineered 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, the foundation that supports a grain bin or silo and all electric or plumbing hook-ups to the grain bin or silo must comply with the applicable UCC subcode and permits (building, electrical, plumbing, mechanical) and inspections are required.
17. **Is a permit required for the foundation and plumbing and electrical connections associated with pre-engineered grain bin or silos?** Yes. A permit must be secured for on-site construction work associated with pre-engineered grain bins and silos. 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.



## LIFE SAFETY FEATURES

- 18. 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. However, 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)
- 19. 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 shall not be required unless the commercial farm building will be used as a place of temporary public assembly as specified in the Farm Building Code.
- 20. 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.
- 21. If a farmer opts to install electric in a farm building, are emergency egress lights required?** No. Emergency egress lights are not required. Any light provided shall satisfy the egress lighting requirements.
- 22. Are illuminated exit signs required for farm buildings built under the Farm Building Code?** No. The UCC exempts farm buildings from illuminated exit signs.
- 23. Many farm buildings utilize overhead or sliding doors. Are these considered a means of egress?** No. All means of egress doors shall be side-hinged and, in a building with an occupant load of 50 or more, shall open in the direction of egress. The building subcode at section 1003.3.1.2 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.
- 24. 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

- 25. 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 and 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 NFIPA 780 must be installed.
  - Fire extinguishers distributed throughout.
  - No smoking signs must be posted.
- 26. 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.
- 27. 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 (NJ IBC section 1004.2.5).
- 28. 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 professional. Some municipal ordinances include a provision for the landowner to develop the site plan. However, check with your municipal zoning officer for the municipal requirements on site plan preparation.

- 29. 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 with the rule?** 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.
- 30. 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 appropriate Group occupancy 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.
- 31. 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.
- 32. 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 shall not be undertaken except by persons licensed to perform such work.
- 33. 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, Table 503, 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.

- 34. 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 are additive. 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).
- 35. Can a farmer prepare his own plan design?** No. All designs for new construction work, alterations, repairs, expansions, additions or modifications shall to be prepared in triplicate, and 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.
- 36. 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 shall be affixed to the plans.
- 37. If the commercial farm building is used for stabling horses that are trained at the farm, used for breeding or for sale, can the stable also have boarding of horses that are not for sale, not in an equine training program or not for breeding purposes?** Yes, as long as this boarding service is accessory. In other words, if the stable has 20 stalls, no more than 2 stalls can be used to board horses that are not enrolled in an equine training program, for breeding or for sale.
- 38. Is a permit required under the Uniform Construction Code for a three sided turn-out shed used to shelter livestock?** No. A three-sided turn-out shed used to shelter livestock shall be exempt from the permit requirements of the Uniform Construction Code provided there is no permanent foundation or floor and provided the structure is 250 square feet or less in area and 14 feet or less in height and has no utility (water, gas, oil, sewer or electric) connections. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete is not required for anchoring.
- 39. Is a permit required for a garden-type utility shed?** No. A garden-type utility sheds and similar structures shall be exempt from the permit requirements of the Uniform Construction

Code provided the structure is 200 square feet or less in area, 10 feet or less in height, has no utility (water, gas, oil, sewer or electric) connections and the shed is dimensionally stable without the foundation system. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. The structure must also be of sufficient weight to remain in place or shall be anchored to the ground. Concrete is not required for anchoring.

## STORAGE

40. **The rule states that there are no limits for the type or amount of materials or supplies that can be stored in a commercial farm building. List examples of the types of materials which are not limited in quantity and examples of materials which would be considered hazardous and subject to limits under the building subcode if the commercial farm building is occupied by more than 10 people.** 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, etc.

## PERMIT FEES, COAH FEES, INSPECTIONS, VARIATIONS, & APPEAL PROCEDURE

41. **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 shall be measured within the perimeter of the roof for a height from the grade line to the mean roof level. For structures without basements, the volume is based on the height measured to a level located one-fifth the distance from the first floor level to the bottom of the footings, but shall not exceed 2 ½ feet below the first floor level.
42. **Who sets the fee at the municipal level?** The municipality establishes enforcing agency fees by ordinance. The fee shall be collected before issuing a permit. A schedule of the fees shall be posted in the construction official's office and shall be accessible to the public.
43. **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 shall be collected for pre-engineered systems of commercial farm buildings.
44. **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 shall be 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 construction of the pre-engineered systems of commercial farm buildings. These fees shall be calculated based on the estimated cost of the work.

- 45. 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 shall be 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 shall be based on the number of fixtures and devices to be installed.
- 46. How often are inspections required?** The construction official and appropriate subcode officials shall 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 finished material (N.J.A.C. 5:23-2.18).
- 47. 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 shall be performed within three business days of the time it was requested.
- 48. Can the building be used or occupied following the final inspection?** A building or structure shall not be used or occupied in whole or in part until a certificate of occupancy is issued by the construction official.
- 49. Can I apply for a variation if I cannot comply with a provision in the UCC?** Yes. The enforcing agency with plan review responsibility shall have the sole authority to grant variations. An application for a variation shall be filed in writing with the construction official who shall take action within 20 business days of receipt.
- 50. How long does it take to secure a building permit from the construction official?** The construction official shall examine all applications for permits and approve or deny in whole or in part the application within 20 business days. All denials shall be in writing. If the official fails to grant or deny an application within 20 business days, such failure shall be deemed a denial for the purposes of an appeal to the Construction Board of Appeals.
- 51. 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 shall render a decision. Failure of the Board to hear an appeal and render a decision within 10 business days shall be deemed a denial of the appeal. An appeal of the Board's decision shall be made to a court of competent jurisdiction. (N.J.A.C. 5:23A)
- 52. Are commercial farm buildings subject to COAH fees?** No. Commercial farm buildings or Group U buildings and structures are exempt from the non-residential development fee provision of P.L. 2008, c.46.

## TEMPORARY PUBLIC ASSEMBLY

- 53. 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.
- 54. 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 tour or study groups, are not subject to the permit requirements.
- 55. 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.
- 56. 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 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 building, including farm buildings, which require a municipal construction permit and which disturb 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 farmer's 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 additional information on the Farm Building Code or copies of this Fact Sheet, contact:**

New Jersey Department of Agriculture  
Agricultural Economic Development  
PO Box 330  
Trenton, New Jersey 08625-0330  
Phone (609) 984-2506  
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**For questions on the Farm Building Code or other construction code issues, contact:**

New Jersey Department of Community Affairs  
Division of Codes and Standards  
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