

CHAPTER 10A**PROPRIETARY CAMPGROUND FACILITY HEALTH AND SAFETY STANDARDS****Authority**

N.J.S.A. 45:22A-52.

Source and Effective Date

R.2006 d.8, effective November 30, 2005.

See: 37 N.J.R. 562(a), 38 N.J.R. 125(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 10A, Proprietary Campground Facility Health and Safety Standards, expires on May 29, 2011. See: 42 N.J.R. 1120(a).

Chapter Historical Note

Chapter 10A, Proprietary Campground Facility Health and Safety Standards, was adopted as R.1995 d.378, effective July 17, 1995. See: 27 N.J.R. 1840(a), 27 N.J.R. 2710(a).

Pursuant to Executive Order No. 66(1978), Chapter 10A, Proprietary Campground Facility Health and Safety Standards, was readopted as R.2000 d.310, effective July 5, 2000. See: 31 N.J.R. 3002(a), 32 N.J.R. 2863(b).

Chapter 10A, Proprietary Campground Facility Health and Safety Standards, was readopted by R.2006 d.8, effective November 30, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. ADMINISTRATIVE PROVISIONS**5:10A-1.1 Administration and enforcement**

(a) This chapter shall be administered and enforced by the Bureau of Housing Inspection.

(b) The Bureau may authorize any municipality or county, through its appropriate housing or health agencies, to perform maintenance inspections of proprietary campground facilities for the Bureau. Any authorization to perform inspections given to any municipality or county shall incorporate the provisions of N.J.A.C. 5:10-1.3(b)1, 2, 3, 4 (with respect only to transfer of ownership), 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17i-iii and vi, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28; provided, however, that all references in incorporated provisions of N.J.A.C. 5:10-1.3(b) to "buildings" shall be deemed to refer to "proprietary campground facilities."

(c) In order to effectively discharge its responsibility to enforce the health and safety standards set forth in this chapter, the Bureau, in accordance with N.J.S.A. 45:22A-54, shall have authority to issue cease and desist orders pursuant to N.J.S.A. 45:22A-33, to seek injunctive relief and/or appointment of a receiver pursuant to N.J.S.A. 45:22A-35, and to issue civil penalties pursuant to N.J.S.A. 45:22A-38.

(d) All proprietary campgrounds and all owners of units within proprietary campgrounds shall comply with this chapter and with all other applicable laws, rules and ordinances of any agency or political subdivision having jurisdiction.

5:10A-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Association" means a condominium association or cooperative corporation or association that exercises control over a proprietary campground facility.

"Authorized local agency" means a county or municipal housing or health agency authorized to perform inspections for the Bureau pursuant to N.J.A.C. 5:10A-1.1(b).

"Bureau" means the Bureau of Housing Inspection in the Division of Codes and Standards in the Department of Community Affairs.

"Proprietary campground facility" means any real property designed and used for the purpose of camping and associated recreational uses under a condominium or cooperative form of ownership.

"Units" means a campsite in a proprietary campground facility that a person or group of persons has the right to use by virtue of ownership of either a share in the association or of rights in real property subject to the control of the association.

"Wilderness campground" means a portion of a proprietary campground facility that is intended only for occasional use as an overnight tent camping site and has no permanent structures or facilities.

5:10A-1.3 Certificate of registration

(a) Within 60 days of the effective date of this chapter, each association shall file, upon a form provided by the Bureau, a certificate of registration.

(b) Each such certificate shall be accompanied by a fee of \$10.00.

(c) Each certificate shall state:

1. The name, principal office address and telephone number of the association;

2. Such description of the proprietary campground facility as will enable the Bureau to locate the same;

3. The name, address and telephone number of the president of the association or other officer having authority to make decisions concerning the management and operation of the proprietary campground facility;

4. The name, address and telephone number of the agent appointed by the association, pursuant to (f) below, for the purpose of receiving service of process and other orders or notices;

5. The name, address and telephone number of the manager who is at the facility and responsible for maintenance on a daily basis;

6. The total number of units in the proprietary campground facility and the number of units, if any, the rights to which have not yet been sold by the developer; and

7. Whether or not units in the proprietary campground facility were offered for sale in accordance with the Planned Real Estate Development Full Disclosure Act, P.L. 1977, c.419, and, if so, the date of registration by the Division of Codes and Standards (formerly Housing and Development).

(d) Upon receipt of said certificate and fee, the Bureau shall issue to the association a validated copy of the certificate of registration, which copy shall be kept posted in a conspicuous location in the office of the association.

(e) The certificate shall be in such form as may be prescribed by the Bureau.

(f) The association shall appoint an agent for the purpose of receiving service of process and such orders or notices as may be issued by the Bureau. The agent shall have an office in the State at which service may be made during normal business hours. If the agent is a corporation, it shall be licensed to do business in this State.

(g) The association shall file an amended certificate whenever any of the information contained in the certificate changes. No fee shall be charged for the filing of an amended certificate.

(h) The certificate shall be signed by an authorized representative of the association, whose name shall be typed beneath his or her signature and whose relationship to the association shall be stated.

5:10A-1.4 Inspections

(a) The Bureau, either directly or through an authorized local agency, shall inspect each proprietary campground facility annually in order to ensure compliance with this chapter.

(b) In the event that any violation of this chapter is found to exist, the Bureau or the authorized local agency shall conduct such reinspections as may be necessary in order to ensure compliance.

5:10A-1.5 Inspection fees

(a) After each inspection or reinspection conducted either by Bureau personnel or by an authorized local agency, the association shall pay an inspection fee to the Bureau.

(b) Inspection fees shall be as follows:

1. For an initial annual inspection, the association shall pay a base fee of \$100.00, plus \$1.00 per unit for each of the first 350 units and \$.50 per unit for each unit thereafter;

2. For each reinspection, the association shall pay a base fee of \$100.00, plus \$1.00 for each unit or structure requiring reinspection.

(c) When an inspection or reinspection is conducted by an authorized local agency, the Bureau shall pay 65 percent of the fee collected for the inspection or reinspection to the county or municipality to defray the costs of the authorized local agency.

5:10A-1.6 Hearings

(a) An association aggrieved by any notice or order issued by the Bureau under this chapter shall be entitled to an administrative hearing pursuant to the "Administrative Procedure Act," N.J.S.A. 52:14B-1 et seq.

(b) Hearings shall be conducted by the Office of Administrative Law and the final decision shall be issued by the Commissioner of Community Affairs.

(c) An application for a hearing shall be filed within 10 business days of receipt by the association of the notice or order complained of.

(d) Hearing applications shall be sent to the Hearing Coordinator, Department of Community Affairs, PO Box 802, Trenton, New Jersey 08625-0802.

Amended by R.2000 d.310, effective August 7, 2000.
See: 31 N.J.R. 3002(a), 32 N.J.R. 2863(b).

5:10A-1.7 Construction

All construction involving buildings or structures in a proprietary campground facility, whether such buildings or structures are permanent or temporary, shall be in compliance with the State Uniform Construction Code (N.J.A.C. 5:23) and local land use ordinances and regulations.