

**CHAPTER 26**

**PUBLIC RECREATIONAL BATHING**

**Authority**

N.J.S.A. 26:1A-7 and 26:4A-7.

**Source and Effective Date**

R.1996 d.210, effective April 4, 1996.  
See: 28 N.J.R. 753(a), 28 N.J.R. 2385(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 26, Public Recreational Bathing, expires on April 4, 2001.

**Historical Note**

Chapter 26, Public Recreational Bathing, became effective August 4, 1986 as R.1986 d.328. See: 18 N.J.R. 1040(a), 18 N.J.R. 1576(b). Rules affecting tidal bathing waters became operative on August 4, 1986. All other requirements became operative on November 4, 1986. Pursuant to Executive Order No. 66(1978), Chapter 26 was readopted as R.1991 d.245, effective April 12, 1991. See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a). Pursuant to Executive Order No. 66(1978), Chapter 26 was readopted as R.1996 d.210, effective April 4, 1996. See: Source and Effective Date.

**Cross References**

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

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#### APPENDIX

#### SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS

##### 8:26-1.1 Purpose

The purpose of this chapter shall be to set reasonable sanitary and safety regulations for public recreational bathing places and to preserve and improve the public health in this state as provided for in N.J.S.A. 26:1A-7.

##### 8:26-1.2 Scope

These rules shall govern all recreational bathing places in the State of New Jersey with the exception of a private bathing place as defined in 8:26-1.3. The provisions of the State Sanitary Code have the force and effect of law. Under the authority of N.J.S.A. 26:1A-9, the provisions are enforceable by the State Department of Health, local departments of health, local police authorities, local sheriff's departments, and other enforcement agencies.

Amended by R.1988 d.229, effective May 16, 1988.  
See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Substituted "rules" for "regulations".  
Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Added authority reference; deleted subsection (b) regarding chapter operative dates.

##### 8:26-1.3 Definitions

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

"Adult" means a person aged 18 years or older.

"Alter" means and includes any modification, or relocation of any structure or equipment, or diversion and change of water flow patterns in an existing recreational bathing place such that the design, configuration and/or operating characteristics are different from the original design, configuration and/or operating characteristics. The term does not include normal maintenance, repair or replacement of equipment previously approved.

"Approved" means acceptable to the State Department of Health or the local health authority based on its determination as to conformance with appropriate standards and good public health practices.

"Authorized agent" means a licensed health officer, sanitary inspector, or any other properly qualified and licensed person who is delegated to function within specified limits as the agent of the local health authority or the department.

"Bathing beach" means the designated area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters, ocean or other body of fresh or salt water, which is used for bathing and swimming purposes together with buildings, equipment, and appurtenances, if any, and the land areas used in connection therewith.

"Certified laboratory" means a water laboratory certified by the New Jersey Department of Environmental Protection.

"Common interest community" means:

1. Property subject to the Condominium Act, P.L. 1969, c.257 (N.J.S.A. 46:8B-1 et seq.), the Horizontal Property Act, P.L. 1963, c.168 (N.J.S.A. 46:8A-1 et seq.) and The Continuing Care Retirement Community Regulation and Financial Disclosure Act (N.J.S.A. 52:27D-330 et seq.);

2. A housing corporation or association, commonly known as a cooperative, which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association; or

3. Real estate with respect to which a person, by virtue of the ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the instrument, however denominated, which creates the common interest community. Ownership of a unit does not include holding a lease-hold interest of less than 20 years in a unit, including renewal options.