

CHAPTER 12**SKI LIFTS****Authority**

N.J.S.A. 34:4A-4 and Reorganization Plan No. 002-1998.

Source and Effective Date

R.2004 d.187, effective April 13, 2004.
See: 35 N.J.R. 2797(a), 36 N.J.R. 2490(a).

Chapter Expiration Date

Chapter 12, Ski Lifts, expires on April 13, 2009.

Chapter Historical Note

Chapter 12, State Aid for Urban Renewal Projects, which was filed and became effective prior to September 1, 1969, was repealed by R.1981 d.180, effective June 4, 1981. See: 13 N.J.R. 187(a), 13 N.J.R. 333(a).

Chapter 12, Plain Language Review of Consumer Contracts, was adopted as R.1981 d.424, effective November 2, 1981. See: 13 N.J.R. 473(a), 13 N.J.R. 782(b).

Chapter 12, Homelessness Prevention Program, was adopted as Emergency New Rule R.1984 d.570, effective November 29, 1984 (to expire January 28, 1985). See: 16 N.J.R. 3497(a). The provisions of R.1984 d.570 were readopted as R.1985 d.74, effective January 29, 1985. See: 16 N.J.R. 3497(a), 17 N.J.R. 577(b).

Pursuant to Executive Order No. 66(1978), Chapter 12, Homelessness Prevention Program, was readopted as R.1990 d.62, effective December 27, 1989. See: 21 N.J.R. 2845(a), 22 N.J.R. 336(b). Pursuant to Executive Order No. 66(1978), Chapter 12 expired on December 27, 1994.

Chapter 12, Homelessness Prevention Program, was adopted as R.1995 d.56, effective February 6, 1995. See: 26 N.J.R. 4248(a), 27 N.J.R. 483(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 12, Homelessness Prevention Program, was recodified as N.J.A.C. 5:41, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Chapter 12, Ski Lifts, was originally codified in Title 12 as Chapter 175, Ski Lifts. Chapter 175 was adopted as R.1975 d.371, effective December 17, 1975. See: 8 N.J.R. 42(a).

Chapter 175, Ski Lifts, was repealed and Chapter 175, Ski Lifts, was adopted as new rules by R.1983 d.613, effective January 3, 1984 (operative April 1, 1984). See: 15 N.J.R. 1553(a), 16 N.J.R. 51(c).

Pursuant to Executive Order No. 66(1978), Chapter 175, Ski Lifts, was readopted as R.1988 d.585, effective November 28, 1988. See: 20 N.J.R. 2521(a), 20 N.J.R. 3138(a).

Pursuant to Executive Order No. 66(1978), Chapter 175, Ski Lifts, was readopted as R.1993 d.639, effective November 10, 1993. See: 25 N.J.R. 4581(a), 25 N.J.R. 5478(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 175, Ski Lifts, was recodified as N.J.A.C. 5:12, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Ski Lifts, was readopted as R.1998 d.558, effective October 29, 1998. See: 30 N.J.R. 3353(a), 30 N.J.R. 4210(a).

Chapter 12, Ski Lifts, was readopted as R.2004 d.187, effective April 13, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**5:12-1.1 Title and citation**

This regulation shall be known and may be cited as N.J.A.C. 5:12, Ski Lifts.

5:12-1.2 Purpose

The purpose of this chapter is to provide reasonable standards for the design, construction and operation of passenger tramways used in skiing for the safety of the public.

5:12-1.3 Scope

This chapter shall apply to passenger tramways used in skiing subject to the Ski Lift Safety Act, N.J.S.A. 34:4A-1 et seq.

5:12-1.4 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 5:12-6.

5:12-1.5 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decisions shall not affect the remaining portions of this chapter.

SUBCHAPTER 2. DEFINITIONS**5:12-2.1 Definitions**

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

“Act” means the Ski Lift Safety Act, N.J.S.A. 34:4A-1 et seq.

“ANSI” means the American National Standards Institute.

“Approved” means acceptable to the commissioner. Any product certified, or classified, or labeled, or listed by a nationally recognized testing agency may be deemed to be acceptable, unless specifically banned by order of the Commissioner.

“Authority having jurisdiction” means the Commissioner of Community Affairs.

“Bureau of Code Services” means the Bureau of Code Services, New Jersey Department of Community Affairs.

“Commissioner” means the Commissioner of Community Affairs or any officer or employee of the Department of Community Affairs assigned by him to carry out any of the functions, duties and powers conferred or imposed upon him by the Act.

“Division of Codes and Standards” means the Division of Codes and Standards in the New Jersey Department of Community Affairs.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., or the Factory Mutual Engineering Corporation, or any similar testing organization acceptable to the Commissioner.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Operator” means a person who owns, manages or directs the operation of a passenger tramway, and includes the State or any political subdivision or instrumentality thereof.

“Passenger tramway” means a device used to transport passengers uphill, on skis, or in cars, or suspended in the air, by the use of steel cables, chains, belts, or ropes, and usually supported by trestles or towers with one or more spans, and includes among others: an aerial passenger tramway, multicar aerial passenger tramway, skimobile, chairlift, J-bar, T-bar, poma lift, platter pull, or rope tow.

“Professional engineer” means a person licensed to practice professional engineering in New Jersey by the New Jersey Board of Professional Engineers and Land Surveyors.

“Serious injury” means any injury in which the injured person has lost consciousness, broken a bone, was transported to an emergency medical facility or an injury for which medical treatment by a physician beyond first aid was required.

“Shall” means a mandatory requirement.

“Ski lift” means aerial passenger tramway or passenger tramway.

Amended by R.2006 d.31, effective January 17, 2006.

See: 37 N.J.R. 967(a), 38 N.J.R. 482(a).

Added definition “Bureau of Code Services”; deleted definition “Office of Safety Compliance”; rewrote definition “Serious injury.”

SUBCHAPTER 3. ADMINISTRATION**5:12-3.1 Scope of subchapter**

This subchapter shall apply to the administrative procedures to be followed by operators and the appropriate officials of the Division of Codes and Standards concerning passenger tramways.

5:12-3.2 Compliance

(a) Every operator of a passenger tramway shall comply with this chapter.

(b) A passenger tramway which is not in compliance with this chapter shall not be used or occupied, except as provided in N.J.A.C. 5:12-4.4.

(c) The Bureau of Code Services shall order in writing, a temporary cessation of operation of a passenger tramway, if it has been determined after inspection to be hazardous or unsafe. Operation shall not be resumed until the passenger tramway has been reinspected by a designee of the Bureau of Code Services and it is determined by the designee to be safe for operation.