

CHAPTER 2
STATE PARK SERVICE CODE

Authority

N.J.S.A. 13:1B-1 et seq., 13:1B-15.100 et seq.,
and 13:1L-1 et seq.

Source and Effective Date

R.2007 d.155, effective April 13, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 2, State Park Service Code, expires on April 13, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 2, State Park Service, was adopted and became effective prior to September 1, 1969 pursuant to authority of N.J.S.A. 13D-1 et seq., 13:1B-3, 13:1B-15.4 et seq., 13:1B-15.12a et seq. and 23:7-9 and the State Park and Forestry Resources Act (N.J.S.A. 13:1L et seq., specifically N.J.S.A. 13:1L-19).

All Subchapters except Subchapters 1, 3, 14, 16 and 17 were adopted pursuant to authority of N.J.S.A. 13:8-20 as R.1971 d.191, effective October 21, 1971. See: 2 N.J.R. 82(b), 3 N.J.R. 221(e).

Subchapter 16, Island Beach State Park Rules, was adopted as R.1973 d.138, effective May 24, 1973. See: 5 N.J.R. 81(a), 5 N.J.R. 187(a).

Subchapter 14, Round Valley Reservoir, was adopted and Subchapter 15, Spruce Run Reservoir, was repealed by R.1975 d.134, effective May 19, 1975. See: 7 N.J.R. 141(b), 7 N.J.R. 261(c).

Pursuant to Executive Order No. 66(1978), Chapter 2, State Park Service, was readopted as R.1983 d.320, effective July 21, 1983. See: 15 N.J.R. 822(b), 15 N.J.R. 1373(d).

Subchapter 4, Hunting, Fishing and Trapping; Subchapter 6, Scuba Diving; Subchapter 10, Bathing; and Subchapter 12, Equestrian Use, were repealed by R.1983 d.464, effective October 17, 1983. See: 15 N.J.R. 983(a), 15 N.J.R. 1760(b).

Subchapter 12, Open Lands Management, was adopted as R.1986 d.124, effective April 7, 1986. See: 17 N.J.R. 866(b), 18 N.J.R. 645(b).

Subchapter 11, State Park Service, was repealed and a new Subchapter 11, Natural Areas and the Natural Areas System, was adopted as R.1987 d.533, effective December 21, 1987. See: 18 N.J.R. 2349(b), 19 N.J.R. 2409(a).

Pursuant to Executive Order No. 66(1978), Chapter 2, State Park Service, was readopted as R.1988 d.340, effective June 24, 1988. See: 20 N.J.R. 714(a), 20 N.J.R. 1743(e).

Chapter 2, State Park Service, was repealed, and a new Chapter 2, State Park Service Code, was adopted as R.1991 d.487, effective October 7, 1991. See: 22 N.J.R. 2652(a), 23 N.J.R. 3005(a). As part of R.1991 d.487, Subchapter 11, Natural Areas and the Natural Areas System, was recodified to N.J.A.C. 7:5A and Subchapter 12, Open Lands Management, was recodified to N.J.A.C. 7:5B. Pursuant to Executive Order No. 66(1978), Chapter 2, State Park Service Code, expired on October 7, 1996.

Chapter 2, State Park Service Code, was adopted as new rules by R.1996 d.524, effective November 18, 1996. See: 28 N.J.R. 3698(a), 28 N.J.R. 4899(c).

Chapter 2, State Park Service Code, was readopted as R.2001 d.414, effective October 17, 2001. See: 33 N.J.R. 2379(a), 33 N.J.R. 3956(a).

Chapter 2, State Park Service Code, was readopted as R.2007 d.155, effective April 13, 2007. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:2-1.1 Short title
- 7:2-1.2 Scope
- 7:2-1.3 Construction
- 7:2-1.4 Practice where rules do not govern
- 7:2-1.5 Relationship to Federal and State law
- 7:2-1.6 Severability
- 7:2-1.7 Definitions

SUBCHAPTER 2. GENERAL USE

- 7:2-2.1 Purpose/powers
- 7:2-2.2 Designation of land use
- 7:2-2.3 Limitation or closing of land and water use
- 7:2-2.4 Posting, selling and soliciting
- 7:2-2.5 Commercial use
- 7:2-2.6 Alcoholic beverages prohibited
- 7:2-2.7 Dumping, littering and garbage
- 7:2-2.8 Pets
- 7:2-2.9 Service animals and hunting dogs
- 7:2-2.10 Damage to property/tampering
- 7:2-2.11 Conduct
- 7:2-2.12 Fires, stoves and lanterns
- 7:2-2.13 Posted signs; issued permits; verbal instructions
- 7:2-2.14 Changing clothes; nudity
- 7:2-2.15 Military use
- 7:2-2.16 Metal detectors
- 7:2-2.17 Target practice; firearms; fireworks
- 7:2-2.18 Restrictions on hunting, fishing, and trapping
- 7:2-2.19 Indecency; immorality; profanity
- 7:2-2.20 Swimming areas
- 7:2-2.21 Horseback riding
- 7:2-2.22 Restricted recreational activities
- 7:2-2.23 Lost articles
- 7:2-2.24 Winter activities restrictions
- 7:2-2.25 Bicycles, roller skates, and skateboards

SUBCHAPTER 3. MOTORIZED VEHICLES

- 7:2-3.1 Identification and license
- 7:2-3.2 Unauthorized motor vehicle use
- 7:2-3.3 Conformance to State laws
- 7:2-3.4 Restriction on operation of motor vehicles
- 7:2-3.5 Snowmobiles
- 7:2-3.6 Motor vehicle speed limits
- 7:2-3.7 Parking
- 7:2-3.8 Traffic direction
- 7:2-3.9 Motorized bicycle restrictions

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. OCEAN PARKS AND INLAND PARKS BEACH RESTRICTIONS

- 7:2-5.1 Trespassing
- 7:2-5.2 Entry by boat or vessel
- 7:2-5.3 Fires (open)
- 7:2-5.4 Camping/erection of tents and shelters
- 7:2-5.5 Restricted activities

SUBCHAPTER 6. CAMPING

- 7:2-6.1 Camping
- 7:2-6.2 Camping facility occupancy limits
- 7:2-6.3 Occupancy of camping facilities

- 7:2-6.4 Time limits; camping facility
- 7:2-6.5 Removal of equipment and personal property
- 7:2-6.6 Visitors in camping facilities
- 7:2-6.7 Camping facilities reservation procedures
- 7:2-6.8 Cancellations and refunds
- 7:2-6.9 Wilderness campsites
- 7:2-6.10 Group campsites
- 7:2-6.11 Group camper requirements
- 7:2-6.12 Emergency transportation for group camping
- 7:2-6.13 Emergency camping
- 7:2-6.14 Abuse of State Park Service camping facilities

SUBCHAPTER 7. OVERNIGHT FACILITIES USE

- 7:2-7.1 Overnight facilities
- 7:2-7.2 Overnight facilities reservation procedures
- 7:2-7.3 Cancellation and refunds
- 7:2-7.4 Visitors in overnight facilities

SUBCHAPTER 8. BOATING/WATERCRAFT

- 7:2-8.1 Launching of boats
- 7:2-8.2 Power boats and motorized jet skis use restrictions
- 7:2-8.3 Powerboat size restrictions
- 7:2-8.4 Sailboats and ice sailboats mast height on the Round Valley, Spruce Run and Monksville Recreation Reservoirs
- 7:2-8.5 Use of boat ramps
- 7:2-8.6 Boating near swimming areas
- 7:2-8.7 Swimming and diving from objects, scuba diving, and skin diving
- 7:2-8.8 Round Valley and Spruce Run wind speed notification systems
- 7:2-8.9 Boat storage at the Spruce Run Recreation Area
- 7:2-8.10 Ice boating
- 7:2-8.11 Towing behind boats
- 7:2-8.12 Conformance with State boating laws
- 7:2-8.13 Lifejackets
- 7:2-8.14 Careless and negligent operations
- 7:2-8.15 Rules of the road
- 7:2-8.16 Speed
- 7:2-8.17 Obeying orders
- 7:2-8.18 Exclusion of racing events
- 7:2-8.19 Vessel use restrictions
- 7:2-8.20 Operating vessels during nighttime
- 7:2-8.21 Disposal of waste from vessels
- 7:2-8.22 Low water levels Round Valley, Spruce Run and Monksville Reservoirs
- 7:2-8.23 Scuba and skin diving at Round Valley and Spruce Run Recreation Areas
- 7:2-8.24 Lake Hopatcong Dock Restrictions

SUBCHAPTER 9. DAY USE GROUP

- 7:2-9.1 Day use group reservation
- 7:2-9.2 Failure to make a reservation
- 7:2-9.3 Adult supervision
- 7:2-9.4 Group leader
- 7:2-9.5 Day use group roster
- 7:2-9.6 Buses transporting day use groups
- 7:2-9.7 Group picnicking and reservation procedures
- 7:2-9.8 Group use of facilities on weekends and holidays

SUBCHAPTER 10. GOLF COURSES

- 7:2-10.1 Local rules
- 7:2-10.2 Reservations—golf course
- 7:2-10.3 Fees
- 7:2-10.4 United States Golf Association and local rules
- 7:2-10.5 Golf tournaments
- 7:2-10.6 School team practice and matches
- 7:2-10.7 Driving range rules
- 7:2-10.8 Golf etiquette
- 7:2-10.9 Priority on the course
- 7:2-10.10 Care of the course

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. HIKING TRAILS

- 7:2-12.1 Scope
- 7:2-12.2 Hiking trail use
- 7:2-12.3 Hiking trail restrictions
- 7:2-12.4 Fires on hiking trails
- 7:2-12.5 Hiker camping

SUBCHAPTER 13. STATE MARINAS

- 7:2-13.1 Scope
- 7:2-13.2 Application for vessel berth permits at State marinas
- 7:2-13.3 Berth permits
- 7:2-13.4 Berth assignment
- 7:2-13.5 Berth reassignment
- 7:2-13.6 Multiple ownership of a vessel
- 7:2-13.7 Marina regulations

SUBCHAPTERS 14 THROUGH 15. (RESERVED)

SUBCHAPTER 16. ISLAND BEACH STATE PARK RULES

- 7:2-16.1 Scope
- 7:2-16.2 Mobile sport fishing vehicles/permits/restrictions
- 7:2-16.3 Surf fishing
- 7:2-16.4 Mobile sport fishing vehicle regulations
- 7:2-16.5 Island Beach State Park
- 7:2-16.6 MSFV suspension

SUBCHAPTER 17. FEES FOR SERVICES AND FACILITIES PROVIDED BY THE STATE PARK SERVICE

- 7:2-17.1 Day use fees for services and facilities provided by the State Park Service
- 7:2-17.2 Overnight use fees for services and facilities provided by the State Park Service
- 7:2-17.3 Miscellaneous fees for services and facilities when and where provided by the State Park Service
- 7:2-17.4 Fees for services and facilities provided by the State Park Service at State marinas
- 7:2-17.5 Adjustment of fees for services and facilities provided by the State Park Service
- 7:2-17.6 Fees for facilities or services not otherwise identified
- 7:2-17.7 Sales tax

SUBCHAPTER 1. GENERAL PROVISIONS

7:2-1.1 Short title

The title of this chapter shall be known as the "State Park Service Code."

7:2-1.2 Scope

This chapter shall constitute the rules of the State Park Service and shall govern the use of all State parks, forests, recreation areas, historic sites, natural areas, marinas, golf courses, botanical gardens, and other lands, waters and facilities under the jurisdiction of the Department of Environmental Protection and assigned to the State Park Service in the Division of Parks and Forestry.

7:2-1.3 Construction

(a) These rules shall be liberally construed to permit the Department, the Division of Parks and Forestry, the State Park Service and its various agencies to discharge its statutory functions.

(b) The Commissioner, the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service may, in the public interest, or in an emergency, relax the application of these rules.

7:2-1.4 Practice where rules do not govern

(a) The Commissioner may rescind, amend or expand these rules from time to time, as in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b) The Commissioner, the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service shall exercise their authority in respect to any other matters not governed by these rules.

7:2-1.5 Relationship to Federal and State law

The provisions of this chapter are not intended to and do not relieve any person of the duty to comply with all other valid governmental regulations governing activities regulated under this chapter, including rules of the Department of Environmental Protection, and other appropriate State and Federal agencies.

7:2-1.6 Severability

If any section, subsection, provision, clause or portion of this chapter or the application thereof to any person or circumstance is adjudged invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter or the application of such section, subsection, provision, clause or portion of this chapter to persons or circumstances, other than those which is held invalid or unenforceable, shall not be affected thereby.

7:2-1.7 Definitions

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

“ATV” means a motor vehicle, registered with the New Jersey Motor Vehicle Commission or not registered, designed to travel over any terrain, which is of a type possessing between three to six rubber tires, but shall not include golf carts.

“Bicycle” means a device upon which any person may ride propelled by human power through a belt, chain or gears.

“Boat” means an open or closed vessel or water craft propelled by human power by oars, rowing, paddling or pedaling.

“Camper” means any person in possession of a valid camping permit making use of any State Park Service camping or overnight facility.

“Camping” means the temporary placing of a tent, shelter, lean-to, sleeping bag, bedding material, or recreational mobile

camping units of any type, on State Park Service property for sleeping overnight in an outdoor setting.

“Camping facility” means any facility designated by the State Park Service as a camping facility, including family campsites, wilderness campsites, group campsites, and primitive campsites.

“Closed” means a complete prohibition of access except by authorized personnel.

“Closed season” means the time during the year when fish, game, birds, or other animals, may not be captured, taken, killed or had in possession.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Designated swimming area” means any swimming pool, wading pool or the 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 designated, developed, maintained and operated by the State Park Service for swimming purposes together with buildings, equipment, and appurtenances, if any, and the land area used in connection therewith.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Parks and Forestry.

“Facilities” means any one or the combination of all State Park Service resources designed or utilized or preserved for conservation, recreation, and environmental purposes.

“Family” means a group of related persons living in one household.

“Fire” means the phenomenon of combustion manifested in light, flame and heat.

“Law enforcement personnel” means a State Park Police Officer, State Park Police Sergeant, State Park Police Lieutenant or other State Park Service personnel whom the Director of the Division of Parks and Forestry has vested with law enforcement authority and empowered to warn, cite and/or arrest.

“Mobile sport fishing vehicle” means a four-wheel drive motor vehicle designed to be licensed and operated on the public roadways and highways of the State and capable of four-wheel drive operation when off the public roads on the beach. ATV’s, golf carts and specialty vehicles are specifically excepted from this definition.

“Motor vehicle” means any vehicle propelled other than by muscular power, except motorized bicycles and vehicles that run only upon rails or tracks.

“Motorized bicycle” means a pedal bicycle having a helper motor.

“Open fire” means any fire built for cooking or recreational purposes on State Park Service property, outside the confines of a structure, or vehicle, which cannot be immediately shut off.

“Open season” means the time during the year when fish, game, birds, or other animals may be captured, taken, killed or had in possession.

“Overnight facilities” means any permanent cabin, shelter, lean-to, lodge or other State Park Service building or structure designated by the State Park Service for overnight use by the general public.

“Permission” means the written or verbal authority to engage in a use given by a person lawfully designated by the Director to grant such authority.

“Permit” means a properly executed document approved by the State Park Service authorizing a specific activity including, but not limited to, a special use permit and camping permit.

“Person” means any corporation, company, club, firm, association, society, partnership, joint stock company, governmental agency as well as an individual.

“Pet” means any mammal, bird, reptile or amphibian, kept for pleasure, not for utility. “Pet” does not include a service animal.

“Power boats” means a vessel or water craft of any type temporarily or permanently equipped with a motor.

“Public use” means a use or right of use available to the general public or some portion thereof for conservation and recreation purposes.

“Sailboat” means any boat whose main source of propulsion is the natural elements (wind).

“Service animal” means a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

“Signs” means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, instruct, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

“Snowmobile” means any motor vehicle designed primarily to travel over ice or snow, or a motor vehicle which uses sled-type runners, skis, an endless belt, treads, cleats, or any combination of those or other similar means of contact with the surface upon which it is operated, but does not include

any farm tractor, highway or other construction equipment or any military vehicle.

“Special event” means an organized race, exhibition, demonstration or activity of limited duration, which is conducted according to an approved prearranged schedule, and which may be subject to a permit.

“State” means the State of New Jersey.

“State Park” means all State owned or leased lands, waters and facilities administered by the State Park Service including but not limited to, parks, forests, recreational areas, natural areas, marinas, golf courses, botanical gardens, and historic sites, but not including wildlife management areas or reservoir lands.

“State Park Service” means the agency within the Division of Parks and Forestry responsible for planning, designing, developing, operating, and managing State Parks for public recreation, conservation and interpretation.

“Superintendent” means the supervisory official who directs the administration, operation, safety, maintenance and development of a State park, forest, recreation area, historic site, natural area, marina, golf course, botanical garden, and other land, water and facility under the jurisdiction of the Department of Environmental Protection and assigned to the State Park Service.

“Vessel” means a boat or powerboat or personal watercraft, other than a seaplane, used or capable of being used on the water.

“Visitor” means any person entering with permission upon State-owned property or a facility administered by the State Park Service. This definition shall not include an employee or volunteer in the course of his or her duties, or a camper.

“Waters” means all waters within the jurisdiction of the State Park Service, both tidal and non-tidal, and the marginal sea adjacent to State Park Service property.

“Yurt” means a circular tent built on a wood frame, with wood floors, a deck and a skylight.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Rewrote definitions “ATV”, “Family” and “Permit”; in definition “Bicycle”, deleted “, and having either two or three wheels in a tandem or tricycle arrangement” from the end; in definition “Boat”, substituted “an open or closed” for “a small open”; added definitions “Camper”, “Camping facility”, “Law enforcement personnel”, “Pet”, “Service animal”, “Superintendent”, “Visitor” and “Yurt”; substituted definition “Designated swimming area” for definition “Designated bathing area”; in definition “Designated swimming area”, deleted “bathing and” preceding “swimming purposes”; in definition “Facilities”, substituted “any one or the” for “the” and inserted “or preserved”; substituted definition “Motorized bicycle” for definition “Motorized bicycles” and rewrote the definition; deleted definition “Officer-in-charge”; in definition “Sailboat”, substituted “main” for “sole”; substituted definition “Special event” for definition “Special event (motor vehicle)” and rewrote the definition; and in definition “Vessel”, inserted “powerboat or

personal" and deleted "as a means of transportation" following "being used".

SUBCHAPTER 2. GENERAL USE

7:2-2.1 Purpose/powers

(a) The rules of the State Park Service are essential for the protection of the natural and historical resources and improvements thereon and for the safety, protection and general welfare of visitors and personnel on properties under the jurisdiction of the State Park Service.

(b) Failure or refusal by any visitor to obey the provisions of this chapter or any other applicable State law shall be sufficient cause for removal and/or prosecution by duly authorized personnel of the State Park Service.

(c) The Director of the Division of Parks and Forestry shall designate by Division Administrative Order those State Park Service personnel to whom law enforcement authority is vested and who are empowered to warn, cite and/or arrest.

Case Notes

Citation to the Ramapo Lake natural area as being included within the Natural State Forest; discussion of compliance with federal environmental procedural requirements in construction of interstate highway. *County of Bergen v. Dole*, 620 F.Supp. 1009 (D.N.J.1985), affirmed 800 F.2d 1130 (1986).

7:2-2.2 Designation of land use

The State Park Service shall designate or direct any and all recreational or other use on its lands and waters and within its facilities to such specific areas or locations within or upon said land, waters, and facilities as will be in the best interest of conservation, recreation, preservation and management of the natural and historic resources and the health, safety, and welfare of all persons concerned.

7:2-2.3 Limitation or closing of land and water use

The Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service may limit or close to the public use, specific areas, lands, waters and facilities under its jurisdiction and control as part of a State Park whenever such action is deemed necessary for proper management and operation and/or in the best interest of health, safety and the general welfare of the public.

7:2-2.4 Posting, selling and soliciting

A person shall not post signs or notices, distribute advertisements, beg, solicit, sell or attempt to commit such acts on State Park Service property without the written permission of the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service or their designee.

7:2-2.5 Commercial use

A person shall not engage in commercial enterprise and activities on lands and waters under the jurisdiction of the State Park Service without a permit issued by the State Park Service or pursuant to a contract or lease entered into with the Department.

7:2-2.6 Alcoholic beverages prohibited

A person shall not possess and/or consume alcoholic beverages on lands and waters under the jurisdiction of the State Park Service except where the sale, use or possession is specifically approved by the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service.

7:2-2.7 Dumping, littering and garbage

(a) A person shall not deposit, dump or cause to be deposited or dumped any litter, trash, refuse, garbage, bottles, pollutants, or any other substances or liquids:

1. On the lands under the jurisdiction of the State Park Service; or
2. From lands or vessels on waters under the jurisdiction or control of the State Park Service.

(b) Every person shall place litter in the proper refuse or recycle containers provided.

(c) Garbage, sewage, refuse or waste, including fish or animal parts, shall be left only in the approved containers provided or removed from the area.

(d) Authorized State Park Service waste containers provided are solely for the benefit of the park user, and shall not be used for the deposit of waste or refuse generated in the home, business, or by commercial activities.

(e) A person shall not deposit or dump refuse in water fountains, or the plumbing fixtures or vaults of a toilet facility.

(f) A person shall not drain fluids or dump sewage waste or refuse from a trailer or other vehicle except in facilities provided for such purpose and then in accordance with posted instructions.

7:2-2.8 Pets

(a) Except as provided in N.J.A.C. 7:2-2.9, all pets are prohibited from buildings, swimming beaches, swimming waters, all camping and overnight facilities, golf courses, and botanical gardens.

(b) Where allowed in areas not listed in (a) above, except as provided in (c) below and N.J.A.C. 7:2-2.9, the owner of any pet shall keep the pet caged or held on a leash (maximum length—six feet) and under the immediate control of the owner at all times.

(c) Where allowed in areas not listed in (a) above, the pet does not have to be caged or held on a leash while on a vessel on waters under the jurisdiction of the State Park Service but shall be under the immediate control of the owner at all times.

(d) The owner shall be responsible for the pet's behavior. The owner shall be strictly liable for any nuisance, noise, damage or injury caused by the pet.

(e) The owner shall be responsible for the prompt and sanitary disposal of the pet's waste.

(f) The term "owner" as used in this section refers to the person that is responsible for the care of the pet or that physically has control of the pet on or within the State Park Service jurisdiction.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Furred animals and pets". In (a), deleted "furred animals or other" preceding "pets", and substituted "swimming" for "bathing" two times; in (b), deleted "furred animal or" preceding "pet" two times; in (c), substituted "the" for "any furred animal or" preceding "pet"; in (d), deleted "animal's or" preceding "pet's behavior"; and substituted "the pet" for "furred animals or pets"; in (e), deleted "animal's or" preceding "pet's"; and in (f), deleted "animal or" preceding "pet" two times.

7:2-2.9 Service animals and hunting dogs

(a) Service animals are permitted in any location where their presence is necessary to perform the duty for which they are trained.

(b) Dogs used while hunting during open season, or while used in field trials in accordance with New Jersey fish, game and wildlife regulations, are exempt from the leashing requirement in N.J.A.C. 7:2-2.8(b).

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Seeing eye, companion and hunting dogs". In (a), substituted "Service animals" for "Seeing eye dogs and companion dogs for the hearing impaired".

7:2-2.10 Damage to property/tampering

(a) A person shall not abuse, mutilate, injure, destroy, move or remove any plant or animal or natural resource on lands and water under the jurisdiction or control of the State Park Service without having first obtained the permission of the Superintendent or designee. Authorized fish, game and wildlife activities excepted.

(b) A person shall not deface, damage, move or remove any furniture, equipment, structure, or physical feature of any kind on lands and waters under the jurisdiction or control of the State Park Service without the permission of the Superintendent or designee.

(c) A person shall not dig up, deface, or remove any soil, rock, historic or fossil materials or artifacts without written permission of the Director of the Division of Parks and

Forestry or the Assistant Director of the Division for the State Park Service.

(d) A person shall not disturb, remove, damage, destroy or interfere with the pumps, pipes, gates, wires, dams, works and equipment of the State Park Service incident to the flow of water.

(e) An unauthorized person shall not open or enter any manhole or confined space without the specific approval of the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a) and (e), substituted "Superintendent or designee" for "area Officer-in-Charge"; and in (b) substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-2.11 Conduct

(a) A person shall not engage in conduct or use language which disrupts, interferes with, is unduly annoying to or prevents the enjoyment or maintenance of State Park Service lands or waters by other visitors or State Park Service personnel.

(b) A person shall not harass livestock, wildlife, or animals lawfully allowed on State Park Service property.

(c) A person shall not use or operate any noise producing machine, vehicle, device, or instrument in a manner that in the judgment of the Superintendent or designee, or designated law enforcement personnel, is disturbing to other park visitors, campers or employees. In camping and overnight facilities, the hours of 10:00 P.M. to 6:00 A.M. are designated "quiet hours."

(d) A person shall not block, obstruct or interfere with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway, or common area.

(e) A person shall not occupy or interfere with access to any structure, office, lavatory, or other facility in a manner which interferes with the intended use or maintenance of such structure or facility by visitors or employees.

(f) A person shall not use a public address system on State Park Service property without the permission of the Superintendent or designee.

(g) A person shall not smoke in areas where smoking is prohibited by posted regulations.

(h) A person shall not use threatening, abusive, boisterous, or insulting language or use indecent gestures towards another person on State Park Service property.

(i) A person shall not play a radio, television, stereophonic systems, musical instrument or other noise producing device in areas posted as "quiet zones."

(j) A person shall not play any audio device including radios, televisions, stereophonic systems or musical instruments when audible beyond their immediate vicinity to the annoyance of others. Consideration shall be given to the nature and purpose of the actor's conduct, impact on others, location and any other factor which would govern the actions of a reasonably prudent person under the circumstances.

(k) A person shall not throw stones, breakable articles or other missiles which might endanger others.

(l) A person shall not spit on walks, sidewalks, paths and structures of any type.

(m) A person shall not loiter in or about any comfort station or other public structure.

(n) A person shall not engage in fighting or other violent conduct which would threaten the well-being and tranquility of the public or State Park Service employees.

(o) A person shall not enter or remain in any State Park Service area between the daily closing and opening time as posted, authorized use excepted.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c), substituted "Superintendent or designee" for "Officer-in-Charge", inserted ", campers" and "camping and" and deleted "and campsites" following "facilities"; and in (f), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-2.12 Fires, stoves and lanterns

(a) A person shall not start or maintain any open fire except for small handwarming fires in areas designated for ice fishing under N.J.A.C. 7:2-2.18(e), on any lands or frozen waters under the jurisdiction of the State Park Service unless specific approval is given by the Superintendent or designee. Such approval may include conditions limiting the hours, location, and types of fuel to be used. Small handwarming fires shall be allowed in designated ice fishing areas subject to conditions posted by the State Park Service.

(b) All types of fire may be prohibited during periods of high forest fire danger, as determined by the State Forest Fire Warden or by Executive Order of the Governor.

(c) Lighting, tending or using a fire, stove or lantern in a manner that threatens, causes damage to or results in the burning of property, park resources or creates a public safety hazard is prohibited.

(d) In camping and overnight facilities and in picnic areas, wood fires shall be lighted only in an established place constructed for the convenience of the visitor or camper, except when otherwise authorized by the Superintendent or designee or posted sign.

(e) Campers and visitors may use dead fallen timber for fuel when authorized by the Superintendent or designee.

(f) For cooking purposes, portable charcoal grills, gasoline, kerosene, or propane gas stoves may be used in camping overnight facilities and picnic areas, unless otherwise posted or directed by the Superintendent or designee.

(g) Live charcoal fires shall not be left unattended. All charcoal shall be extinguished and cool to the touch before being left unattended.

(h) A person shall not burn litter, trash, refuse, garbage, pollutants or, except as provided at (d), (e) and (f) above, any other substance or liquids on the lands and waters of the State Park Service without specific approval of the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or" for "Officer-in-Charge or his or her"; in (d), substituted "In camping and" for "On campsites, in", "visitor or camper" for "visitors" and "Superintendent or designee" for "area Officer-in-Charge"; in (e) and (f), substituted "Superintendent or designee" for "Officer-in-Charge"; and in (h), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-2.13 Posted signs; issued permits; verbal instructions

(a) A person shall not make use of the lands, waters, conveniences and facilities under the jurisdiction of the State Park Service contrary to posted signs, issued permits, leases or contracts, and written or verbal instructions.

(b) A person shall not enter designated restricted areas declared or posted "closed," "keep-out," "restricted area" or other verbal or posted warning.

7:2-2.14 Changing clothes; nudity

(a) All persons on State Park Service property shall be clothed sufficiently to conform with current commonly accepted standards of dress or recreational wearing apparel.

(b) A person shall not change clothes or disrobe except in the privacy of authorized changing areas, bathhouses, dressing rooms or such other facilities or private areas specifically designated for such purpose.

(c) A person shall not be nude in public on State Park Service property except in the privacy of designated changing areas, bathhouses, dressing rooms or such other private facilities and personal areas specifically designed or designated to allow this activity incidental to washing, showering, changing clothing or personal care.

7:2-2.15 Military use

(a) All use of lands and waters, under the jurisdiction of the State Park Service, for military maneuvers is prohibited except by specifically written authorization of the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service.

(b) Specific written authorization may include designated types of use permitted and may prohibit the use of all live or blank ammunition and pyrotechnics of any type.

7:2-2.16 Metal detectors

A person shall not use metal detectors or similar devices without a permit issued by the Superintendent or designee. The permit may limit the location, hours, and days of use. A permit will not be issued for use in areas of significant historical or other value, or where such use would be incompatible with protection of the resource and/or interfere with public use of the facility.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "Officer-in-Charge", and substituted "A permit" for "Permits".

7:2-2.17 Target practice; firearms; fireworks

(a) A person shall not engage in target practice with any type firearm or bow and arrow on State Park Service property, except with written permission of the Director of the Division of Parks and Forestry or Assistant Director of the Division for the State Park Service.

(b) A person shall not possess or discharge any firearm, pellet gun, bow and arrow, slingshot or other weapon capable of injuring persons or wildlife while on State Park Service property without the specific approval of the Superintendent or designee. Hunters in compliance with the rules of the Division of Fish, Game and Wildlife and this chapter are excepted.

(c) A person shall not possess, or discharge or cause to be discharged any fireworks, firecrackers, explosives, torpedoes, rockets, or other substances which could be harmful to persons without the specific approval of the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-2.18 Restrictions on hunting, fishing, and trapping

(a) A person shall not hunt, fish and/or trap, except on specifically designated lands and waters of the State Park Service. All such use shall comply with the Game Code, N.J.A.C. 7:25-5, and the Fish Code, N.J.A.C. 7:25-6, now in effect or as may subsequently be amended or changed.

(b) A person shall not hunt with a rifle. Hunting with a muzzle loading rifle shall be limited to the prescribed firearm deer season only or any additional special firearm deer season. Superintendents or designees are authorized to allow squirrel and woodchuck hunting with muzzle loaders as conditions of safety warrant in accordance with the Game

Code, N.J.A.C. 7:25-5, now in effect or as may subsequently be amended or changed.

(c) The building, erecting, use of or hunting from a permanent type tree stand or hunting blind is prohibited.

(d) Hunting from portable, temporary hunting tree stands or hunting blinds is permitted. However, the hunter using the portable temporary hunting tree stand or hunting blind shall remove it immediately after use.

(e) A person shall not ice fish except in areas specifically approved by the Superintendent or designee.

(f) Approved ice fishing shall be in compliance with the provisions of the Fish Code, N.J.A.C. 7:25-6, now in effect or as may subsequently be amended or changed.

(g) Spear fishing is prohibited in all waters under the jurisdiction or control of the State Park Service.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendents or designees" for "Area Officers-in-Charge"; and in (e), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-2.19 Indecency; immorality; profanity

(a) Indecent exposure by any male or female of their genitals, pubic regions, buttocks or the female breast(s) where they may be seen by others is prohibited.

(b) Urinating or defecating in any area other than places designated for such purposes is prohibited.

(c) Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes is prohibited.

(d) The use of profanity and indecent language within hearing of another person or persons is prohibited.

7:2-2.20 Swimming areas

(a) A person shall not swim or bathe in waters under the jurisdiction of the State Park Service from land comprising part of a State Park and administered for public recreation and/or conservation purposes except in designated swimming areas open and staffed to allow this activity.

(b) Designated swimming areas shall have posted hours of operation and a person shall not use a designated swimming area contrary to posted regulations.

(c) A person under the age of 12 years shall not be admitted to the swimming pool at Liberty State Park unless the person is accompanied by a person 18 years of age or older.

(d) A person shall not dive head first into any of the waters or pools under the jurisdiction or control of the State Park Service except in designated diving areas posted for this purpose.

(e) A person shall not intentionally give or transmit a false signal or false alarm of drowning in any water area or pool under the jurisdiction or control of the State Park Service.

(f) No motorized vehicles except emergency, maintenance, or law enforcement vehicles, shall be permitted in designated swimming areas during the hours of operation posted under (b) above.

(g) A person shall not use, operate or bring into a designated swimming area any inflatables or floating devices such as rubber innertubes, rubber crafts, surfboards, surfmats, buoys, kites, experimental crafts or any other floating device without the approval of the Superintendent or his or her lifeguard designees. United States Coast Guard approved Personal Floatation Devices (PFDs) are excepted.

(h) The Superintendent or designee may authorize the temporary use of certain floatation devices on occasion where the use is deemed safe, or during special events, games, tests, experiments or to accommodate the handicapped.

(i) A person shall not use land that does not comprise part of a State Park or is not administered by the State Park Service for public recreation or conservation purposes bordering waters under the jurisdiction of the State Park Service for swimming or bathing on a commercial or membership basis without first obtaining the written approval of the State Park Service.

Amended by R.1993 d.657, effective December 20, 1993.

See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Swimming/bathing areas". Substituted "swimming" for "bathing" throughout; in (g), substituted "Superintendent" for "area Officer-in-Charge"; and in (h), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-2.21 Horseback riding

(a) A person shall not ride horseback on property under the jurisdiction of the State Park Service except on designated trails and in areas where horseback riding is allowed.

(b) A horse shall not be hitched or confined in a manner that may cause damage to any tree, shrub, improvement or structure.

7:2-2.22 Restricted recreational activities

(a) A person shall not engage in the following recreational activities on State Park Service lands and waters without specific approval of the Assistant Director of the State Park Service, or the Regional Superintendent or their designee:

1. Parachuting;
2. Hot air ballooning;
3. Hang gliding;

4. Musketry, flint-lock or black powder shooting;
5. Spelunking;
6. Rapelling;
7. Operating remote controlled model planes, boats, cars, or other mechanical devices;
8. Ice sailing/ice boating except on Lake Hopatcong and Greenwood Lake;
9. Rocketry; or
10. Archeological, geological, botanical, zoological, or paleontological expeditions.

(b) All individuals and groups involved in recreational activities on State Park Service property are subject to the rules and regulations of the State Park Service, N.J.A.C. 7:2, and may be further restricted by the applicable rules and regulations of the Natural Areas System, N.J.A.C. 7:5A, the New Jersey Water Supply Authority, N.J.A.C. 7:11, and the Division of Fish, Game and Wildlife, N.J.A.C. 7:25.

(c) Activities listed in (a) above are not all inclusive. The Assistant Director of the Division for the State Park Service or the Regional Superintendent or their designee must approve any other activity not specifically regulated.

7:2-2.23 Lost articles

All articles found shall be turned over to the Superintendent or designee. Receipts shall be issued and the article shall be returned to the finder at the end of 90 days if the owner has not claimed the article. Articles not claimed shall be disposed of in accordance with established State Park Service policy. The State Park Service policy for the disposal of unclaimed articles shall be posted at each State Park.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or" for "area Officer-in-Charge or his or her".

7:2-2.24 Winter activities restrictions

(a) Skiing, snowshoeing, ice skating, sledding, innertubing, tobogganing, dog sledding and similar winter sports are prohibited on park roads, and in parking areas open to motor vehicle traffic.

(b) Activities listed in (a) above may be approved in areas specifically designated by the Superintendent or designee.

(c) The towing of persons on skis, sleds or other sliding devices by motor vehicle or snowmobile is prohibited.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-2.25 Bicycles, roller skates, and skateboards

(a) Bicycle riding is allowed and encouraged on all established State Park Service roads, and routes or paths designated for such use, unless restricted by posted signs.

(b) Bicycles and riders shall comply with all applicable New Jersey motor vehicle and traffic laws.

(c) Bicycle riders shall ride as near to the right side of the roadway as practicable.

(d) Persons riding bicycles on a State Park Service road may travel no more than two abreast when traffic is not impeded, but otherwise shall ride in single file except on paths set aside for exclusive bicycle use.

(e) A person riding upon any bicycle shall not attach the bicycle or himself to a motor vehicle or motorized bicycle.

(f) A person shall not practice any tricks or fancy riding on a State Park Service roadway.

(g) Bicycle riders shall not ride other than upon or astride a permanent and regular seat attached to the bike.

(h) A bicycle shall not be used to carry more persons at one time than the number for which it is designed and equipped.

(i) Bicycles shall be equipped with brake and horn or bell.

(j) When used at night or during periods of low visibility, a bicycle shall emit lights front and rear in accordance with motor vehicle and traffic laws.

(k) Roller skates and skateboards are restricted to areas specifically designated by the Superintendent or designee. The use of roller skates and skateboards on State Park Service roads and parking lots is prohibited.

(l) Bicycles are prohibited on historic sites, walkways, natural trails and hiking trails.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (k), substituted "Superintendent or designee" for "Officer-in-Charge".

Case Notes

Separation of powers doctrine precluded issuance of writ of mandamus to compel New Jersey Department of Environmental Protection, Division of Parks and Forestry, State Park Service (DEP), to enforce State Park Service trail use regulations restricting bicycles to designated routes, as such enforcement would not involve ministerial duty; whether Department determined to prohibit bicycle riding on hiking trails was left to discretion of Department, and decision of the DEP as to whether to designate trails, post rangers, maintain voluntary patrol system, post ranger or issue citations was not ministerial, but rather involved application of DEP's discretion and expertise. *Moss v. Shinn*, 775 A.2d 243 (2001).

SUBCHAPTER 3. MOTORIZED VEHICLES**7:2-3.1 Identification and license**

(a) A person shall not operate any motor vehicle on lands under the jurisdiction of the State Park Service or on established roads under the control of the State Park Service unless the vehicle is properly licensed and registered before it is operated.

(b) A person shall not operate any motor vehicle on lands under the jurisdiction of the State Park Service unless the operator of the motor vehicle shall have in his or her possession a valid operator's license and other documentation required by the New Jersey Division of Motor Vehicles.

7:2-3.2 Unauthorized motor vehicle use

(a) A person shall not operate any motorized vehicle which does not require licensing and registration by the New Jersey Division of Motor Vehicles, on lands and waters under the jurisdiction of the State Park Service unless a permit for operation of said motorized vehicle is issued by the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service.

(b) Any permit granted pursuant to (a) above shall include designated hours and specific locations for operation.

(c) A person shall not operate a motor vehicle upon the ice-covered waters under the jurisdiction of the State Park Service at any time except for the operation of snowmobiles on routes designated by the State Park Service.

(d) A person shall not operate a motor vehicle upon State Park Service property while knowingly allowing any person riding upon any bicycle, coaster, skates, sled, skis, sliding device or toy vehicle to attach the same or himself to the motor vehicle.

7:2-3.3 Conformance to State laws

All motor vehicles operated on lands under the jurisdiction of the State Park Service shall be subject to Motor Vehicle Laws of the State of New Jersey, N.J.S.A. 39-1 et seq., all rules promulgated pursuant thereto, and this chapter.

7:2-3.4 Restriction on operation of motor vehicles

(a) A person shall not operate any motor vehicle on or over any lands under the jurisdiction of the State Park Service except on established public roads or in designated parking areas unless allowed otherwise by posted signs or this subchapter.

(b) A person shall not operate a motor vehicle at any time on or over any road designated closed by signs or barriers.

(c) A person shall not operate a motor vehicle on or over any cultivated or planted area, transmission line, survey line or in the woods, swamps, bogs, wetlands or fields unless a

permit for said specific activity and location is issued by the Superintendent or designee.

(d) A person shall not operate an all-terrain vehicle, dirt bike, trail bike, or "off-road" motor vehicle on or over the lands and waters under the jurisdiction of the State Park Service at any time except that, when an area is so designated by the State Park Service, permits may be granted for organized "special events" to operate on a pre-established course under prescribed conditions.

(e) A person or organization shall not conduct a motor vehicle race, rally, exhibition or demonstration of any type on State Park Service lands and waters without a permit issued by the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c), substituted "Superintendent or designee" for "area Officer-in-Charge"; and in (e), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-3.5 Snowmobiles

(a) All use of snowmobiles on lands and frozen waters under the jurisdiction of the State Park Service shall be in conformance with N.J.S.A. 39:3C-1 et seq., the Motor Vehicle laws of the State of New Jersey, the rules promulgated pursuant thereto, and this chapter.

(b) Snowmobiling is only allowed on areas and trails specifically designated for that purpose.

(c) Snowmobiles shall not be operated in a reckless or careless manner or at speeds which are dangerous to persons and/or property.

(d) A person shall not operate a snowmobile while under the influence of intoxicating liquors, narcotics, or hallucinogenic or habit forming drugs.

(e) All accidents involving personal injury or damage to property shall be reported to the Superintendent or designee of the State park at which the accident occurred as soon as possible after the occurrence.

(f) Any race, rally or organized snowmobile activity shall require application for a use permit and/or scheduling at least five days in advance with the Superintendent or designee having jurisdiction over the property to be utilized. The application or request may be denied for reasonable cause.

(g) A person shall not fail or refuse to stop when ordered to do so by authorized enforcement personnel.

(h) On Lake Hopatcong, no snowmobiles shall be operated in excess of 15 miles per hour before 12:00 noon on Sunday.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (e), substituted "Superintendent or designee of the State park at" for "Officer-in-Charge of the State park on"; and in (f), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-3.6 Motor vehicle speed limits

(a) A person shall not travel by motor vehicle on improved roadways under the jurisdiction of the State Park Service at a speed greater than 35 miles per hour unless otherwise posted.

(b) A person shall not travel by motor vehicle on unimproved (dirt, gravel or sand) roadways at a speed greater than 20 miles per hour unless otherwise posted higher or lower.

Amended by R.1993 d.657, effective December 20, 1993.
See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

7:2-3.7 Parking

(a) A person shall not park any motor vehicle, conveyance or other equipment except in areas designated for parking.

(b) A person shall not park any motor vehicle, conveyance or other equipment so as to block or impede traffic on roadways or paths.

(c) Parking shall be strictly confined to areas designated for that purpose. Temporary parking areas designated by the Superintendent or designee may be used to accommodate special functions.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-3.8 Traffic direction

Operators of all motor vehicles, bicycles, equestrians, and pedestrians shall comply with all traffic signs and signals and direction by voice, hand or whistle by duly authorized personnel.

7:2-3.9 Motorized bicycle restrictions

(a) Motorized bicycles which meet the provisions of this subchapter are permitted on State Park Service roadways unless otherwise posted.

(b) In the interest of safety, the Superintendent or designee is authorized to temporarily prohibit or limit the operation of motorized bicycles.

(c) A person shall not operate a motorized bicycle on any right-of-way of any operating railroad.

(d) A person under the age of 15 years shall not operate a motorized bicycle on State Park Service property.

(e) A person shall not operate a motorized bicycle unless the operator is in possession of a valid drivers license or a motorized bicycle license, a valid registration, a valid insurance identification card and displays a valid license plate. Non-resident motorized bicycle owners shall be required to have complied with registration and licensing laws of the operator's state and shall obey all other State Park Service and New Jersey motor vehicle and traffic laws.

(f) State Park Service rules applicable to bicycles shall apply whenever a motorized bicycle is operated on State Park Service property.

(g) A motorized bicycle shall carry only the operator.

(h) A person shall not operate a motorized bicycle unless the operator wears a protective helmet of a type approved by the New Jersey Division of Motor Vehicles.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "Officer-in-Charge".

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. OCEAN PARKS AND INLAND PARKS BEACH RESTRICTIONS

7:2-5.1 Trespassing

(a) A person shall not be in, walk on, or travel over any ocean park sand dune, vegetation, or restricted or protected area without specific authorization of the Superintendent or designee.

(b) A person shall not use areas other than designated trails or posted access paths when going from parking areas or roadways to the beaches.

(c) A person shall not trespass in designated restricted areas posted with "Keep Out," "No Trespassing," "Closed" or "Restricted Area" signs.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-5.2 Entry by boat or vessel

(a) A person shall not enter a beach by boat or vessel except in areas specifically designated by the State Park Service for such use.

(b) A person shall not launch or land a boat or vessel except in areas specifically designated by the State Park Service for such use.

7:2-5.3 Fires (open)

(a) A person shall not build or start an open fire on a beach without the approval of the Superintendent or designee.

(b) A person shall not have a permitted open fire closer than 50 feet to a sand dune or a protected area.

(c) An open fire shall not be left unattended or permitted to cause damage to State Park Service facilities or areas. Every open fire shall be extinguished before users leave the area.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-5.4 Camping/erection of tents and shelters

(a) A person shall not camp on any beach under the jurisdiction of the State Park Service.

(b) A person shall not erect, maintain, use or occupy any temporary tent or shelter on any beach under the jurisdiction of the State Park Service unless there is an unobstructed view through such tent or shelter from at least two sides. Nothing herein contained shall be construed to authorize camping on any beach under the jurisdiction of the State Park Service.

7:2-5.5 Restricted activities

(a) Jet skiing shall be allowed on Lake Hopatcong, Lake Musconetcong, Cranberry Lake, and Greenwood Lake without the prior approval of the Superintendent or designee. Jet skiing on Lake Hopatcong, Lake Musconetcong, Cranberry Lake, and Greenwood Lake shall be conducted in accordance with the rules of the New Jersey Boat Regulation Commission at N.J.A.C. 13:82 or as subsequently amended.

(b) A person shall not jet ski, surfboard, wind sail, wind-surf, scuba dive, skin dive, or spear goggles dive in ocean parks or, except as proved in (a) above, inland waters under the jurisdiction of the State Park Service without the approval of the Superintendent or designee.

(c) All underwater diving activities approved under (b) above shall be conducted in accordance with rules promulgated by the New Jersey Boat Regulation Commission, N.J.A.C. 7:6 or as subsequently amended.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a) and (b), substituted "Superintendent or designee" for "Officer-in-Charge"; and in (a), updated the N.J.A.C. reference.

SUBCHAPTER 6. CAMPING

7:2-6.1 Camping

(a) A person shall not camp on any State Park Service property, except in areas designated and marked for that purpose by the State Park Service.

(b) A person shall not camp without first having obtained a camping permit and site assignment unless otherwise posted or directed by the Superintendent or designee. The camping permit fee pursuant to N.J.A.C. 7:2-17.2(a) shall be paid in

full and legal identification of the permittee shall be provided prior to issuance of the permit.

(c) A person under the age of 18 years shall not camp on State Park Service property except when accompanied by a parent, guardian or other adult.

(d) Digging or leveling the ground at camping facilities is prohibited unless specifically authorized by the Superintendent or designee.

(e) Campers shall keep their camping facilities clean and free of safety and fire hazards.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "and" for "or"; in (b), substituted "and site" for "and/or site number", "Superintendent or designee" for "Officer-in-Charge" and "legal" for "positive"; in (c), deleted "responsible" preceding "adult"; deleted (d); recodified (e) and (f) as (d) and (e); in (d), substituted "camping facilities" for "campsites" and "Superintendent or designee" for "Officer-in-Charge"; and in (e), substituted "facilities" for "area" and "and fire" for "or fire".

7:2-6.2 Camping facility occupancy limits

(a) Not more than six people shall occupy a camping facility, excluding group campsites and primitive campsites, unless they are all members of one family. The Superintendent or designee may authorize a greater number of people for occupancy as conditions may warrant.

(b) No more than two vehicles of any type shall be parked at a camping facility, excluding a group campsite or a primitive campsite. The Superintendent or designee may authorize a greater number as conditions may warrant.

(c) Vehicles in excess of the number permitted in (b) above shall be parked at parking areas designated by the Superintendent or designee. The camper assumes responsibility for each vehicle parked.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Campsite occupancy limits". Rewrote the section.

7:2-6.3 Occupancy of camping facilities

(a) A camping facility is considered occupied when it is being used or has been reserved for purposes of camping by a person or persons who have paid the camping permit fee pursuant to N.J.A.C. 7:2-17.2(a) within the applicable time limits. A person shall not take possession or maintain possession of a camping facility when informed by a State Park Service sign or employee that such site is occupied or reserved for occupancy.

(b) All camping facilities shall be occupied by the permittee as of the starting time and date indicated on the permit and shall remain occupied by the permittee during the entire period of stay specified on the permit. Occupancy constitutes the payment of the camping permit fee pursuant to N.J.A.C. 7:2-17.2(a), assignment of a site and the posting at

the site of the issued camping facility identification card. Wilderness campsites are exempt from the camping facility identification card requirement (see N.J.A.C. 7:2-6.9).

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Occupancy of campsites". Substituted "camping facility" for "campsite" throughout.

7:2-6.4 Time limits; camping facility

(a) In order to afford the public the greatest possible use of the State Park Service camping facilities, continuous occupancy by the same persons who have paid the camping permit fee of any camping facility is limited as follows:

1. A person or persons shall not occupy a camping facility for more than 14 consecutive nights.

2. A person or persons who have occupied a camping facility for an initial 14-night limit shall not re-register until seven calendar nights have elapsed.

3. Additional camping shall be permitted in intervals up to, but no more than, seven calendar nights at a time with a minimum of seven calendar nights required between each occupancy.

4. A group, family, or person shall not occupy any State Park Service camping facility for more than 40 nights in a calendar year.

Amended by R.1993 d.657, effective December 20, 1993.

See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Time limits; overnight camping". Rewrote the section.

7:2-6.5 Removal of equipment and personal property

(a) Occupants shall vacate the camping facility by removing all their equipment and personal property prior to the end of the permit period on the last day of assigned occupancy.

(b) The Superintendent or designee is authorized to inventory, remove and store for a period of 30 days or until the owner is found, whichever is shorter, any and all equipment and personal property at a camping facility, which remains at the camping facility at the end of the permit period, or which is being used in violation of this chapter or other State law. Payment of a removal fee and storage fee pursuant to N.J.A.C. 7:2-17.2(d) shall be required from the owner before the equipment and personal property is returned. Items not claimed within 30 days after they are removed from the camping facility shall be disposed of in accordance with established State Park Service policy. The State Park Service policy for the disposal of unclaimed articles shall be posted at each State Park.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "camping facility" for "campsite", and substituted "the end of the permit period" for "noon"; and rewrote (b).

7:2-6.6 Visitors in camping facilities

(a) Visitors are allowed in the camping facilities between the hours of 8:00 A.M. and 8:00 P.M. All visitors shall pay the day user parking fee when applicable pursuant to N.J.A.C. 7:2-17.1. The total number of people at a camping facility, including campers and visitors, shall not exceed six, except at group campsites and primitive campsites.

(b) A visitor shall not be allowed in a camping facility between the hours of 8:00 P.M. and 8:00 A.M.

(c) The Superintendent or designee may extend or limit the visitation hours and number of visitors as conditions warrant.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Visitors in campsites". In (a), substituted "camping facilities" for "campsites", and inserted the final sentence; in (b), substituted "camping facility" for "campsite"; and in (c), substituted "Superintendent or designee" for "area Officer-in-Charge", deleted "temporarily" preceding "extend" and inserted "and number of visitors".

7:2-6.7 Camping facilities reservation procedures

(a) Applications for reservations of camping facilities shall be submitted on forms available from the State Park Service, or by telephone and paid in full by credit card.

(b) A reservation may be made by telephone and paid in full by credit card, between the hours of 8:00 A.M. and 4:00 P.M., for a campsite for use the same night.

(c) Applications shall be accepted up to 11 months in advance of the reservation start date. Except as set forth in (b) above, reservations are not effective until confirmed in writing by the State Park Service. Reservations shall be confirmed on a first come first served basis subject to the availability of camping facilities on the dates for which reservations are requested.

(d) Each camping facility, except group campsites, as noted at (e) below, may be reserved for a minimum of two consecutive nights to a maximum of 14 nights, whenever camping facilities are available for public rental.

(e) Group campsites may be reserved for a maximum period of 14 nights.

(f) All applications for the reservation of camping facilities shall include full payment for the reserved period. The fees are set forth in N.J.A.C. 7:2-17.2

(g) No more than two non-consecutive reservations for camping facilities and overnight facilities shall be in effect for any group, family or person.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Campsites, lean-to's, group campsite reservation procedures". Rewrote the section.

7:2-6.8 Cancellations and refunds

(a) Reservations for camping facilities may be cancelled. A minimum 24-hour notice for the cancellation of a reservation is required in order to receive a refund. A person may cancel a reservation by telephone, in writing, or in person. A cancellation fee as set forth in N.J.A.C. 7:2-17.2(d) shall be deducted from any refund due.

(b) Refunds shall not be made to persons evicted as a result of violations of this chapter or other State law.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Rewrote (a).

7:2-6.9 Wilderness campsites

(a) A person shall not have a motorized vehicle at designated wilderness campsites.

(b) Everything carried into the wilderness campsite shall be carried out or placed in refuse containers, if provided.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "refuse" for "authorized garbage".

7:2-6.10 Group campsites

(a) Group camping is restricted to areas specifically designated for this purpose.

(b) A camping group is defined as a minimum of seven persons with the maximum limit determined by the Superintendent or designee.

(c) If group campsites are not available during the period November 1 to March 31, groups may use up to 50 percent of the available family campsites at a State Park, provided there is at least one adult per site, family campsite rates are paid and the limitation of six persons per site is not exceeded.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "designated" for "provided"; in (b), substituted "defined" for "designated" and "Superintendent or designee" for "area Officer-in-Charge"; in (c), inserted "family" following "available" and substituted second occurrence of "family" for "individual".

7:2-6.11 Group camper requirements

(a) All groups of campers under 18 years of age shall have a minimum of one adult 18 years of age or older for each nine campers under 18 years of age in the group.

(b) The adult(s) accompanying group campers under 18 years of age shall be required to supply a roster of campers under 18 years of age to the Superintendent or designee upon request. The roster shall include each camper's name, address, age and the home phone number of the camper's parent or legal guardian.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Group camper supervisor requirements". In (a), deleted "supervisor" following "adult"; in (b), substituted "The adult(s) accompanying" for "Adult supervisors of" and "to the Superintendent or designee" for "under their supervision to the Officer-in-charge".

7:2-6.12 Emergency transportation for group camping

The adult(s) accompanying group campers under 18 years of age shall have sufficient transportation on site to transport the entire group in one trip in the event of an emergency.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Emergency transportation". Rewrote the section.

7:2-6.13 Emergency camping

The Superintendent or designee may permit emergency camping overnight for one night only in a designated area when extreme conditions warrant. Persons permitted emergency camping shall leave by 8:00 A.M. the following morning and shall be charged the campsite fee pursuant to N.J.A.C. 7:2-17.2(a).

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "area Officer-in-Charge" and "designated area" for "day use area or a portion thereof".

7:2-6.14 Abuse of State Park Service camping facilities

(a) State Park Service camping facilities are not for the use of persons or groups as a primary or secondary dwelling or as a mailing address.

(b) Camping by persons unable to prove their legal residence elsewhere is prohibited.

(c) Superintendents or designees are authorized to limit or prohibit all camping or any other overnight use which, in their judgment, is contrary to the intended use stated in (a) above.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Abuse of the camping system". Rewrote (a); and in (c), substituted "Superintendents or designees" for "Area Officers-in-Charge".

SUBCHAPTER 7. OVERNIGHT FACILITIES USE

7:2-7.1 Overnight facilities

(a) A person shall not occupy any overnight facility without a permit or the approval of the Superintendent or designee.

(b) A person under the age of 18 years shall not occupy any overnight facility except when accompanied by a parent, guardian or other adult.

(c) The Superintendent or designee is authorized to inventory, remove and store for a period of 30 days or until the

owner is found, whichever is shorter, any and all equipment and personal property in an overnight facility which remains at the overnight facility at the end of the permit period or which is being used in violation of this chapter or any other State law. Payment of a removal fee and a storage fee pursuant to N.J.A.C. 7:2-17.2(d) shall be required from the owner before the equipment and personal property is returned. Items not claimed within 30 days after they are removed from the overnight facility shall be disposed of in accordance with established State Park Service policy. The State Park Service policy for the disposal of unclaimed articles shall be posted at each State Park.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "area Officer-in-Charge"; in (b), deleted "responsible" preceding "adult"; deleted (c); recodified former (d) as (c); and in (c), substituted "Superintendent or designee" for "Officer-in-Charge", substituted "30 days" for "90 days" two times and substituted "remains at the overnight facility at the end of the permit period" for "has not been occupied by the owner of the equipment and personal property for any consecutive 24 hours period".

7:2-7.2 Overnight facilities reservation procedures

(a) Reservations of overnight facilities shall be submitted on forms available from the State Park Service, or by telephone and paid in full by credit card.

(b) Applications shall be accepted up to 11 months in advance of the reservation start date. Reservations are not effective until confirmed in writing by the State Park Service. Reservations shall be confirmed on a first come first served basis subject to the availability of overnight facilities on the dates for which reservations are requested.

(c) Reservations for cabin facilities for the use period from the Saturday of Memorial Day weekend through and including Labor Day shall be accepted only for seven consecutive nights or 14 consecutive nights.

(d) Reservations for cabin facilities for the use periods from the day after Labor Day to October 31st and from April 1st to the Friday prior to Memorial Day Weekend shall be accepted for a minimum of two consecutive nights to a maximum of 14 consecutive nights.

(e) Reservations for overnight facilities other than cabins shall be accepted for a minimum of two consecutive nights to a maximum of 14 consecutive nights, subject to the seasonal availability of the facilities at individual parks.

(f) When overnight facilities become available for any reason, they may be made available to the general public up to a maximum of 14 nights as directed by the Superintendent or designee.

(g) Reservations are not in effect until confirmed.

(h) A separate application shall be filed for each overnight facility and period desired.

(i) No more than two non-consecutive reservations for overnight facilities and camping facilities shall be in effect for any group, family or person.

(j) A group, family, or person shall not occupy any State Park Service overnight facility for more than 40 nights in a calendar year.

(k) Full payment for the reserved period requested shall accompany the reservation application.

Amended by R.1993 d.657, effective December 20, 1993.
See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).
Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Rewrote the section.

7:2-7.3 Cancellation and refunds

(a) Reservations for designated State Park Service overnight facilities may be cancelled. A minimum 24-hour notice for the cancellation of a reservation is required in order to receive a refund. A person may cancel a reservation by telephone, in writing, or in person. A cancellation fee as set forth in N.J.A.C. 7:2-17.2(d) shall be deducted from any refund due.

(b) Refunds shall not be made to persons evicted as a result of a violation of this chapter or other State law.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Rewrote (a); and in (b), substituted "as a result of a" for "for".

7:2-7.4 Visitors in overnight facilities

(a) Visitors are allowed in overnight facilities between the hours of 8:00 A.M. and 8:00 P.M. All visitors shall pay the normal day user parking fee when applicable pursuant to N.J.A.C. 7:2-17.1. The total number of people at an overnight facility, including campers and visitors, shall not exceed the designated occupancy of the overnight facility.

(b) A visitor shall not be allowed in overnight facilities between the hours of 8:00 P.M. and 8:00 A.M.

(c) The Superintendent or designee may extend or limit the visitation hours and number of visitors as conditions warrant.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Visitors". In (a), added the second sentence; in (b), deleted the second sentence; and added (c).

SUBCHAPTER 8. BOATING/WATERCRAFT

7:2-8.1 Launching of boats

(a) The launching of boats, canoes and other vessels is allowed at designated areas subject to posted conditions and the payment of a launching fee where required pursuant to N.J.A.C. 7:2-17.1(f).

(b) A person shall not launch or beach a boat, canoe or other vessel or weigh anchor or cast off when the Superintendent or designee has, by posting or verbal direction, prohibited the same.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-8.2 Power boats and motorized jet skis use restrictions

(a) A person shall not operate a power boat or a motorized jet ski on non-tidal waters under the jurisdiction of the State Park Service, except:

1. Electric powered boats are allowed on non-tidal waters under the jurisdiction of the State Park Service.

2. Power boats and motorized jet skis are allowed on Cranberry Lake, Greenwood Lake, Lake Hopatcong and Lake Musconetcong.

(b) A person shall not operate a motorized jet ski on the Spruce Run, Round Valley or Monksville Reservoirs.

(c) Power boats are allowed on Spruce Run, Round Valley and Monksville Reservoirs subject to size restrictions in N.J.A.C. 7:2-8.3(b).

7:2-8.3 Powerboat size restrictions

(a) Powerboats, where permitted on non-tidal waters, may temporarily be further restricted as to maximum horsepower and minimum and maximum boat length, such restrictions being determined by the Superintendent or designee based on use and safety factors.

(b) A person shall not operate a power boat which has a motor size greater than 10 horsepower on the Spruce Run, Round Valley, or Monksville Reservoirs.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-8.4 Sailboats and ice sailboats mast height on the Round Valley, Spruce Run and Monksville Recreation Reservoirs

A person shall not operate a sailboat or ice sailboat with a mast height of greater than 30 feet from the water line on the Round Valley, Spruce Run and Monksville Recreation Reservoirs.

Amended by R.1993 d.657, effective December 20, 1993.
See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

7:2-8.5 Use of boat ramps

A person shall not use boat ramps in such a manner as to impede use of the ramp by others.

7:2-8.6 Boating near swimming areas

(a) A person shall not operate a power boat, sailboat or sail board within 200 feet of a designated swimming area.

(b) A person shall not operate human powered slow moving watercraft such as rowboats, pedal boats, canoes, surfboards, or any other water borne mechanisms meeting this definition within 50 feet of a designated swimming area.

Amended by R.1993 d.657, effective December 20, 1993.

See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Section was "Boating near bathing areas". Substituted "swimming" for "bathing" throughout.

7:2-8.7 Swimming and diving from objects, scuba diving, and skin diving

(a) A person shall not swim or dive from a pier, catwalk, bridge or tower on lands comprising part of a State Park and administered by the State Park Service for public recreation and/or conservation purposes or from any vessel on waters under the jurisdiction of the State Park Service without written approval by the Superintendent or designee.

(b) A person shall not scuba or skin dive in the waters under the jurisdiction or control of the State Park Service except in areas designated and posted for that purpose.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-8.8 Round Valley and Spruce Run wind speed notification systems

(a) A person shall not continue boating activities on the Round Valley or Spruce Run Reservoirs when the wind velocity reaches or exceeds 25 miles per hour.

(b) A person shall not continue boating activities on the Round Valley or Spruce Run Reservoirs when the flashing white warning lights are activated to warn boaters to discontinue boating.

(c) A person shall not continue boating activities on the Round Valley or Spruce Run Reservoirs when verbally directed to discontinue boating activities by the Superintendent or designee or any employee authorized by the Superintendent or designee to issue such warnings.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c), substituted "Superintendent or designee" for "Officer-in-Charge" two times.

7:2-8.9 Boat storage at the Spruce Run Recreation Area

(a) A limited number of boat storage spaces are available at Spruce Run Recreation Area during the season from April 1 through October 31. Fees shall be charged pursuant to

N.J.A.C. 7:2-17.1(g) and non-transferable decals shall be assigned for this use. Decals shall be permanently affixed to the boat registered for storage as directed by the Superintendent or designee.

(b) Double-capacity trailers occupying a single storage space shall pay one and one-half times the normal season storage fee as provided in N.J.A.C. 7:2-17.1(g).

(c) Boats shall be removed from the water each night and placed in their assigned storage spaces.

(d) Possession of a boat storage permit does not guarantee entry to the launching area if it is filled to capacity.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-8.10 Ice boating

(a) Ice boating and ice yachting shall be allowed on Lake Hopatcong and Greenwood Lake.

(b) Except as provided in (a) above, ice boating and ice yachting shall be allowed only on those waters specifically designated and posted by the State Park Service for ice boating and ice yachting.

(c) Ice boating and ice yachting shall be allowed on the waters described in (a) above and designated and posted under (b) above provided individual use complies with the following:

1. A minimum of two craft shall be in use at all times;
2. Protective helmets shall be worn;
3. Life jackets or life belt shall be worn; and
4. Masts or riggings and any attachments thereto, may be restricted by the Superintendent or designee or by any employee authorized by the Superintendent or designee to issue such restrictions as determined by use or public safety.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c)4, substituted "Superintendent or designee" for "Officer-in-Charge" two times.

7:2-8.11 Towing behind boats

A person shall not water ski, aquaplane or tow surf boards in non-tidal waters under the jurisdiction of the State Park Service except on Lake Hopatcong, Lake Musconetcong, Greenwood Lake and Cranberry Lake without the written approval of the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-8.12 Conformance with State boating laws

All boating use on waters under the jurisdiction or control of the State Park Service shall be subject to rules promulgated by the New Jersey Boat Regulation Commission, N.J.A.C. 7:6.

7:2-8.13 Lifejackets

(a) A person shall not operate or allow any person to operate any vessel in or on the waters under the jurisdiction or control of the State Park Service unless such vessel has a serviceable United States Coast Guard approved personal flotation device (PFD) for each person on board.

1. Such PFDs shall be of the type(s) required by the United States Coast Guard for a vessel of that class operating on navigable waters.

2. Such PFDs shall be readily accessible when the vessel is underway.

(b) The requirements of (a) above apply to all vessels except surfboards, racing shells, rowing sculls and racing kayaks.

7:2-8.14 Careless and negligent operations

(a) A person shall not operate a vessel in such a manner as to cause alarm, personal injury or property damage.

(b) Boaters shall comply with all posted regulatory signs.

(c) Boaters shall secure their vessels in a manner that will not cause personal injury or damage to private or State Park Service property.

7:2-8.15 Rules of the road

All vessels navigating the waters under the jurisdiction or control of the State Park Service shall comply with the inland rules of the road promulgated by the United States Coast Guard now in effect and as may hereafter be amended, supplemented, modified or changed, except where the international rules of the road are applicable. Copies of the current inland rules of the road may be obtained at any office of the United States Coast Guard or the New Jersey State Police Marine Bureau.

7:2-8.16 Speed

Power vessels shall at all times be operated at a speed to avoid danger of injury to life and all manner of craft whether floating, moored, anchored or underway, or to piers, wharves, bulkheads, draw spans or other waterfront construction, either directly or by the effect of the wash or wave raised by such power vessel through its speed or otherwise.

7:2-8.17 Obeying orders

A vessel shall not fail to stop when ordered to do so by any State Park Service law enforcement officer or other State

Park Service employee authorized by the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-8.18 Exclusion of racing events

This subchapter shall not apply to boat racing activities which have been approved by the Director of the Division of Parks and Forestry or the Assistant Director of the Division for the State Park Service.

7:2-8.19 Vessel use restrictions

The use of boats, canoes and vessels of all types on the waters under the jurisdiction or control of the State Park Service shall be prohibited by the Superintendent or designee whenever the safety, health or welfare of the public so dictates.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-8.20 Operating vessels during nighttime

Where night boating is authorized, no person shall operate a vessel at speeds in excess of five nautical miles per hour or in excess of speeds established by the New Jersey Boat Regulation Commission for Lake Hopatcong at N.J.A.C. 7:6-4.5, for Greenwood Lake at N.J.A.C. 7:6-4.7 and for Cranberry Lake at N.J.A.C. 7:6-4.8 or as subsequently amended.

7:2-8.21 Disposal of waste from vessels

(a) A person shall not dump waste, excluding bilge water, from a vessel into the waters under the jurisdiction or control of the State Park Service.

(b) Any vessel equipped with a toilet, sink and/or shower shall not be operated on waters under the jurisdiction or control of the State Park Service unless the toilet, sink and/or shower systems are completely shut off or kept inoperative the entire time the vessel is in the State Park Service waters or unless the vessel is equipped with an operable holding tank.

(c) A person shall not discharge holding tank waste except in disposal facilities designed and provided for such waste.

7:2-8.22 Low water levels Round Valley, Spruce Run and Monkville Reservoirs

During periods of low water levels at the Round Valley, Spruce Run and Monkville Reservoirs as evidenced by increased exposure of mud flats, all restricted area fence lines shall be deemed to be extended to the waters' edge. This extension shall then be included in the restricted area limits and shall constitute the restricted area limits.

7:2-8.23 Scuba and skin diving at Round Valley and Spruce Run Recreation Areas

(a) Scuba and skin diving is permitted at Spruce Run and Round Valley Recreation Areas provided the diver notifies the park office by phone in advance of the dive, giving name, location and anticipated hours of diving. Before diving, the diver shall complete a registration form at the park office and notify the park office when the dive is complete.

(b) All provisions of the New Jersey Boat Regulation Commission, N.J.A.C. 7:6, shall be followed and a certification card is required.

7:2-8.24 Lake Hopatcong Dock Restrictions

(a) The construction of a new dock or the replacement, expansion, or extension of any existing dock in the waters of Lake Hopatcong shall, in addition to the requirement set forth in (b) below, be designed and constructed in accordance with the requirements of all Federal, State and local agencies having jurisdiction over the design and construction of the proposed new dock, replacement, expansion, or extension.

(b) New docks and the construction of a new replacement or the expansion or extension of any dock in existence in the waters of Lake Hopatcong on October 7, 1991 shall not exceed more than 50 feet in length into the waters of Lake Hopatcong from the mean high water line. Any dock in existence on the effective date of this new rule that exceeds 50 feet in length from the mean high water line may be improved, maintained and repaired but shall not be replaced, expanded or extended beyond the length of the dock from the mean high water line. The mean high water line shall be determined at the time of the proposal of the new dock or replacement, expansion or extension of any dock in the waters of Lake Hopatcong.

(c) Prior to the construction of any new dock or the replacement, expansion or extension of any dock in the waters of Lake Hopatcong, the owner of the dock shall submit to the Superintendent or designee at Lake Hopatcong State Park a written notification of intent to construct. The notification of intent to construct shall include the following:

1. Transmittal letter signed by the owner of the dock;
2. Plans and specifications showing:
 - i. The location, size and design of the proposed new dock, replacement, expansion or extension; and
 - ii. The mean high water line and the length of the proposed new dock, replacement or extension from the mean high water line into Lake Hopatcong; and

3. Copies of all permits, licenses, approvals, certifications and any other document issued by the appropriate Federal, State and local authorities having jurisdiction over the proposed new dock, replacement, expansion or extension.

(d) Upon receipt by the Superintendent or designee of a complete notification of intent to construct under (c) above, the Superintendent or designee shall have a period of 45 days to review the notification and approve the construction of any new dock or the replacement, expansion or extension of any dock in the waters of Lake Hopatcong based upon a determination that:

1. The owner of the dock has obtained all permits, licenses, approvals, certifications and any other document issued by the appropriate Federal, State and local authorities having jurisdiction over the proposed new dock, replacement, expansion or extension; and

2. The proposed new dock, replacement, expansion or extension is in compliance with (b) above.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In the introductory paragraphs of (c) and (d), substituted "Superintendent or designee" for "Officer-in-Charge" throughout.

SUBCHAPTER 9. DAY USE GROUP

7:2-9.1 Day use group reservation

(a) Groups of 20 or more persons using or visiting any lands or waters under the jurisdiction of the State Park Service for any purpose whatsoever shall make a reservation for such use or visitation.

(b) Reservations shall be made at the area office for the specific State Park, at least five days in advance of the use or visit.

7:2-9.2 Failure to make a reservation

(a) The State Park Service shall refuse admittance to groups of 20 or more persons without reservations.

(b) The Superintendent or designee may temporarily waive day use group reservation requirements when field conditions dictate.

(c) Not more than three non-consecutive reservations for day use group facilities shall be in effect for any one person or group at an individual State park at one time.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-9.3 Adult supervision

Each day use group shall have a minimum ratio of one adult supervisor, 18 years of age or older, for each nine children under 18 years of age in the group.

7:2-9.4 Group leader

Each day use group making reservations for visitation shall designate one responsible adult, 18 years of age or older, as group leader and his or her name and address shall be furnished to the Superintendent or designee upon arrival.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-9.5 Day use group roster

(a) All day groups shall have available during the use or visit, and may, prior to the commencement of the use or visit, be required to supply a roster to the Superintendent or designee. The roster shall contain the following information:

1. The name, address and phone number of the organization;
2. The name and address of the designated group leader; and
3. The names of all other persons in the group.

(b) Failure to supply the roster required in (a) above upon request by the Superintendent or designee may be cause for refusing the group's admittance to, or removal of the group from, the park, forest, recreation area, historic site, marina, or natural area.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "Officer-in-Charge" throughout.

7:2-9.6 Buses transporting day use groups

(a) All buses transporting day use groups shall remain at a parking location designated by the Superintendent or designee for the entire period the group is present at the facility.

(b) Drivers of buses transporting day use groups shall remain in the immediate day use area at all times and are not to leave the area without specific approval of the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "Officer-in-Charge" throughout.

7:2-9.7 Group picnicking and reservation procedures

(a) Group picnicking is restricted to areas specifically provided for this purpose.

(b) The number of people in any group using a group picnicking facility shall not exceed the capacity of the facility without first obtaining the approval of the Superintendent or designee and upon such conditions that the Superintendent or designee may reasonably require to assure public safety and protection of State-owned property.

(c) Applications for reservation of group picnicking facilities shall:

1. Be submitted by mail to or in person at the area office for the specific State park in which the facility is located;
2. Be accompanied by payment of the non-refundable reservation fee pursuant to N.J.A.C. 7:2-17.3(a);
3. Include the following information:
 - i. The name of the group;
 - ii. The name, telephone number and address of the designated group leader; and
 - iii. The date for which reservation is requested;
4. Be received in the area office after January 2 of the year in which the facility is to be used; and
5. Not be effective until confirmed in writing by the State Park Service.

(d) The Superintendent or designee shall post a sign at each group picnicking facility indicating that the facility has been reserved and the name of the group.

(e) If the group picnicking facility is not reserved, the facility may be used on a first-come, first-served basis.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "area Officer-in-Charge"; and in (b) and (d), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-9.8 Group use of facilities on weekends and holidays

(a) Day group use of facilities on weekends or holidays is not permitted except as provided in (b) below.

(b) The Superintendent or designee may temporarily authorize weekend or holiday day group use only when facility and staffing requirements allow.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), substituted "Superintendent or designee" for "Officer-in-Charge".

SUBCHAPTER 10. GOLF COURSES**7:2-10.1 Local rules**

(a) The use of caddies is not permitted except by specific approval of the Superintendent or designee.

(b) Privately owned golf carts are prohibited.

(c) Spectators are not permitted on the golf course. The Superintendent or designee may temporarily waive this rule for tournament play or for unusual circumstances.

(d) All players shall have and use a golf bag with sufficient clubs to play the game including at least a driver or wood, irons, and a putter.

(e) Golf cart operators shall have a drivers license and be at least 17 years of age.

(f) Beverage or food coolers of any type are prohibited on the course. If conditions warrant, the Superintendent or designee may suspend this prohibition.

(g) Alcoholic beverages are prohibited on the course or driving range.

(h) Players shall be no less than eight years old to play on the golf course.

(i) An adult shall accompany a player aged eight to 12.

(j) Golf and golf-related activities are the only activities permitted on the golf course. All other recreational activities are prohibited.

(k) The Superintendent or designee may, with the approval of the Director of the Division of Parks and Forestry or designee, establish policies and procedures to govern play on the golf course.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "golf course manager"; deleted (c); recodified former (d) through (j) as new (c) through (i); and in (c), substituted "Superintendent or designee" for "golf course manager"; rewrote (d), (f) and (i); in (h), substituted "eight" for "10"; deleted former (k) through (m); and added new (j) and (k).

7:2-10.2 Reservations—golf course

(a) Golf course reservations are on a first-come, first-serve basis. Reservations may be made seven days in advance by telephone or in person. With the approval of the Director of the Division of Parks and Forestry or designee, the Superintendent or designee may increase the advance reservation period from seven days to a maximum of 14 days.

(b) Golf tournament reservations can be made in advance with the issuance of a Golf Tournament Permit to the tournament organizer.

Amended by R.1993 d.657, effective December 20, 1993.
See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).
Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Rewrote the section.

7:2-10.3 Fees

All fees for services provided and use of the golf course and driving range, in accordance with the fee schedule set forth in N.J.A.C. 7:2-17.1(j), shall be paid in full prior to the commencement of play.

7:2-10.4 United States Golf Association and local rules

Local rules at N.J.A.C. 7:2-10.1, and United States Golf Association rules shall govern all play. The local rules in accordance with N.J.A.C. 7:2-10.1 (including policies and procedures established by the Superintendent or designee in accordance with N.J.A.C. 7:2-10.1(k)) shall be posted in the Pro Shop at the golf course.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Rewrote the section.

7:2-10.5 Golf tournaments

Golf tournaments shall be conducted in accordance with the accepted standards of golf, the local rules for the golf course under N.J.A.C. 7:2-10.1 (including policies and procedures established by the Superintendent or designee in accordance with N.J.A.C. 7:2-10.1(k)) and in accordance with the Tournament Rules and Regulations printed on the Golf Tournament Permit issued under N.J.A.C. 7:2-10.2(b) to the organizer of the tournament.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Section was "Tournament restrictions". Rewrote the section.

7:2-10.6 School team practice and matches

A school golf team or members of a school golf team may use the golf course in accordance with the local rules for the golf course under N.J.A.C. 7:2-10.1 (including policies and procedures established by the Superintendent or designee in accordance with N.J.A.C. 7:2-10.1(k)).

Repeal and New Rule, R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Section was "School team practice".

7:2-10.7 Driving range rules

(a) A person shall not use the driving range except during posted hours of operation.

(b) All persons using the driving range shall purchase a bucket of balls and produce the sales receipt upon request.

(c) Golfers are not permitted beyond the driving tee.

7:2-10.8 Golf etiquette

Each golfer shall follow the rules established by the United States Golf Association, and local rules for the golf course under N.J.A.C. 7:2-10.1 (including policies and procedures established by the Superintendent or designee in accordance with N.J.A.C. 7:2-10.1(k)).

Repeal and New Rule, R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
Section was "Golf etiquette".

7:2-10.9 Priority on the course

(a) In the absence of special rules, two-ball matches shall have precedence over and be entitled to pass any three or four-ball match.

(b) A single player has no standing and shall give way to a match of any kind.

(c) Any match playing a whole round is entitled to pass a match playing a shorter round.

(d) If a match fails to keep in place on the course and loses more than one clear hole on the players in front, it shall allow the match following to pass.

7:2-10.10 Care of the course

(a) Before leaving a bunker, a player shall carefully fill up and smooth over all holes and footprints made by the player.

(b) Through the green, a player shall ensure that any turf cut or displaced by the player is replaced at once and depressed down so that any damage to the putting green made by a ball is carefully repaired. Damage to the putting green caused by golf shoe spikes shall be repaired on completion of the hole.

(c) Players shall ensure that, when laying down bags or the flagstick, no damage is done to the putting green and that neither they nor their caddies damage the hole by standing close to it, in handling the flagstick or in removing the ball from the hole. The flagstick shall be properly replaced in the hole before the players leave the putting green. Players shall not damage the putting green by leaning on their putters, particularly when removing the ball from the hole.

(d) Local notices regulating the movement of golf carts shall be strictly observed.

(e) In taking practice swings, players shall avoid causing damage to the course, particularly the tees, by removing divots.

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. HIKING TRAILS**7:2-12.1 Scope**

In addition to the applicable provisions of N.J.A.C. 7:2 and the applicable Federal regulations for that portion of the National Scenic Appalachian Trail which passes through land under the jurisdiction of the State Park Service, the following shall constitute the rules of the State Park Service hiking trails.

7:2-12.2 Hiking trail use

(a) The use of all designated hiking trails except for posted multi-use trails is restricted solely to foot travel and the legitimate activities associated with the pursuit of hiking.

(b) The Appalachian Trail shall not be used for special events or group activities that degrade the Trail's natural or cultural resources or social values. These activities include publicized spectator events, commercial or competitive activities or large group programs. Groups spending one or more nights on the Trail shall not exceed 10 persons in the same organization and day-use groups shall not exceed 25 persons in the same organization, unless otherwise designated in the New Jersey Appalachian Trail Management Plan.

7:2-12.3 Hiking trail restrictions

(a) Hiking trail use is limited to the routes marked or designated by the State Park Service for such use.

(b) A person shall not leave a marked trail and enter upon adjacent property not under the jurisdiction or control of the Department without permission of the owner.

(c) The use of bicycles and any motor vehicles except emergency vehicles on hiking trails is prohibited.

(d) The use of horse or pack animals on hiking trails is prohibited.

(e) Everything carried into a hiking trail or area shall be carried out by the hiker or placed in the proper trash receptacle, where provided.

(f) A person shall not molest or harass wildlife, livestock, pets or other domestic animals encountered along or adjacent to a trail.

(g) All pets shall be caged or held on a leash and under the immediate control of the owner at all times.

(h) The possession and use of alcoholic beverages is prohibited.

(i) The cutting, digging, defacing and/or removal of any vegetation or physical features is prohibited.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (g), deleted "furred animals or" preceding "pets".

7:2-12.4 Fires on hiking trails

(a) No open fires shall be started on any hiking trail under the jurisdiction or control of the State Park Service except at campsites designated and approved by the State Park Service for hiking trail users.

(b) No open fires shall be started at any campsite designated and approved by the State Park Service for hiking trail users under (a) above without first obtaining a permit for such

purpose from the State Park Service. The open fire shall be started and maintained in accordance with the permit which shall designate the campsite location, hours that an open fire may be started and maintained, and type of fuel.

(c) No open fires shall be started on the Appalachian Hiking Trail. Self-contained stoves may be used without a permit.

(d) Every person using a hiking trail under the jurisdiction or control of the State Park Service shall promptly report any uncontrolled fire thereon or any uncontrolled fire insight from the hiking trail to the nearest law enforcement or fire agency.

7:2-12.5 Hiker camping

(a) Hiker camping shall mean the erection of a tent or shelter of natural or synthetic material and/or preparing a sleeping bag or other bedding material for the purpose of overnight stay.

(b) Hiker camping is permitted only as part of the hiking experience on a hiking trail under the jurisdiction or control of the State Park Service.

(c) Hiker camping is permitted in hiker camping areas or other established campsite areas designated and approved by the State Park Service for overnight camping.

(d) On the Appalachian Trail hiker camping is limited to one overnight stay at each designated hiker camping area.

(e) Maximum occupancy for each hiker campsite may be limited or expanded by the Superintendent or designee as conditions warrant.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (e), substituted "Superintendent or designee" for "area Officer-in-Charge".

SUBCHAPTER 13. STATE MARINAS

7:2-13.1 Scope

In addition to the applicable provisions of N.J.A.C. 7:2 and unless otherwise provided, this subchapter constitutes the rules for State marinas under the jurisdiction of the State Park Service.

7:2-13.2 Application for vessel berth permits at State marinas

(a) Applications for a vessel berth permit at State marinas shall be categorized by the size of the berth for which a permit application is submitted and, except for the Senator Frank S. Farley State Marina, whether the applicant is a resident of New Jersey or a non-resident. The New Jersey resident category shall have complete priority over the non-resident category listing of applicants for the same berth size

category at each State marina except for the Senator Frank S. Farley State Marina.

(b) Applications for a berth permit shall be submitted on forms available from the State Park Service and shall be accepted year-round at the marina office at the specific State marina in which a berth permit is requested. All berth permit applications shall be:

1. Completed and signed by the person(s) in whose name(s) the permit will be issued;
2. Accepted in the name of an individual(s) only. No application shall be accepted in the name of a corporation or partnership;
3. Completed, signed and not removed from the marina office at the specific State marina in which a berth permit is requested; and
4. Except for the Senator Frank S. Farley State Marina, accompanied by a New Jersey drivers license as proof of residency when the applicant claims to be a New Jersey resident.
 - i. If an applicant claiming to be a New Jersey resident demonstrates to the satisfaction of the Superintendent or designee that the applicant does not have a New Jersey drivers license for good and sufficient reason, the State Park Service reserves the right to require other proofs that the applicant is a resident of New Jersey.

(c) Berth permits shall be issued in the name(s) of the persons that signed the original berth permit application and assignments shall be made from priority waiting lists based on the chronological order of the date on which each berth permit application is completed and received at the marina office at the specific State marina in which a berth permit is requested. A priority waiting list shall be maintained for and prominently posted for public review at each State marina. Except for the Senator Frank S. Farley State Marina, waiting lists shall be maintained in two categories: New Jersey resident and non-resident for each berth size. Waiting lists shall be maintained at the Senator Frank S. Farley State Marina for each berth size without regard to residency.

(d) Each applicant must annually confirm that the applicant wants to remain on the applicant waiting list. Confirmation shall be made at the marina office. The applicant must provide the State Park Service with a signed confirmation that he or she wants to remain on the waiting list. The applicant shall deliver the signed confirmation in person to the marina office, or mail the signed confirmation by United States Postal Service, post marked no later than January 31, to the marina office. If the signed confirmation is mailed, it must include a self addressed envelope, postage prepaid. A telephone call will not be accepted. Failure to notify the marina office as above provided shall result in cancellation of the application and removal of the applicant from the waiting list.

(e) Applicants purchasing a vessel of a different size category than that for which application was made who desire a berth for the new vessel shall submit an application for a berth in the category of the new vessel and shall be placed as a new applicant on the list of that category.

(f) If, for any reason, an applicant refuses or fails to accept two offered berth permits in accordance with the procedure in N.J.A.C. 7:2-13.3(b)6, the applicant's permit application shall be cancelled and the applicant's name shall be removed from the waiting list.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b)2, inserted "or partnership"; in (b)4i, substituted "Superintendent or designee" for "Officer-in-Charge"; and rewrote (d).

Case Notes

State park public marina berthing services prices did not imply discrimination. *Jersey City v. State Dept. of Environmental Protection*, 227 N.J.Super. 5, 545 A.2d 774 (A.D.1988), certification denied 111 N.J. 640, 546 A.2d 551.

Lease of portion of state park did not violate public trust doctrine. *Jersey City v. State Dept. of Environmental Protection*, 227 N.J.Super. 5, 545 A.2d 774 (A.D.1988), certification denied 111 N.J. 640, 546 A.2d 551.

7:2-13.3 Berth permits

(a) Seasonal or annual berth permits shall be issued at the Forked River State Marina, Leonardo State Marina, Fortescue State Marina, and Senator Frank S. Farley State Marina as follows:

1. Forked River State Marina, Senator Frank S. Farley State Marina, and Leonardo State Marina:

- i. April 1 to October 31 (Summer);
- ii. November 1 to March 31 of the subsequent year (Winter);

2. Fortescue State Marina:

- i. April 1 to March 31 of the subsequent year (Annual);
- ii. November 1 to March 31 of the subsequent year (Winter).

(b) Berth permits for the summer season from April 1 to October 31 shall be issued in accordance with the following procedure.

1. All summer berth permittees of record on October 31 shall be given an opportunity to renew their berth permit for the same size berth for the next summer season. A summer berth permit renewal form shall be forwarded to each permittee of record during the first week of November of the year preceding the permit period year or as soon thereafter as possible.

2. On or before December 31 of the year preceding the permit year, the permittee of record shall return the following to the marina office:

- i. A permit renewal form signed by the permittee of record;
- ii. Payment in full for the berth offered;
- iii. A valid New Jersey vessel registration solely in the name of the permittee of record for the vessel owned by the permittee of record which will occupy the offered berth; and
- iv. A copy of the Certificate of Title to the vessel solely in the name of the permittee of record.

3. If the permittee of record does not return the documents and payment in full on or before December 31 as required in (b)2 above, the State Park Service shall on the first business day after the due date or as soon as possible thereafter give the permittee of record written notice by certified mail return receipt requested, to return the documents and payment to the marina office within 10 working days after the date of the notice.

4. If the documents and payment are not received in the marina office within 10 working days after the date of the written notice as provided in (b)3 above, the offer to renew the permit as provided in (b)1 above shall become void immediately upon expiration of the 10 day period and the subject berth permit immediately reassigned.

(c) Berth permits for the annual period from April 1 to March 31 shall be issued in accordance with the following procedure.

1. All annual berth permittees of record on October 31 shall be given an opportunity to renew their berth permit for the same size berth for the next annual season. An annual berth permit renewal form shall be forwarded to each permittee of record during the first week of December of the year preceding the permit period year or as soon thereafter as possible.

2. On or before February 1 of the permit year, the permittee of record shall return the following to the marina office:

- i. A permit renewal form signed by the permittee of record;
- ii. Payment in full for the berth offered;
- iii. A valid New Jersey vessel registration in the name of the permittee of record only for the vessel owned by the permittee of record which will occupy the offered berth; and
- iv. A copy of the Certificate of Title to the vessel solely in the name of the permittee of record.

3. If the permittee of record does not return the documents and payment in full on or before February 1 as re-

quired in (c)2 above, the marina operator shall on the first business day after the due date or as soon as possible thereafter give the permittee of record written notice by certified mail return receipt requested, to return the documents and payment to the marina office within 10 working days after the date of the notice.

4. If the documents and payment are not received in the marina office within 10 working days after the date of the written notice as provided in (c)3 above, the offer to renew the permit as provided in (c)1 above shall become void immediately upon expiration of the 10 day period and the subject berth permit immediately reassigned.

(d) Annual and summer berth permits shall be issued for all vacated berths in accordance with the following:

1. Permittees of record in the marina who have submitted a written request to transfer to another berth in the marina shall be given an opportunity to transfer to a vacated berth. Requests for transfer shall be prioritized based on the date the request is received in the marina office.

2. Except for the Senator Frank S. Farley State Marina, remaining vacant berths shall be offered to New Jersey resident applicants that are number one on the posted list of permit applicants for the size berths available. At the Senator Frank S. Farley State Marina, remaining vacant berths shall be offered to the applicants that are number one on the waiting lists for each berth size available.

3. When the New Jersey resident list is exhausted in any category, applicants on the non-resident list in that category shall be offered available berth(s).

4. In the event both resident and non-resident lists are exhausted in a given category, berths in that category shall be offered to applicants on the resident and then the non-resident berth application list for the next smaller berth size category.

5. In the event that the next smaller berth size category waiting lists described in (d)4 above are exhausted, the availability of the vacant berths shall be publicly posted at the marina. Permits for the vacant berths shall be issued upon receipt of a berth permit application in accordance with N.J.A.C. 7:2-13.2.

6. Permits for vacated berths shall be offered under (d)1 through 5 above to applicants by category and in numerical order within that category. A minimum of three documented attempts shall be made to notify the applicant of the availability of a berth by telephone during normal business hours. If the marina office is not able to contact the applicant, the berth shall be offered to the next applicant on the waiting list. Within 10 days after the offering, the applicant shall return the following to the marina office:

- i. A permit form signed by the permittee of record;
- ii. Payment in full for the berth offered; and

iii. A valid New Jersey vessel registration and title for the vessel owned solely by the permittee of record and which is in the same size category as the berth offered.

(e) Berth permits for the winter season from November 1 to March 31 shall be issued in accordance with the following procedure:

1. On a first come first served basis to:

- i. Permittees of record in the marina; and
- ii. Other interested boaters.

2. Winter berth permits shall be effective:

- i. Upon payment of the winter berth fee by permittee of record; or
- ii. Upon payment of the winter berth fee and execution of the non-renewable winter berth permit, by other interested boaters.

(f) At the Leonardo and the Forked River State Marinas, berth permits for the winter season from November 1 to March 31 shall, in addition to the applicable provisions of this chapter, be issued subject to the following conditions:

1. Vessels occupying a winter berth shall have electricity available each weekend during the winter season from 4:00 P.M. Friday to 8:00 A.M. Monday. The use of electricity during any other period during the winter season shall be by the prior approval of the Superintendent or designee.

2. The use of a thermostatically controlled de-icing system is subject to the prior approval of the Superintendent or designee. Permittees shall place the de-icing unit in a location on the vessel that is in full view by marina personnel. The period of operation of de-icing units shall be determined by the Superintendent or designee based on weather conditions.

(g) Berth permits shall not be issued for the following purposes:

1. Berthing of domicile type units including, but not limited to, powered and unpowered house type craft specifically designed for dockside living on other than a transient basis;

2. Condominium type berth leasing;

3. Use as a watersport activity center such as water skiing, parasailing or use of personal watercraft;

4. Berthing of vessels to be utilized in time sharing ventures; or

5. Use of a vessel as a domicile, residence or habitat.

(h) Signature by the permittee on the permit constitutes agreement to abide by this chapter and any other pertinent State and Federal statutes, rules and regulations. Failure to

comply with this chapter and pertinent State and Federal statutes, rules and regulations shall be cause for immediate cancellation of the permit, forfeiture of all fees paid and removal of the vessel from the Marina.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b)1, substituted "November" for "December"; in (b)2, substituted "December 31" for "February", and inserted "year preceding the"; in (b)3, substituted "December 31" for "February 1"; in (f), substituted "this chapter" for "N.J.A.C. 7:2"; in (f)1 and (f)2, substituted "Superintendent or designee" for "Officer-in-Charge" throughout; and in (g)3, inserted "or use of personal watercraft".

7:2-13.4 Berth assignment

(a) The State Park Service reserves the right to limit the number and category of use of berths whether seasonal or transient available for assignment within any State marina.

(b) A berth shall not be assigned for the summer or winter season unless a berth permit has first been issued for the season. The size of the berth assigned shall be based on the size category described in the permit and application.

(c) Berth assignments are made by the Superintendent or designee.

(d) Transient berth assignments shall be available on a first come first served basis and shall be available on a monthly or daily basis at the discretion of the Superintendent or designee subject to the following conditions:

1. Transient berth assignments shall become effective upon berth occupancy, payment of the applicable fee and execution of the transient registration card;
2. The daily transient period shall be from the time of occupancy to 12:00 noon of the following day; and
3. The monthly transient period shall be from the time of occupancy to 12:00 noon of the 30th day of occupancy.

(e) Any vessel occupying a berth without a valid seasonal permit shall be charged at the daily or appropriate transient rate for the duration of berth occupancy.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c) and (d), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-13.5 Berth reassignment

(a) The reassignment of berths within a State marina shall be made in accordance with the following procedures:

1. Reassignment shall be made only by the Superintendent or designee.
2. In the event of the death of the permittee of record, the berth which is the subject of the permit, may be assigned by the Superintendent or designee to the spouse of the deceased permittee of record.

3. A permittee of record shall be allowed to assign the rights granted under the permit subject to the following conditions:

- i. The permittee of record shall submit a written request for subletting to the Superintendent or designee;
- ii. The sublease shall be limited to a period not to exceed the annual or summer berthing season for which the assigned permit was issued;
- iii. The sublease shall be administered solely by the Superintendent or designee of the marina containing the affected berth;
- iv. A sublessee shall be obtained by the Superintendent or designee from the application list for the berth category involved, beginning at the top of the list and continuing numerically, until the berth is reassigned;
- v. The permittee of record shall be liable for all fees to the end of the month in which berth sublease is finalized;
- vi. A cancellation fee as provided in N.J.A.C. 7:2-17.4(d)2 shall be assessed to the permittee of record;
- vii. No berth sublease shall be considered unless payment, for the affected period, in full has been provided by the permittee of record;
- viii. A berth shall not be sublet if the permittee of record is in his first year of occupancy;
- ix. Berth sublease requests for an annual or summer berth permit shall not be honored if received after June 30th;
- x. Berth sublease requests for a winter berth permit shall not be honored;
- xi. A permittee of record may sublet a berth only one time during the term of his or her permit; and
- xii. A sublessee may not further sublet his or her berth.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Substituted "Superintendent or designee" for "Officer-in-Charge" throughout; in (a)3i, substituted "subletting" for "assignment"; in (a)3ii, substituted "sublease" for "assignment", inserted "or" and deleted "or winter" following "summer"; in (a)3iii, substituted "sublease" for "assignment"; in (a)3iv, substituted "A sublessee" for "Assignments"; in (a)3v, (a)3vii, (a)3ix and (a)3x, substituted "sublease" for "reassignment"; in (a)3viii, substituted "sublet" for "reassigned"; in (a)3ix, deleted "and" from the end; in (a)3x, substituted a semicolon for the period at the end; and added (a)3xi and (a)3xii.

7:2-13.6 Multiple ownership of a vessel

(a) A berth permit shall be issued in the names of multiple owners only if the vessel is owned by the multiple owners and they are named on the original berth application.

(b) In the event that subsequent to berth assignment, a multiple ownership is formed or a person not identified on the original berth application acquires an ownership interest in the vessel identified in a berth permit, the new owner shall have no rights to the berth which is the subject of the permit. Rights to the subject berth must be acquired through the regular application procedure.

7:2-13.7 Marina regulations

(a) Walkways and piers shall be kept clean at all times. Permittees are responsible for the cleanliness of their immediate berth areas.

(b) Fuel tanks shall be filled only at the marina fuel station. Draining, cleaning and/or removal of fuel tanks and/or the use of gasoline or other flammable solvent as a cleaning agent is prohibited within the marina boundaries. The use or storage of a portable gas can for fueling within the marina boundaries is prohibited.

(c) Boat toilets shall not be used while the boat is in the marina.

(d) The State Park Service, through its representative, may arrange for the relocation or removal and hauling out of any boat which it determines to be in an unsafe or sinking condition, provided the owner is unavailable or fails to respond to notification of said unsafe conditions. All charges for said relocation or removal and hauling out shall be paid by the owner.

(e) Major boat alterations or repairs shall not be undertaken while a boat is on marina property without specific permission from the Superintendent or designee.

(f) Additions or alterations shall not be made to piers, walkways or other marina property without the written consent of the Superintendent or designee.

(g) Any and all refund(s) for a berth fee shall be subject to a cancellation charge. Refunds shall not be paid prior to reassignment of the berth and collection of the berth fee. Refunds shall not be granted for transient berth assignments.

(h) Berths are not transferable and shall be occupied only by the boat owned by the permittee of record as described on the permit.

(i) The State Park Service reserves the right of reassigning a boat to a comparable berth other than the one originally assigned.

(j) Dinghies stored in permittees' berths shall not exceed 10 feet in length and shall not encroach on adjacent berth space. Dinghies shall not be stored on or under piers, walkways or on land.

(k) Boat berths shall be vacated immediately upon expiration of permit period.

(l) All personal property, lines and gear shall be removed from marina piers and property at the expiration of the permit period. The Superintendent or designee is authorized to inventory, remove and store for a period of 90 days or until the owner is found, whichever is shorter, any and all equipment and personal property from marina piers and property at the expiration of the permit period or which is being used in violation of this chapter or any other applicable law. Payment of a removal fee and storage fee pursuant to N.J.A.C. 7:2-17.2(d) shall be required from the owner before the equipment and personal property is returned. Items not claimed within 90 days after they are removed from the pier shall be disposed of in accordance with established State Park Service policy.

(m) Commercial boats are allowed only in designated areas.

(n) Use of marina parking lots by camper, recreation or any other type of vehicle for the purpose of camping or storage is prohibited.

(o) The parking of disabled vehicles on marina lands for a period in excess of 24 hours is prohibited.

(p) Any condition on a vessel or any premises used by the permittee and comprising part of the marina declared to be a fire or safety hazard by the Superintendent or designee shall be corrected immediately by the permittee.

(q) Only berth permittees and their guests are permitted marina access between the hours of 10:00 P.M. and 8:00 A.M.

(r) The State Park Service reserves the right to utilize, assign or reassign any berth.

(s) A berth permittee shall advise the Superintendent or designee whenever a vessel will be out of the marina for a period of 48 hours or more. When a berth will be vacant for 48 hours or more, the State Park Service may utilize the berth for any purpose it deems appropriate without reimbursement to the permittee of record.

(t) The storage of flammable liquids or materials within dock boxes or other storage areas by permittee is prohibited.

(u) A vessel shall not be removed from the marina prior to payment of all outstanding fees and charges.

(v) A person shall not make noise that is unreasonable considering the nature and purpose of the actor's conduct, locations, time of day and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(w) Unattended property that interferes with public safety, orderly management of the marina or presents a threat to the resources may be impounded and stored by the Superintendent or designee. After 90 days, unclaimed articles may be

disposed of in accordance with established State Park Service policy.

(x) Dock boxes shall be installed only with the prior approval of the Superintendent or designee.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (b), added the last sentence; in (e), (f), (l), (p), (w) and (x), substituted "Superintendent or designee" for "Officer-in-Charge"; in (l), substituted "chapter" for "Chapter"; and in (q), substituted "marina" for "pier".

SUBCHAPTERS 14 THROUGH 15. (RESERVED)

SUBCHAPTER 16. ISLAND BEACH STATE PARK RULES

7:2-16.1 Scope

In addition to other applicable provisions of this chapter, this subchapter constitutes the rules of Island Beach State Park.

7:2-16.2 Mobile sport fishing vehicles/permits/restrictions

(a) Four-wheel drive mobile sport fishing vehicles (MSFV) are permitted on specifically designated areas of Island Beach State Park for the purpose of surf fishing from the open beach provided:

1. An application for a MSFV permit is completed and approved through the Island Beach State Park office; and
2. An approved permit, decal or placard for which the proper fee has been fully paid as provided in N.J.A.C. 7:2-17.3(d) is displayed on or from the MSFV as directed by the Superintendent or designee when on Island Beach State Park.

(b) The following minimum basic items of equipment or supplies shall be carried by the MSFV operator while on the open beach of Island Beach State Park:

1. A spare tire;
2. A tire gauge;
3. A workable jack and board or other material for supporting the jack (3/4 inch by 12 inch by 12 inch plywood minimum);
4. A tow chain or snatch line;
5. A shovel;
6. A flashlight—mandatory during hours of darkness;
7. A fire extinguisher;

8. An auto first aid kit;
9. A litter bag; and
10. At least a quarter tank of fuel.

(c) MSFV permits are available for a calendar year or a three-day period. The permit grants entry to Island Beach State Park free of charge to the vehicle and operator complying with N.J.A.C. 7:2-16.3(b) and (c). All other occupants shall adhere to the current admission fee policy as provided in N.J.A.C. 7:2-17.1.

(d) MSFV permits are non-refundable and non-transferable.

(e) MSFV permits for a three-day period are available at the Island Beach Gate House. Annual MSFV permits are available through the Island Beach State Park office by mail or in person.

(f) The Superintendent or designee may limit the number of three-day MSFV permits which may be in effect at any one time. Three-day permits expire at midnight on the third full day after the day of issue. Three-day permits may be renewed only after a 24-hour waiting period.

(g) The number of MSFVs on the open beach at any one time, whether three-day or annual, may be limited by the Superintendent or designee in the interest of safety or responsible management of the resource.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a)2, substituted "Superintendent or designee" for "Officer-in-Charge"; and in (f) and (g), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-16.3 Surf fishing

(a) Surf fishing is permitted only on the ocean side of Island Beach State Park in specifically designated areas approved by the Superintendent or designee. An annual surf fishing permit shall be issued upon:

1. Completion and approval of a surf fishing permit application at the Gate House at Island Beach State Park; and
2. Payment of the annual surf fishing permit fee as provided in N.J.A.C. 7:2-17.3(d)1.

(b) All persons over the age of 12 years on the beach under the authority of a MSFV or surf fishing permit shall have fishing gear or tackle (rod, reel, line, hooks, any bait or lures).

(c) All persons over the age of 12 years on the beach under the authority of a MSFV or surf fishing permit are restricted in their activities to the act of catching fish or trying to catch fish and those activities reasonably incidental thereto including: travel to and from a fishing location, setting up, time to stow gear, use of sanitary facilities and the like.

(d) The annual surf fishing permit allows fishermen to park their automobiles and walk to the designated surf fishing areas. The permit grants entry for the licensed vehicle and listed permit holder free of charge. All other occupants of the vehicle shall adhere to the admission fee policy as provided in N.J.A.C. 7:2-17.1.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "area Officer-in-Charge".

7:2-16.4 Mobile sport fishing vehicle regulations

(a) The maximum speed limit for MSFVs is 10 miles per hour while on the open beach or sand access roads.

(b) Drivers shall yield to the right.

(c) Vehicles shall be parked facing away from the ocean to avoid moisture and salt spray on the windshield and ignition system.

(d) MSFV operators shall park so as to avoid obstructing access to other MSFV and administrative and operational vehicles.

(e) The MSFV shall be parked far enough from the water to avoid the incoming tide.

(f) MSFV operators shall use extreme caution when operating on the beach to avoid other beach users, fishing equipment, and any other paraphernalia lying in or about the sand.

(g) MSFV operators shall not drive on grasses or dunes.

(h) MSFV's shall be in good repair and shall not leak vehicle fluids.

7:2-16.5 Island Beach State Park

(a) Island Beach State Park shall be closed to all persons, excepting MSFV permit holders surf fishermen and Barnegat Bay waterfowl hunters between 8:00 P.M. and 8:00 A.M. from April 1 through October 31 and between 8:00 P.M. and 5:00 A.M. from November 1 through March 31 annually.

(b) Residents, leaseholders, and persons on official business are exempt from the closure specified in (a) above. Leaseholders are restricted to their leased premises between 12:00 midnight and 4:00 A.M., except as provided in (c) below.

(c) During the hours from 12:00 midnight to 4:00 A.M., all persons on the beach shall be actively engaged in surf fishing. MSFV permit holders not fishing may park and remain in designated MSFV parking locations posted or directed by the Superintendent or designee. All others shall leave the park as soon as they stop surf fishing.

Amended by R.1993 d.657, effective December 20, 1993.
See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (c), substituted "Superintendent or designee" for "Officer-in-Charge".

7:2-16.6 MSFV suspension

(a) The Superintendent or designee may suspend for up to 90 days the MSFV permit of any person found in violation of any law including this chapter.

(b) No refunds will be made when suspension occurs.

Amended by R.2007 d.155, effective May 7, 2007.
See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Superintendent or designee" for "area Officer-in-Charge".

SUBCHAPTER 17. FEES FOR SERVICES AND FACILITIES PROVIDED BY THE STATE PARK SERVICE

7:2-17.1 Day use fees for services and facilities provided by the State Park Service

(a) Daily parking fees for automobiles at designated State parks, for the period beginning with Memorial Day weekend and ending on Labor Day inclusive, are as follows:

<u>Area</u>	<u>Weekdays</u>	<u>Weekends and Holidays</u>
1. Allaire		\$ 5.00
2. Atsion	\$5.00	\$10.00
3. Bass River	\$5.00	\$10.00
4. Batsto		\$ 5.00
5. Belleplain	\$5.00	\$10.00
6. Cheesequake	\$5.00	\$10.00
7. High Point	\$5.00	\$10.00
8. Hopatcong	\$6.00	\$10.00
9. Island Beach	\$6.00	\$10.00
10. Ringwood Manor		\$ 5.00
11. Skylands		\$ 5.00
12. Shepard Lake	\$5.00	\$10.00
13. Round Valley	\$5.00	\$10.00
14. Spruce Run	\$5.00	\$10.00
15. Stokes	\$5.00	\$10.00
16. Swartwood	\$5.00	\$10.00
17. Washington Crossing		\$ 5.00
18. Wawayanda	\$5.00	\$10.00

(b) At Island Beach State Park, for the period commencing on the day after Labor Day and ending on the day before Memorial Day Weekend, the daily day use parking fees are as follows:

<u>Vehicle</u>	<u>Fee</u>
1. Automobile	\$5.00
2. Motorcycle	\$5.00
3. Bus (out-of-State groups)	\$105.00/bus
4. Bus (in-State groups)	\$55.00/bus

(c) Parking fees for motorcycles and buses at State parks, forests and recreation areas identified in (a) above, for the

period beginning with Memorial Day weekend and ending on Labor Day inclusive, are as follows:

<u>Vehicle</u>	<u>Weekdays</u>	<u>Weekends and Holidays</u>
1. Motorcycle	\$5.00	\$10.00
2. Bus (out-of-State groups)	\$105.00/Bus	\$105.00/Bus
3. Bus (in-State groups)	\$55.00/Bus	\$55.00/Bus

(d) The fee for an annual parking pass for automobiles and motorcycles at all State parks, forests and recreation areas is \$50.00. The fee for a second annual parking pass purchased by an individual residing in the same household as the first permit holder is \$25.00.

(e) The daily or annual walk-in and bicycle fee for persons 12 years old and above at designated State parks, forests and recreation areas, for the period beginning with Memorial Day weekend and ending on Labor Day inclusive, is as follows:

<u>1. Area</u>	<u>Daily Fee</u>	<u>Annual Walk-In and Bicycle Pass</u>
i. Atsion	\$2.00	\$50.00
ii. Bass River	\$2.00	\$50.00
iii. Hopatcong	\$3.00	\$50.00
iv. Parvin	\$2.00	\$50.00
	<u>Three years and under free</u>	<u>Three years and under free</u>
v. Round Valley	\$2.00	\$50.00
vi. Spruce Run	\$2.00	\$50.00

2. An annual walk-in and bicycle pass purchased at one of the State parks, forests and recreation areas listed in (e)1 above shall be honored for walk-in and bicycle admittance at any of the designated State parks, forests and recreation areas.

(f) The daily or annual launch ramp fee at designated State parks and marinas are as follows:

<u>Area</u>	<u>Daily Fee</u>	<u>Annual Fee</u>
1. Leonardo State Marina	\$15.00/launch	\$150.00
2. Liberty State Park	\$15.00/launch	\$150.00
3. Corson's Inlet (beginning on Memorial Day weekend and ending on Labor Day inclusive)	\$10.00/launch	\$55.00
4. Mullica River (beginning on Memorial Day Weekend and ending on Labor Day inclusive)	\$10.00/launch	\$55.00
5. Hopatcong State Park (beginning on April 1 and ending on the Friday before Memorial Day Weekend, and beginning the day after Labor Day and ending on October 31)	\$10.00/launch	\$55.00

(g) The fee for dry boat storage permits at designated State parks and recreation areas for the period from April 1 to October 31, issued pursuant to N.J.A.C. 7:2-8.9, is as follows:

<u>Area</u>	<u>Type</u>	<u>Fee</u>
Spruce Run	Single Boat Trailer (Half Rate after August 1)	\$155.00
Spruce Run	Double Deck Boat Trailer (Half Rate after August 1)	\$230.00
Corson's Inlet	Catamaran (Half Rate after August 1)	\$180.00
	Late Boat Removal Fee—	\$30.00
	Late Boat Storage Fee—	\$15.00/Day

(h) The fee for dry boat storage permits for the period from November 1 to March 31, at designated State parks and recreation areas issued pursuant to N.J.A.C. 7:2-8.9, is as follows:

<u>Area</u>	<u>Type</u>	<u>Fee</u>
Spruce Run	Single Boat Trailer	\$120.00
Spruce Run	Double Deck Boat Trailer	\$180.00

(i) No daily parking fee for automobiles and motorcycles pursuant to (a), (b) and (c) above and no daily walk-in fee pursuant to (e) above shall be charged for New Jersey residents age 62 and over or who are totally disabled or who are active members of the New Jersey National Guard who have completed Initial Active Duty Training.

(j) Fees for the Spring Meadow Golf Course are as follows:

	<u>Type</u>	<u>Fee</u>
1.	Green Fees	
	i. Weekdays	\$28.00
	ii. Saturdays, Sundays and State designated holidays	\$33.50
	iii. Senior Citizens (New Jersey Residents—Age 62 and over) (weekdays only)	\$19.00
	iv. Twilight, weekdays (three hours before closing)	\$23.00
	v. Twilight, weekends and State designated holidays (three hours before closing)	\$28.00
2.	School team member practice	\$ 7.50/student
3.	Golf Carts:	
	i. Power (daily)	\$36.50
	ii. Power (twilight—three hours before closing)	\$30.50
	iii. Power (disabled persons) (daily)	\$18.50
	iv. Power (disabled persons) (twilight—three hours before closing)	\$15.50
	v. Hand	\$ 6.50
4.	Club Rental	\$24.00
5.	Driving Range—includes one club and one basket of balls	
	i. Small basket	\$ 5.50
	ii. Large basket	\$ 8.50

(k) Except when parking fees are in effect pursuant to (a) and (c) above, a fee of \$1.00 for each person age 12 and over shall be charged for admission to High Point Monument.

(l) The daily fee per person for admission to the Barnegat Lighthouse will be \$1.00 for each person age 12 and over for the period beginning Memorial Day weekend and ending on Labor Day.

(m) Fees for the Batsto Historic Tour are as follows:

	<u>Age (years)</u>	<u>Fee</u>
1.	Six to 11	\$1.00/person
2.	12 and above	\$2.00/person.

Amended by R.1993 d.657, effective December 20, 1993.

See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Administrative Change to (f).

See: 27 N.J.R. 92(a).

Administrative Change to (j).

See: 27 N.J.R. 1404(b).

Administrative change.

See: 29 N.J.R. 126(a).

In (f), raised fees.

Administrative change.

See: 29 N.J.R. 1308(a).

In (j), raised fees for the Spring Meadow Golf Course effective May 1, 1997.

Amended by R.2001 d.382, effective October 15, 2001.

See: 33 N.J.R. 2235(a), 33 N.J.R. 3677(a).

Rewrote (j).

Amended by R.2003 d.349, effective August 18, 2003.

See: 35 N.J.R. 1997(a), 35 N.J.R. 3835(c).

Rewrote the section.

Administrative change.

See: 36 N.J.R. 5119(a).

Amended by R.2005 d.300, effective September 6, 2005.

See: 37 N.J.R. 1281(a), 37 N.J.R. 3340(a).

Increased fees in (c), (f), (g), and (h).

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Rewrote (b) and added parking fees; in (f), substituted "launch ramp fee" for "fee for boat launching" and rewrote launch ramp fees; in (j), rewrote fees for Spring Meadow Golf course; and added (m).

Administrative change.

See: 40 N.J.R. 6604(a).

7:2-17.2 Overnight use fees for services and facilities provided by the State Park Service

(a) Camping and overnight facilities permit fees shall be as follows:

	<u>Type</u>	<u>Fee</u>
1.	Group campsites	\$ 1.00/person/night based on the capacity of the campsite
2.	Family campsites	\$20.00/night
3.	Wilderness campsites	\$17.00/night
4.	Lean-tos	\$30.00/night
5.	Shelters	\$10.00/bunk per night based on number of bunks
6.	Yurts	\$30.00/night
7.	Primitive campsites	\$ 2.00/person per night

(b) Camping facility permits issued to any New Jersey resident who is 62 or more years of age or is totally disabled shall receive a \$2.00 per night reduction from the family campsite rates in (a)2 above.

(c) Cabin permit fees shall be as follows:

	<u>Size and Type</u>	<u>Fee</u>
1.	Four bunks	\$ 45.00/night
2.	Six bunks	\$ 65.00/night
3.	Eight bunks	\$ 85.00/night
4.	12 bunks	\$125.00/night
5.	Group Cabin	\$155.00/night
	High Point 24 bunk,	
	Belleplain 30 bunk	

(d) Miscellaneous camping and overnight facilities fees:

	<u>Type</u>	<u>Fee</u>
1.	Cancellation fee	\$ 40.00 or two nights stay, whichever is less
2.	Group cabin cancellation fee	\$155.00
3.	Equipment removal fee	\$ 30.00
4.	Equipment storage fee	\$15.00/night

Amended by R.2003 d.249, effective August 18, 2003.

See: 35 N.J.R. 1997(a), 35 N.J.R. 3835(a).

Rewrote the section.

Amended by R.2005 d.300, effective September 6, 2005.

See: 37 N.J.R. 1281(a), 37 N.J.R. 3340(a).

Increased fees in (a), (c), and (d).

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

In (a), substituted "Camping and overnight facilities" for "Campsite", and added section 7 to permit fees table; in (b), substituted "Camping facility" for "Campsite"; and in (d), substituted "camping and overnight facilities" for "campsite and cabin" and increased fee in table entry 1.

7:2-17.3 Miscellaneous fees for services and facilities when and where provided by the State Park Service

(a) Miscellaneous fees for services and facilities when and where provided by the State Park Service shall be as follows:

<u>Service</u>	<u>Fee</u>
1. Firewood:	6.00/rack (equals 1/24 cord)
2. Commercial Photography	\$325.00/day plus staff costs
3. Commercial Videos/Advertisements	\$425.00/day plus staff costs
4. Commercial Movie	\$1,025/day plus staff costs
5. Homeowners Firewood/Permit	\$20.00/cord
6. Clothes dryer	\$1.00
7. Clothes washer	\$1.00
8. Organized group picnic:	
i. Parking fee in effect	\$55.00/day reservation fee plus applicable vehicle parking fee (reservation fee under (a)9 below included)
ii. No parking fee in effect	\$80.00/day (reservation fee under (a)9 below included)
9. Cancellation fee	50 percent of fee
10. Special Use permit	\$55.00 plus staff administrative costs
11. Transient R/V trailer dumping fee	\$15.00/dump (No fee for registered campers)

<u>Service</u>	<u>Fee</u>
12. Staff costs	\$55.00/hour/employee

(b) Miscellaneous fees for services and facilities provided by the State Park Service at Island Beach State Park are as follows:

<u>Service</u>	<u>Fee</u>
1. Annual mobile sportfishing vehicle permit	\$195.00
2. Three-day mobile sportfishing vehicle permit	\$ 50.00

(c) Miscellaneous fees for services and facilities provided by the State Park Service at Corson's Inlet State Park are as follows:

<u>Service</u>	<u>Fee</u>
1. Annual mobile sportfishing vehicle permit	\$50.00

(d) Miscellaneous fees for services and facilities provided by the State Park Service at Liberty State Park are as follows:

<u>Service</u>	<u>Fee</u>
1. Use of Interpretive Center	\$275.00/day/event plus staff costs
2. Central Railroad of New Jersey (CRRNJ) Terminal Waiting Room	\$3,500/day/Event plus staff costs
3. CRRNJ Terminal Concourse	\$2,000/day/event plus staff costs
4. CRRNJ Terminal Tunnels (North and South)	\$525.00 ea./day/event plus staff costs
5. Ticketed event at CRRNJ Terminal	Five percent of ticket sales (plus any fees charged for rental of other areas of the CRRNJ Terminal as specified above)
6. Boat docking fee for one arrival and one departure	\$325.00
7. North or South Field, Green Park, North or South Lawn Use or Dog Show Field	\$400.00/day/event plus staff costs
8. Reserve Parking Lot	\$500.00 or \$5.00/parking
9. Ferry Parking Lot	\$7.00 per car
10. Liberty Science Center Parking Lot	\$7.00 per car
11. Concert Site	Five percent of ticket sales (\$10,000 minimum)

(e) Miscellaneous fees for services and facilities provided by the State Park Service at Wharton State Forest are as follows:

- 1. Batsto Auditorium Fee \$150.00/day, plus staff costs

Amended by R.1993 d.657, effective December 20, 1993.
 See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).
 Amended by R.2003 d.349, effective August 18, 2003.
 See: 35 N.J.R. 1997(a), 35 N.J.R. 3835(c).
 Rewrote the section.
 Amended by R.2005 d.300, effective September 6, 2005.
 See: 37 N.J.R. 1281(a); 37 N.J.R. 3340(a).
 In (a), rewrote 2 and 3; increased fees in (a) and (d).

Amended by R.2007 d.155, effective May 7, 2007.
 See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).
 Added (e).

7:2-17.4 Fees for services and facilities provided by the State Park Service at State marinas

(a) Fees for services and facilities provided by the State Park Service at the Forked River State Marina are as follows:

- 1. Pleasure seasonal berthholder permit fee:

<u>Season</u>	<u>Fee</u>
i. Summer (April 1 to October 31)	\$67.00/ft length overall
ii. Winter (November 1 to March 31)	\$28.00/ft length overall

2. Transient berthholder fee:

<u>Vessel Size</u>	<u>Daily</u>	<u>Monthly</u>
i. 40 feet and under	\$2.50/foot length overall	\$22.50/foot length overall
ii. 41 feet and over	\$3.00/foot length overall	\$28.00/foot length overall

3. Commercial berthholder fee (April 1 to October 31):

- i. Charter vessel Six passengers and under \$73.00/foot length overall
- ii. Other commercial vessel \$73.00/foot length overall

(b) Fees for services and facilities provided by the State Park Service at the Leonardo State Marina shall be as follows:

- 1. Pleasure seasonal berthholder permit fee:

<u>Season</u>	<u>Fee</u>
i. Summer (April 1 to October 31)	\$73.00/ft length overall** (Minimum Fee Based on Applicable Berth Length)

**This fee shall be based on the designated size of each boat slip. Any boat with an overall length that exceeds the designated size of the boat slip shall pay a boat slip fee based on the overall boat length at the rate outlined above. Overall boat length shall include any swim and/or bow platform(s).

- ii. Winter (November 1 to March 31) \$28.00/ft length overall

2. Transient berthholder fee:

<u>Berth Size</u>	<u>Daily</u>	<u>Monthly</u>
i. 40 feet and under	\$2.50/foot length overall	\$22.50/foot length overall
ii. 41 feet and over	\$3.00/foot length overall	\$28.00/foot length overall

3. Commercial berthholder fee (April 1 to October 31):

- i. Charter Vessel Six passengers and under \$95.00/foot based on berth length. 30-foot minimum berth length.
- ii. Other commercial vessel \$95.00/foot length overall

(c) Fees for services and facilities provided by the State Park Service at the marina in South Seaside Park, Berkeley Township, Ocean County, are as follows:

1. Pleasure seasonal berthholder permit fee:

<u>Season</u>	<u>Fee</u>
i. Summer (April 1 to October 31)	\$79.50/ft.*

*This fee shall be based on the designated size of each boat slip. Any boat with an overall length that exceeds the designated size of the boat slip shall pay a boat slip fee based on the overall boat length at the rate outlined above. Overall boat length shall include any swim and/or bow platform(s).

2. Transient berthholder fee:

i. \$2.50/ft. length overall, per day based on the availability of berths.

(d) Miscellaneous fees for services and facilities provided by the State Park Service at State operated marinas shall be as follows:

1. A fee of 10 percent of the season's berth charge shall be charged for each berth cancellation; a fee of \$112.00 shall be charged for each berth sublease.

2. Organized events consisting of 20 vessels or more shall be charged a fee of \$139.50 a day for each event and the applicable daily transient fee for each vessel.

3. Summer season pleasure berthholder may extend the permit season for the month of November for a prorated fee of one-seventh of the summer permit fee.

4. Head/Large party vessel shall be restricted to the berth designated and shall be operated under a concession agreement.

Amended by R.1993 d.657, effective December 20, 1993.

See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Administrative Change to (a) and (b).

See: 27 N.J.R. 92(a).

Administrative change.

See: 29 N.J.R. 126(a).

In (b), raised fees.

Amended by R.2003 d.349, effective August 18, 2003.

See: 35 N.J.R. 1997(a), 35 N.J.R. 3835(c).

Rewrote the section.

Amended by R.2005 d.300, effective September 6, 2005.

See: 37 N.J.R. 1281(a); 37 N.J.R. 3340(a).

Increased fees in (a)-(c); modified fee for "Six passengers and under" in (b)3i.

Amended by R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

Rewrote (b)1i; added new (c); and recodified former (c) as (d).

Administrative change.

See: 40 N.J.R. 6604(a).

7:2-17.5 Adjustment of fees for services and facilities provided by the State Park Service

(a) Effective on January 1, 2004 and on each January 1 thereafter, the Department may increase the fees set forth in N.J.A.C. 7:2-17.1, 17.2, 17.3 and 17.4 for services and facilities provided by the State Park Service if the inflation

factor for the previous 12 month period ending on September 30 increases. The inflation factor is based upon the United States Department of Labor, Bureau of Labor Statistics data published in the monthly Consumer Price Index Report. The data shall be taken from the most recent report available on October 1 each year and the actual percentage used shall be the past year percent change for the United States city average, all items, all urban consumers.

(b) In the event that the Department increases the fees for services and facilities provided by the State Park Service as allowed in (a) above, the amount of the increase shall be determined by multiplying the annual inflation factor times the base fee set forth in N.J.A.C. 17.1, 17.2, 17.3 and 17.4 above for the type of service or facility provided.

(c) In the event that the Department does increase the fees for services and facilities provided by the State Park Service as allowed in (a) above, each adjusted fee shall be rounded off to the next half of a dollar.

(d) The Department may establish fees for services and facilities that are lower than the fees set forth in N.J.A.C. 7:2-17.1, 17.2, 17.3 and 17.4 for said services or facilities by publishing a fee reduction notice in the New Jersey Register. The fee reduction shall be based on a determination by the Department that the fee reduction is necessary to encourage public access to and use of the service and facilities provided by the State Park Service and will not result in a reduction of the services and facilities available to the public. The reduced fees shall be effective upon publication of the fee reduction notice in the New Jersey Register.

(e) Fees for services and facilities provided by the State Park Service that have been reduced in accordance with (d) above may be increased in any amount by the Department upon publication of a notice of increase in the New Jersey Register provided the fee is not increased above the fee set forth in N.J.A.C. 7:2-17.1, 17.2, 17.3 or 17.4 for the service or facility.

(f) On or before December 1 of each year, the Department shall provide a public notice which shall set forth the increased fees, if any, established under (a) above and to be effective on the following January 1 for services and facilities provided by the State Park Service. The public notice shall be provided by the Department by publication of the notice in the New Jersey Register.

(g) In the event that the Department does not annually increase the fees for services and facilities provided by the State Park Service as allowed in (a) above, the annual percentage increase in the inflation factor, if any, shall be cumulative from year to year for a period not to exceed five years.

(h) The Department shall not use the procedure set forth in (a), (b), (c), (d) and (e) above to increase any fee for services and facilities provided by the State Park Service that has not been increased for a period exceeding five years.

Amended by R.1993 d.657, effective December 20, 1993.

See: 25 N.J.R. 2799(b), 25 N.J.R. 5953(a).

Amended by R.2003 d.349, effective August 18, 2003.

See: 35 N.J.R. 1997(a), 35 N.J.R. 3835(c).

In (a), in first sentence substituted "January 1, 2004" for "January 1, 1991"; in (c), substituted "half" for "quarter" preceding "of a dollar"; in (g) and (h), substituted "five" for "three" preceding "years".

7:2-17.6 Fees for facilities or services not otherwise identified

(a) The fee for facilities or services for newly constructed or acquired facilities or facilities newly placed under the administration of the State Parks Service, or newly provided services at existing facilities, shall be the fees for similar facilities or services charged at the nearest State park at which similar facilities or services are provided, as determined by the Department. Such fees shall continue to be charged, sub-

ject to adjustment as provided in N.J.A.C. 7:2-17.5, until such time as the Department adopts a specific fee schedule for such facilities or services.

(b) The Department shall publish notice of the fee in the New Jersey Register, and at the facility at issue.

New Rule, R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).

7:2-17.7 Sales tax

The fees set forth in this subchapter do not include applicable sales tax. Applicable sales tax, if any, shall be posted with the fee schedule at the point of sale.

New Rule, R.2007 d.155, effective May 7, 2007.

See: 38 N.J.R. 4779(a), 39 N.J.R. 1701(a).