

CHAPTER 18
NURSERY INSPECTION FEES

Authority

N.J.S.A. 4:1-11.1, 4:1-21.5 and 4:7-1 et seq., specifically 4:7-21.

Source and Effective Date

R.2006 d.436, effective November 21, 2006.
See: 38 N.J.R. 2768(a), 38 N.J.R. 5349(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 18, Nursery Inspection Fees, expires on November 21, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 18, Movement of Plants and Plant Material, was adopted and became effective prior to September 1, 1969.

Chapter 18, Movement of Plants and Plant Material, was repealed by R.1978 d.402, effective November 21, 1978. See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

Chapter 18, Nursery Inspection Fees, was adopted as R.1991 d.407, effective August 5, 1991. See: 23 N.J.R. 1230(b), 23 N.J.R. 2328(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Nursery Inspection Fees, was readopted as R.1996 d.401, effective July 26, 1996. See: 28 N.J.R. 2816(a), 28 N.J.R. 3915(b).

Chapter 18, Nursery Inspection Fees, was readopted as R.2001 d.285, effective July 20, 2001. See: 33 N.J.R. 1888(a), 33 N.J.R. 2807(a).

Chapter 18, Nursery Inspection Fees, was readopted as R.2006 d.436, effective November 21, 2006. See: Source and Effective Date.

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SUBCHAPTER 1. FEES

2:18-1.1 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

“Commercial shipment” is a shipment for gain or profit.

“Dealer” means a person who purchases nursery stock from other certified nurserymen and offers such stock for sale at a retail outlet or through landscaping services.

“Federal phytosanitary inspection” means the examination of plant materials to determine freedom of plant pest and diseases for those persons desiring to ship plants or plant products to another country and the issuance of a United States Department of Agriculture, Animal Plant Health Inspection Service, Plant Pest Quarantine inspection certificate.

“Low value commercial shipment” is a shipment accompanied by an invoice which states that the items being shipped are worth less than \$1,250.

“Non-commercial shipment” is a shipment not for gain or profit.

“Nursery” includes all lands, premises and buildings upon, on or in which plants, trees, shrubs or vines of any kind, whether for fruit, shade or ornament, are grown for sale within the State or for shipment to other states or countries.

“Nursery stock” includes all plants, shrubs, trees and vines grown for sale, as well as buds, grafts, stocks, scions and other parts of plants, shrubs, trees and vines that may be sold for propagation; but shall not include herbaceous annuals or plants, flowers, vines or cuttings grown under glass and commonly known as florists stock.

“Nurseryman” includes any person, firm, co-partnership or corporation growing plants, trees, shrubs or vines for sale or dealing in such stock, whether he/she or they be owners, lessees or tenants of or on the premises upon which the stock is grown or offered for sale.

“Post-entry quarantine inspection” means an examination of plants imported to the United States, which are grown under USDA permit in a restricted area and inspected for two active growing seasons, to verify their freedom from specific pests or pathogens.

“Reinspection” is an inspection of a location in a nursery, previously inspected by the Department during the current growing season, found to be infested/infected with insect pests or plant diseases, for the purpose of determining whether pest problems found earlier have been controlled by the nurseryman.

“Special inspection” is the examination of plant materials to determine freedom of plant pests and diseases and issuance of a special State certificate for those persons who do not possess a nursery or dealers certificate and who desire to ship plant materials to another state.

Amended by R.1996 d.401, effective August 19, 1996.
See: 28 N.J.R. 2816(a), 28 N.J.R. 3915(b).

Added “Commercial shipment”, “Low value commercial shipment”, “Non-commercial shipment” and “Reinspection”; and amended “Federal phytosanitary inspection”.

Amended by R.2002 d.159, effective May 20, 2002.
See: 34 N.J.R. 624(a), 34 N.J.R. 1855(a).
Added "Post-entry quarantine inspection".

2:18-1.2 Nursery inspection fees

(a) The following fee schedule shall apply to all nursery inspections conducted by the New Jersey Department of Agriculture:

Nursery Acreage	Base Fee	Acreage Assessment
Less than 2.00	\$75.00	no additional assessment
2.00 or more	\$75.00	plus \$4.00 for each acre or part thereof

(b) Determination of nursery acreage fees is based only on those lands on which nursery stock is actually growing or on lands where are placed containers with growing plants, including, but not limited to walkways.

(c) The nurseryman shall be entitled to one reinspection at no additional charge, if necessary, at each location within 14 days following the "control by" date listed on the nursery inspection report.

(d) Fees for additional reinspections of a nursery location, due to failure on the part of the nurseryman to control such insect pests or plant diseases as prescribed on the nursery inspection report, shall be assessed for each location reinspected using the fee schedule in (a) above.

(e) The Department reserves the right to waive reinspection charges if, in the opinion of the Director of the Division of Plant Industry, the failure to successfully control pest problems was a result of pest biology, resistant pest strains, adverse weather conditions or other extenuating factors.

Amended by R.1996 d.401, effective August 19, 1996.
See: 28 N.J.R. 2816(a), 28 N.J.R. 3915(b).
Provided for reinspections.
Amended by R.2002 d.159, effective May 20, 2002.
See: 34 N.J.R. 624(a), 34 N.J.R. 1855(a).
In (a), amended the fee schedule table.

2:18-1.3 Dealer fee

Fees for inspection of dealers shall be \$75.00. Dealers with more than one place of business in the State shall be charged an additional \$75.00 for each location.

Amended by R.2002 d.159, effective May 20, 2002.
See: 34 N.J.R. 624(a), 34 N.J.R. 1855(a).
Substituted "\$75.00" for "\$50.00" throughout.

2:18-1.4 Phytosanitary inspection fee

(a) There shall be a \$50.00 fee for each Federal or special phytosanitary inspection of a commercial shipment necessary for the issuance of a phytosanitary certificate.

(b) There shall be a \$20.00 fee for each Federal or special phytosanitary inspection of a non-commercial or low value

commercial shipment necessary for the issuance of a phytosanitary certificate.

(c) Fees for phytosanitary inspections carried out for other governmental agencies shall be waived.

Amended by R.1996 d.401, effective August 19, 1996.
See: 28 N.J.R. 2816(a), 28 N.J.R. 3915(b).
Rewrote the section.

2:18-1.5 Post-entry quarantine inspection fee

(a) There shall be a fee of \$20.00 for each inspection for a non-commercial or low-value commercial shipment.

(b) There shall be a fee of \$50.00 for each inspection of a commercial shipment.

New Rule, R.2002 d.159, effective May 20, 2002.
See: 34 N.J.R. 624(a), 34 N.J.R. 1855(a).
Former N.J.A.C. 2:18-1.5, Fees due; method of payment, recodified to N.J.A.C. 2:18-1.6.

2:18-1.6 Fees due; method of payment

(a) There shall be a single inspection fee per year for each nursery and dealers place of business.

(b) All nursery and dealer fees shall be payable within 30 days of receipt of invoice. Failure to pay the fee shall result in the assessment of penalties pursuant to N.J.S.A. 4:7-26 and the revocation of nursery certification.

(c) All fees for Federal phytosanitary inspections and special inspections shall be payable at the time of inspection and issuance of certification or by the due date printed on the invoice.

(d) A late fee of \$5.00 shall be assessed if payment is not received within 15 days of the due date printed on the original invoice.

(e) All fees shall be paid to the New Jersey Department of Agriculture, Division of Plant Industry, PO Box 330, Trenton, New Jersey 08625-0330.

Recodified from 2:18-1.6 by R.1996 d.401, effective August 19, 1996.
See: 28 N.J.R. 2816(a), 28 N.J.R. 3915(b).
Former section, "Special inspection fee", repealed.
Recodified from N.J.A.C. 2:18-1.5 by R.2002 d.159, effective May 20, 2002.
See: 34 N.J.R. 624(a), 34 N.J.R. 1855(a).
Former N.J.A.C. 2:18-1.6, (Reserved), recodified to N.J.A.C. 2:18-1.7.

2:18-1.7 (Reserved)

Recodified to 2:18-1.5 by R.1996 d.401, effective August 19, 1996.
See: 28 N.J.R. 2816(a), 28 N.J.R. 3915(b).
Section was "Fees due; method of payment".
Recodified from N.J.A.C. 2:18-1.6 by R.2002 d.159, effective May 20, 2002.
See: 34 N.J.R. 624(a), 34 N.J.R. 1855(a).