

SUBCHAPTER 13. MISCELLANEOUS

8:25-13.1 Electricity

A youth camp's electrical systems, equipment, and grounding shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

8:25-13.2 Buildings

(a) Youth camps shall ensure that all buildings are in compliance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(b) Youth camps shall ensure that buildings used in the preparation of food and drink are constructed and operated pursuant to the requirements of Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, N.J.A.C. 8:24.

8:25-13.3 Insect, rodent, and weed control

(a) Youth camps shall control mosquito breeding by keeping the youth camp free of cans, jars, buckets, old tires, and other articles which may hold water and provide temporary breeding places for mosquitoes.

1. When mosquito control measures and supplemental larvicidal measures are necessary to control mosquito populations, such measures shall be undertaken pursuant to the requirements of the New Jersey Pesticide Control rules, N.J.A.C. 7:30-1.

(b) Youth camps shall control fly breeding by eliminating unsanitary practices which may promote the development of breeding places.

1. Leaking solid waste and recycling containers shall be repaired or replaced.

2. The area surrounding waste and recycling containers shall not be littered with food wastes or other solid wastes.

(c) Youth camps shall maintain all enclosed buildings so as to eliminate rodent harborage, placing special emphasis on buildings where food is stored or served.

(d) Youth camps shall control weed growth along pathways and within each campsite to reduce tick and chigger populations.

1. Poison ivy, poison oak, and poison sumac shall be controlled within each campsite.

2. The application of pesticide(s) shall conform to the requirements of the New Jersey Pesticide Control rules, N.J.A.C. 7:30.

8:25-13.4 Farm and domestic animals

(a) Youth camps shall not locate any living quarters, kitchens, or mess halls within 100 feet of housing for horses or other farm animals.

(b) Wherever farm or domestic animals are kept, youth camps shall not allow manure to remain for more than 24 hours.

1. Fly repellent and other precautions shall be used to prevent these areas from becoming an attraction to or breeding place for flies.

(c) Youth camps shall not allow drainage from stables and temporary horse quarters to flow into a spring, stream, or lake.

(d) Youth camps shall not permit farm and/or domestic animals on a bathing beach or in the water in the area used for waterfront activities.

8:25-13.5 Maintenance

(a) Youth camps shall be maintained in a clean, safe, and sanitary condition, ensuring, at a minimum, the following:

1. All roofs, exterior walls, doors, skylights, and windows shall be weather- and watertight and kept in sound condition and in good repair.

2. All floors, interior walls, and ceilings shall be sound and in good repair and maintained in a clean and sanitary condition.

3. All plumbing fixtures and water and waste pipes shall be maintained in working condition and kept clean.

4. All water closet, bathroom, and kitchen floors shall be maintained to be reasonably impervious to water and in a manner providing for a clean and sanitary condition.

i. Floor finishes should be of non-slip material.

ii. Floors shall be cleaned at least once per day and kept in good repair.

5. Recreational equipment, including playground devices, shall be inspected at least once per week during the use season.

i. A permanent record of each inspection shall be maintained.

ii. Equipment shall be maintained in safe operating condition at all times.

SUBCHAPTER 14. ENFORCEMENT PROCEDURES

8:25-14.1 Operation standard

All youth camps shall be operated in compliance with the provisions of this chapter and the New Jersey Youth Camp Safety Act, N.J.S.A. 26:12-1 et seq., and all amendments thereto.

8:25-14.2 Inspection

(a) The Department or local health authority shall inspect every youth camp as required by Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey, N.J.A.C. 8:52, and as often as the Department deems necessary.

(b) The youth camp operator shall permit access to representatives of the Department or local health authority to all parts of the youth camp.

8:25-14.3 Powers of the Commissioner

(a) In addition to the powers and duties of the Commissioner otherwise provided in any other Act or rule, the Commissioner may:

1. Enter and inspect any youth camp and its records;
2. Question a camp's staff, employees, and its contractors;
3. Investigate facts, conditions, practices, or other matters to the extent he deems it necessary and appropriate to determine whether the youth camp, its owners, operators, employees, and contractors are in compliance with the Act and this chapter;
4. Administer oaths;
5. Examine witnesses under oath;
6. Issue subpoenas;
7. Compel the attendance of witnesses;
8. Compel the production of papers, books, accounts, records, payroll, documents, and testimony; and
9. Take depositions and affidavits in any proceeding before the Commissioner.

8:25-14.4 Penalties

(a) Whenever the Department finds that a youth camp operator has violated any provision of the Act or this chapter, the Commissioner may revoke the certificate of approval and may assess a civil administrative penalty not to exceed \$1,000 per day. If the violation is of a continuing nature, each day shall constitute an additional and separate offense.

(b) No revocation shall occur nor any assessment shall be levied pursuant to this section until the violator has received notice which shall:

1. Be delivered by personal service or certified mail to the violator's last known address;
2. Specify the provisions of the Act or N.J.A.C. 8:25 which have been violated;
3. Contain a concise statement of the facts alleged to constitute the violation;

4. Specify the amount of civil administrative penalties to be imposed; and

5. Provide notice of the violator's right to a hearing or an informal conference or review pursuant to N.J.A.C. 8:25-14.5. Such notice shall:

- i. Specify the time period in which the violator may submit a written request for a hearing; and
- ii. Specify the address to which such request may be submitted.

(c) In assessing a civil administrative penalty pursuant to the Act or this chapter, the Commissioner shall consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular violation:

1. Degree of hazard posed to human safety and welfare;
2. Degree of harm posed to the proper administration of the youth camp certification program;
3. Past history of compliance on the part of the violator;
4. Economic benefit that the violator accrues as a result of the violation; and
5. Performance of the violator in correcting the violation.

(d) In addition to other sanctions in this chapter, the Commissioner shall require the immediate correction of any violation.

(e) No existing civil or criminal remedy for any wrongful action which is a violation of any code, rule, or regulation shall be excluded or impaired by this chapter.

8:25-14.5 Hearings

(a) The Commissioner may order the revocation of a youth camp's certificate of approval, the payment of a fine, or both, upon a finding of violation of the Act, this chapter, or an order issued pursuant thereto.

1. The order shall not become final, and may not be sued upon by the Commissioner in accordance with N.J.S.A. 2A:58-1 et seq. (the Penalty Enforcement Law), until the youth camp has received written notice of the order, and an opportunity for a hearing.

2. The order shall be in writing and shall set forth all known violations, as well as the following:

- i. The facts, statutes, rules, and orders, if any, upon which the finding is based;
- ii. The penalty(ies) imposed;

iii. The date by which revocation of the certificate of approval shall be effective, and the youth camp shall be closed following the date the order becomes final, as appropriate to the circumstances;

iv. The date by which payment of the fine(s) is required following the date the order becomes final, as appropriate to the circumstances;

v. The date by which any corrective action by the youth camp must complete following the date the order becomes final, as appropriate to the circumstances;

vi. The right of the youth camp to request a hearing within 10 days of receipt of the order, and the minimum information which must be contained in the hearing request;

vii. The right of the youth camp to request an informal conference prior to commencement of the hearing;

viii. The right of the youth camp to request a settlement conference at any time prior to the rendering of a final decision on the hearing; and

ix. A statement explaining that if the youth camp does not request a hearing within 10 days of receipt of the order, the order becomes final, and the youth camp waives its right to an administrative hearing.

2. Notwithstanding (a)1 above, the Commissioner may seek injunctive relief through a summary proceeding prior to the exhaustion of administrative remedies by the youth camp, which shall not in any way reduce any penalty imposed by the Commissioner.

3. Either the Commissioner or the youth camp may request an informal conference prior to the hearing.

4. Either the Commissioner or the youth camp may request a settlement conference at any time prior to the issuance of a final decision following a hearing.

(b) A youth camp shall request a hearing within 10 days of receipt of an order of finding of violation or waive its right to such a hearing.

1. An informal hearing at the Department shall be scheduled within 60 days of the receipt of the request for a hearing.

2. If the matter is not resolved at the informal hearing, the Commissioner shall transfer the matter to the Office of Administrative Law in accordance with the provisions of N.J.S.A. 52:14B-1 et seq.

3. The decision of the agency following a hearing shall be a final agency decision, and the order set forth therein shall be a final order on the matter.

i. The order set forth in the final agency decision may accept, modify, or reject the order of finding of violation.

(c) Notice of the order and any requests for a hearing or conferences shall be effective upon receipt if sent by certified mail to the address on file with the Department of the holder of the certificate of approval for the youth camp, or to the address specified in N.J.A.C. 8:25-2.2, as appropriate.

(d) The Commissioner shall consider the following in determining what penalty to impose upon a youth camp found to be in violation of the Act, this chapter, or any order issued pursuant thereto:

1. The degree of hazard posed to human safety and welfare;

2. The degree of harm posed to the proper administration of the youth camp certification program;

3. The past history of compliance by the youth camp, its owners, operators, employees, and contractors;

4. The economic benefit that accrues, or which may accrue, to the youth camp as a result of the violation; and

5. The youth camp's performance in correcting the violation(s).