

LEGISLATIVE HISTORY CHECKLIST
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(Campgrounds--regulation)

NJSA: 45:22A-40 to 45:22A-56

LAWS OF: 1993 **CHAPTER:** 258

BILL NO: S872

SPONSOR(S) Cafiero

DATE INTRODUCED: June 1, 1992

COMMITTEE: **ASSEMBLY:** Local Government
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
 Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** June 21, 1993
SENATE: June 28, 1993

DATE OF APPROVAL: August 16, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings-attached

KBG:pp

[THIRD REPRINT]

SENATE, No. 872

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1992

By Senator CAFIERO

1 AN ACT concerning proprietary campground facilities ^{3,3}
2 amending and supplementing P.L.1977, c.419 ³and amending
3 P.L.1989, c.299³.

4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. (New section) As used in sections 2 through 8 of this act:

8 "Agency" means the Division of ¹[Codes and Standards]
9 Housing and Development¹ in the Department of Community
10 Affairs.

11 "Proprietary campground facility" means any real property
12 designed and used for the purpose of camping and associated
13 recreational uses under a condominium or cooperative form of
14 ownership.

15 2. (New section) The association or corporation responsible
16 for the administration of a proprietary campground facility shall
17 discharge its duties in accordance with the application for
18 registration, public offering statement and by-laws approved by
19 the agency and with all applicable statutes, rules and ordinances.

20 3. (New section) All unit owners and proprietary lessees in a
21 proprietary campground facility shall comply with all lawful
22 requirements set forth in the master deed or certificate of
23 incorporation, by-laws and public offering statement of the
24 condominium or cooperative and with all State, county and
25 municipal laws, rules and ordinances applicable to the
26 maintenance and operation of the proprietary campground
27 facility. Every master deed or certificate of incorporation for a
28 proprietary campground facility shall prohibit the use of the
29 property for purposes of domicile or permanent residency, unless
30 otherwise permitted by municipal ordinance. ¹[If the master
31 deed or certificate of incorporation provides that the facility is
32 to be operated on a seasonal basis, no person shall occupy any
33 unit during the period in which the facility is closed.]¹ Any unit
34 owner or proprietary lessee who, after receipt of notice to cease
35 and desist from the association or corporation responsible for the
36 administration of the facility, shall continue to violate, or allow
37 any other person to violate, any lawful requirement set forth in
38 the master deed or certificate of incorporation, by-laws or public
39 offering statement, or any applicable law, rule or ordinance, in
40 contravention of this section, shall be subject to eviction and
41 termination of contractual rights in a summary proceeding in the
42 Special Civil Part of the Law Division of the Superior Court.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted November 30, 1992.

² Assembly ALG committee amendments adopted March 4, 1993.

³ Assembly floor amendments adopted June 17, 1993.

1 4. (New section) The agency shall adopt, after consultation
2 with the State Commissioner of Health and the Public Health
3 Council and in accordance with the "Administrative Procedure
4 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), minimum health and
5 safety standards for proprietary campground facilities. The agency
6 shall inspect each proprietary campground facility annually in
7 order to ensure compliance with these minimum health and safety
8 standards and shall establish and charge fees sufficient to cover
9 the costs of the inspection program.

10 5. (New section) Any person, including any individual,
11 corporation or association, who shall fail to comply with the
12 requirements of this act shall be subject to the issuance by the
13 agency of a cease and desist order under section 13 of P.L.1977,
14 c.419 (C.45:22A-33), to injunctive relief and appointment of a
15 receiver under section 15 of P.L.1977, c.419 (C.45:22A-35) and to
16 civil penalties under section 18 of P.L.1977, c.419 (C.45:22A-38);
17 provided, however, that the minimum penalty that may be
18 assessed under this act shall be \$50 per violation.

19 6. (New section) Any person aggrieved by any order issued by
20 the agency under this act shall be entitled to a hearing before the
21 Commissioner of Community Affairs pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.). The application for such hearing must be filed with the
24 agency within 10 business days of the receipt by the applicant of
25 notice of the order complained of.

26 7. (New section) The agency may delegate authority to
27 enforce the minimum health and safety standards established
28 under section 4 of this act to municipal and county governments.
29 Such enforcement shall be subject to the supervision and control
30 of the agency and in accordance with such rules as it may
31 establish. Nothing in this act shall be construed to preclude the
32 right of any municipality²[or,² health agency ²or the Pinelands
33 Commission in the Pinelands area² to adopt and enforce
34 ordinances or regulations more restrictive than this act or any
35 rules promulgated hereunder.

36 8. (New section) Nothing in this act shall be construed as
37 precluding any unit owner, proprietary lessee or other occupant in
38 a proprietary campground facility, who does not have a residence
39 in the school district in which the proprietary campground
40 facility is located, from entering into a voluntary agreement with
41 the school district, or with any other school district, on a
42 tuition-paying basis and subject to acceptance of such terms and
43 conditions as may be mutually agreed upon.

44 9. Section 4 of P.L.1977, c.419 (C.45:22A-24) is amended to
45 read as follows:

46 4. This act shall be administered by the Division of [Housing
47 and Urban Renewal of,] ¹[Codes and Standards] Housing and
48 Development in¹ the State Department of Community Affairs,
49 hereinafter referred to as the "agency." [In the performance of
50 its legislatively mandated activities, the agency shall as
51 necessary seek the advice and assistance of the Division of State
52 and Regional Planning, of the Department of Community Affairs.]
53 (cf: P.L.1977, c.419, s.4)

54 ³10. Section 1 of P.L.1989, c.299 (C.40:67-23.2) is amended to

1 read as follows:

2 1. For the purposes of this act:

3 a. "Condominium" means the form of real property ownership
4 provided for under the "Condominium Act," P.L.1969, c.257
5 (C.46:8B-1 et seq.);

6 b. "Cooperative" means a housing corporation or association
7 wherein the holder of a share or membership interest in the
8 corporation or association is entitled to possess and occupy, for
9 dwelling purposes, a house, apartment, or other unit of housing
10 owned by the corporation or association, or to purchase a unit of
11 housing constructed or erected by the corporation or association;

12 c. "Fee simple community" means a private community which
13 consists of individually owned lots or units and provides for
14 common or shared elements or interests in real property;

15 d. "Horizontal property regime" means the form of real
16 property ownership provided for under the "Horizontal Property
17 Act," P.L.1963, c.168 (C.46:8A-1 et seq.);

18 e. "Qualified private community" means a residential
19 condominium, cooperative, fee simple community, or horizontal
20 property regime, the residents of which do not receive any tax
21 abatement or tax exemption related to its construction,
22 comprised of a community trust or other trust device,
23 condominium association, homeowners' association, or council of
24 coowners, wherein the cost of maintaining roads and streets and
25 providing essential services is paid for by a not-for-profit entity
26 consisting exclusively of unit owners within the community. No
27 apartment building or garden apartment complex owned by an
28 individual or entity that receives monthly rental payments from
29 tenants who occupy the premises shall be considered a qualified
30 private community. No "proprietary campground facility," as
31 defined in section 1 of P.L. , c. (C.) (pending before the
32 Legislature as this bill), shall be considered to be a qualified
33 private community.³

34 (cf: P.L.1989, c.299, s.1)

35 ³[10.] 11.³ This act shall take effect immediately.

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40 Regulates proprietary campground facilities.

STATEMENT

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This bill provides for the regulation of proprietary campground facilities by the Department of Community Affairs under "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.). Proprietary campground facilities are defined as campgrounds under a cooperative or condominium form of ownership. The cooperative corporation or condominium association is required to comply with all requirements set forth in its organizational documents, as well as in all applicable laws and ordinances and to maintain the property in accordance with minimum health and safety standards to be established by the Department of Community Affairs. Unit owners or proprietary lessees are similarly required to comply with the same requirements.

Use of proprietary campground facilities as places of domicile or permanent residency is forbidden, except where it is specifically permitted by municipal ordinance. The bill does permit voluntary agreements between a person living in a proprietary campground facility and the school district under which a child of any such person might attend a public school on a tuition-paying basis.

Campgrounds are currently regulated by the State Department of Health under the State Sanitary Code. However, the regulation of campgrounds, both those that are proprietary facilities and those that are not, involves building and land use issues that go far beyond traditional sanitary code concerns. Regulation of campgrounds should therefore more appropriately be made the responsibility of the Department of Community Affairs.

Regulates proprietary campground facilities.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 872

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 4, 1993

The Assembly Local Government Committee favorably reports Senate Bill No. 872 (1R) with committee amendments.

Senate Bill No. 872 (1R), as amended by the committee, provides for the regulation of proprietary campground facilities by the Department of Community Affairs under "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.). Proprietary campground facilities are defined as campgrounds under a cooperative or condominium form of ownership. The cooperative corporation or condominium association is required by the bill to comply with all requirements set forth in its organizational documents, as well as in all applicable laws and ordinances and to maintain the property in accordance with minimum health and safety standards to be established by the Department of Community Affairs. Unit owners or proprietary lessees are similarly required to comply with the same requirements.

Use of proprietary campground facilities as places of domicile or permanent residency is forbidden, except where it is specifically permitted by municipal ordinance. The bill does permit voluntary agreements between a person living in a proprietary campground facility and the school district under which a child of any such person might attend a public school on a tuition-paying basis.

Campgrounds are currently regulated by the State Department of Health under the State Sanitary Code. However, the regulation of campgrounds, both those that are proprietary facilities and those that are not, involves building and land use issues that go far beyond traditional sanitary code concerns. Regulation of campgrounds should therefore more appropriately be made the responsibility of the Division of Housing and Development in the Department of Community Affairs.

The committee amended the bill to make clear that regulations of the Pinelands Commission in Pineland areas may be more restrictive than regulations of the Division of Housing and Development in the Department of Community Affairs.

This bill, as amended, is identical to Assembly Bill No. 1826, as amended by the committee.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 872

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1992

The Senate Community Affairs Committee favorably reports Senate Bill No. 872.

Senate Bill No. 872 provides for the regulation of proprietary campground facilities by the Department of Community Affairs under "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.). Proprietary campground facilities are defined as campgrounds under a cooperative or condominium form of ownership. The cooperative corporation or condominium association is required to comply with all requirements set forth in its organizational documents, as well as in all applicable laws and ordinances and to maintain the property in accordance with minimum health and safety standards to be established by the Department of Community Affairs. Unit owners or proprietary lessees are similarly required to comply with the same requirements.

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