

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

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February 4, 2011

To: Assignment Judges

From: David P. Anderson, Jr.

Subject: P.L. 2011, c.8 (S-1955) - Eliminates dock fees and establishes penalty for boat permit violations on Greenwood Lake (Passaic County)

On January 28, 2011, Governor Christie signed S-1955 into law as P.L. 2011, c.8. Since a portion of the lake is located in New York State, the new law takes effect upon the date of enactment of a substantially similar law by the State of New York, or if the State of New York already has enacted such legislation, the law took effect on January 28, 2011. Attached is a copy of the law for your information.

The new law removes the authority of the Greenwood Lake Commission to charge dockage fees for residential and commercial docks, and establishes a penalty of up to \$500 for boat permit violations, which may be assessed in municipal court. Penalties collected under the law are to be distributed as follows: 50 percent to the entity issuing the summons and 50 percent deposited into the "Greenwood Lake Commission Fund."

Kindly advise your trial court judges, municipal court judges, and appropriate staff of the new law. Please contact Debra Jenkins, Assistant Director, AOC Municipal Division at 609-984-8241 if you have any questions regarding Chapter 8.

attachment

c: Glenn A. Grant, J.A.D.

Municipal Division Presiding Judges

Directors

Assistant Directors

Clerks of the Court

Trial Court Administrators

Municipal Division Managers

Municipal Court Directors and Administrators

P.L.2011, CHAPTER 8, *approved January 28, 2011*
Senate, No. 1955

AN ACT concerning dock fees and boat permits on Greenwood Lake, amending P.L.2009, c.310 and supplementing P.L.1999, c.402 (C.32:20A-1 et seq.)

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

1. Section 1 of P.L.2009, c.310 (C.32:20A-5.1) is amended to read as follows:
 1. a. [The Greenwood Lake Commission may establish and assess fees to be paid to the commission as follows:
 - (1) on the owner of a dock, wharf or mooring on Greenwood Lake used for non-commercial residential purposes an annual fee of \$37.50;
 - (2) on the owner of a dock or wharf on Greenwood Lake used for commercial purposes an annual fee of \$3.75 per linear foot for each such dock or wharf;
 - (3) on the owner of a mooring on Greenwood Lake used for commercial purposes an annual fee of \$75 for each mooring; and
 - (4) on the owner of a new dock on Greenwood Lake constructed for commercial use after the effective date of this section a first time fee of \$7.50 per linear foot and a fee of \$3.75 per linear foot annually thereafter.] (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill).
 - b. (1) In addition to any other registration or fee required by the State, the Greenwood Lake Commission may require the owner of any mechanically propelled boat or vessel with 10 or more horsepower, and any non-mechanically propelled boat or vessel 18 or more feet in length, used on Greenwood Lake to obtain and possess an annual permit issued by the commission, and assess a fee therefor as follows:
 - (a) for boats or vessels 20 feet or less in length overall -- \$30;
 - (b) for boats or vessels 21 to 25 feet in length overall and for rowing shells 21 feet in length or more -- \$37.50;
 - (c) for boats or vessels over 25 feet in length overall -- \$37.50 plus an additional \$7.50 for each foot by which the length overall exceeds 25 feet; and
 - (d) for boats or vessels over 25 feet in length overall outfitted for overnight use -- \$37.50 plus an additional \$30 for each foot by which the overall length exceeds 25 feet.
 - (2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the commission may establish a one week use permit for \$11.25 and a one-day use permit for \$7.50 for any mechanically propelled boat or vessel or non-mechanically propelled boat or vessel subject to the annual fee established in paragraph (1) of this subsection.
 - c. The Greenwood Lake Commission may charge a fee to an applicant for a permit issued pursuant to this section in order to recover the costs incurred in reviewing and acting upon an application for such permit.
 - d. The Greenwood Lake Commission shall establish a separate, nonlapsing, dedicated account to be known as the "Greenwood Lake Commission Fund." All fees and other monies collected by the Greenwood Lake Commission pursuant to this section, or any rule or regulation

adopted pursuant thereto, shall be deposited into this fund. Any investment earnings on monies in the fund shall accrue to the fund and shall be available subject to the same terms and conditions as other monies in the fund. The moneys in the fund shall be used by the Greenwood Lake Commission for the purposes set forth in P.L.1999, c.402 (C.32:20A-1 et seq.).
(cf: P.L.2009, c.310, s.1)

2. (New section) a. Any person who operates a boat on Greenwood Lake without a permit as required pursuant to subsection b. of section 1 of P.L.2009, c.310 (C.32:20A-5.1) shall be liable to a summons from the New Jersey State Police, the New Jersey State Park Police, a State conservation officer, or a sworn New Jersey law enforcement officer, and payment of up to a \$500 penalty per violation, which may be assessed in municipal court.

b. For any penalty collected pursuant to this section, 50 percent thereof shall be provided to the entity issuing the summons and 50 percent shall be deposited into the "Greenwood Lake Commission Fund" established pursuant to section 1 of P.L.2009, c.310 to be used only for the purposes of the fund established by law.

3. This act shall take effect upon the enactment into law by the State of New York of legislation having substantially similar effect, or if the State of New York shall have already enacted such legislation, this act shall take effect immediately.