

## N.J.A.C. 19:66-16.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 50 No. 1, January 2, 2018

***New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 16. INSPECTION AND ENFORCEMENT ACTIONS***

### **§ 19:66-16.1 Inspection**

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- (a) All improvements constructed shall be subject to inspection by the Authority.
- (b) The cost attributable to all inspections required by this chapter shall be borne by the applicant in accordance with the then current Escrow and Fee Schedule promulgated by resolution of the Authority. The fee shall be paid prior to the commencement of construction of improvements.
- (c) The applicant shall provide written notification to the Authority a minimum of 48 hours prior to the performance of any of the following work:
  - 1. The surfacing of any roadway;
  - 2. The installation of any curbing;
  - 3. The grading or backfilling of any open trench or excavation in which any utilities have been installed, including water, sewer, stormwater, gas, telephone, and electric; and
  - 4. The jointing of pipe installed under roadways.
- (d) Within the 48-hour notice period required in (c) above, the Authority may conduct on-site inspections to determine if the proposed work complies with the approved construction drawings.
- (e) If the Authority determines that such proposed work does not comply with the approved construction drawings, the Authority engineer shall have authority to order that all such proposed work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies.
- (f) Upon the correction of such defects or deficiencies, the applicant shall notify the Authority, in accordance with this chapter.

Annotations

### **Notes**

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Chapter Notes

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## **N.J.A.C. 19:66-16.2**

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### **§ 19:66-16.2 Final inspection**

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- (a) Upon completion of all improvements within the area covered by the final plat, the applicant shall notify the Authority in writing by certified or registered mail, and shall deliver to the Authority two complete sets of construction drawings showing as-built conditions of all improvements. This notification shall include a certification by a New Jersey-licensed professional engineer stating that the improvements have been installed in accordance with the approved construction drawings.
- (b) The Authority shall thereupon conduct a final inspection of all improvements installed.
- (c) If such final inspection indicates that there are any defects or deficiencies in any such improvements installed, or if such improvements deviate from the approved construction drawings in a manner that, in the opinion of the Authority, will adversely affect the performance, suitability, or desirability of the improvements, the Authority shall notify the applicant in writing of such defects, deficiencies, or deviations and the applicant shall, at his or her sole cost and expense, correct such defects, deficiencies, or deviations within six months of the date of notification.
- (d) When such defects, deficiencies, or deviations have been corrected, the applicant shall notify the Authority that the improvements are ready for final inspection in accordance with (a) above.

Annotations

### **Notes**

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Chapter Notes

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## **N.J.A.C. 19:66-16.3**

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### **§ 19:66-16.3 Certification of improvements**

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- (a) If a final inspection indicates that all installed improvements contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the Authority engineer shall certify to the applicant that all improvements have been installed in conformity with the approved construction drawings associated with the final plat.
- (b) A copy of the certification shall be filed with the Authority.
- (c) All improvements so certified and accepted shall become the property of the City or the governmental entity with jurisdiction over such improvements.
- (d) Upon receipt of such notification, the applicant shall submit the maintenance bond pursuant to the requirements of this chapter.

Annotations

### **Notes**

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Chapter Notes

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## **N.J.A.C. 19:66-16.4**

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### **§ 19:66-16.4 Penalties and enforcement**

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- (a) When the Authority becomes aware that a violation of this chapter may exist, the land use regulation enforcement officer or authorized Division personnel shall undertake an investigation to determine whether such violation does exist. If the land use regulation enforcement officer or authorized Division personnel shall determine that a violation of this chapter does exist, the Authority shall notify the property owner of the existence of the violation in writing and request that the violation be abated. If the violation is not abated, the Authority shall have the power to take any or all actions as are set forth in (b) below to ensure compliance with this chapter.
- (b) The Authority may prescribe penalties for the violation of this chapter in an amount that shall be determined by resolution of the Authority and shall be reasonable with regard to the violation. A property owner, business, or lessee who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of, this chapter shall be subject to a civil penalty of not less than \$ 100.00. Each day such violation or failure to comply exists subsequent to the original notification shall constitute a separate offense.
- (c) If the Authority imposes a fine upon an owner for violations of this chapter, the Authority shall provide a 30-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity to make application to the Superior Court of New Jersey, Law Division, for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, the fine may be imposed if the court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

  - 1. Any fine imposed as permitted by this subsection shall be filed with Atlantic City, or any department, agency, or authority thereof, as appropriate, as a lien against the property cited in the offense. If such fine is not paid in full within 20 days of its imposition, upon the certification of the Authority's land use regulation enforcement officer who issued the citation, the Authority shall file a copy of the lien and such certification with the City's municipal tax collector. This lien shall be added to and become and form part of the taxes next to be assessed and levied upon such property, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes, and the amounts collected shall be payable by the City to the Authority for the support of the Tourism District.
- (d) The Authority may, in the case of a violation of this chapter, institute a civil action for injunctive relief:

  - 1. To prevent unlawful sale, enlargement, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use, filling, or occupancy;
  - 2. To restrain, correct, or abate any violation;
  - 3. To prevent the occupancy of any dwelling, structure, or land;
  - 4. To prevent any illegal act, conduct, business, or use in or about any premises; or

5. To collect such civil penalties as have been assessed against any violator and which civil penalties the violator has refused to pay.

(e) The Authority may investigate any potential violation of the performance standards of this chapter.

(f) The Authority's rights of entry and inspection shall be as follows:

1. Any individual who has applied to the Authority for a permit shall be deemed to have consented to inspections, investigations, examinations, surveys, soundings, or test borings, by the Authority personnel and duly authorized representatives of the Authority, of the entire premises and of any and all construction being performed on the premises until a permit has been issued.
2. The Authority personnel and duly authorized representative of the Authority shall have the right to enter upon any property in order to conduct inspections necessary to ensure compliance with this chapter.
3. All inspections, investigations, examinations, surveys, soundings, or test borings shall be memorialized by a written report, which shall include the name of the representative who entered the premises, the address, including the lot and block number(s), of the premises entered and a description of the premises, including a description of any and all violations.
4. Other than a visit to the premises made pursuant to (e)1 and 2 above, the property owner, owner's agent, or tenant shall be notified of the Authority's intention to enter upon any building or property in order to conduct investigations, examinations, surveys, soundings, or test borings necessary to carry out the purposes of the Authority's enabling legislation, as amended from time to time.
5. Where access to any premises has been refused, such refusal may be reported to the Office of the Attorney General of the State of New Jersey, and a search warrant may be obtained or other appropriate legal proceedings initiated by the Authority.

Annotations

## Notes

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Chapter Notes

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