

ASSEMBLY, No. 1702

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Prohibits DEP from demolishing or requiring removal of certain cabins or similar structures located in certain tidal wetlands.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning removal of certain structures in certain tidal
2 wetlands and supplementing Title 13 of the Revised States.

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

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7 1. a. The Department of Environmental Protection shall not
8 demolish, otherwise remove, or require the demolition or removal
9 of any cabin or similar structure located in tidal wetlands in Lower
10 Alloways Creek Township, Salem County, when the cabin or
11 similar structure serves as a general use structure available for use
12 by any person who needs a way station. Notwithstanding any other
13 law to the contrary, the State shall not be liable for any damage to
14 personal or real property or injury incurred to a person using such a
15 cabin or similar structure. This immunity of the State from liability
16 shall be in addition to other immunity therefor provided to the State
17 by any other statutory or common law.

18 b. The provisions of subsection a. of this section shall not
19 apply to any cabin or similar structure: (1) for which there is
20 documentation demonstrating that the State acquired the land on
21 which the cabin or similar structure is located prior to the
22 construction of the cabin or similar structure; (2) for which there is
23 documentation demonstrating that the cabin or similar structure was
24 built in violation of State law; or (3) constructed by the State.

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26 2. This act shall take effect immediately.
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29 STATEMENT

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31 This bill would prohibit the Department of Environmental
32 Protection (DEP) from removing, or requiring the removal of, any
33 cabin or similar structure located in tidal wetlands in Lower
34 Alloways Creek Township, Salem County when the cabin serves as
35 a general use structure available to use to anyone who needs a way
36 station. The bill provides that the State would not be liable for any
37 damage to personal or real property or injury incurred to a person
38 using such a cabin or similar structure. This immunity of the State
39 from liability would be in addition to other immunity provided to
40 the State by any other statutory or common law.

41 The prohibition and the liability immunity in the bill would not
42 apply to any cabin or similar structure: (1) for which there is
43 documentation demonstrating that the State acquired the land on
44 which the cabin or similar structure is located prior to the
45 construction of the cabin or similar structure; (2) for which there is
46 documentation demonstrating that the cabin or similar structure was
47 built in violation of State law; or (3) constructed by the State.

1 This bill is in response to an action taken last year by the DEP
2 ordering that eight cabins located in tidal wetlands in Lower
3 Alloways Creek Township, Salem County be removed. These
4 cabins, in existence for decades, serve as unique shelter and are of
5 local historic importance.