

8267

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Judiciary

AN ACT to amend the real property law, in relation to campgrounds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The real property law is amended by adding a new section
2 233-b to read as follows:
3 S 233-B. CAMPGROUNDS. A. WHENEVER USED IN THIS SECTION:
4 1. "CAMPGROUND" MEANS ANY PARCEL OR TRACT OF LAND, INCLUDING BUILDINGS
5 OR OTHER STRUCTURES, WHERE FIVE OR MORE CAMPSITES ARE MADE AVAILABLE FOR
6 USE AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR
7 SEASONAL USE.
8 2. "CAMPGROUND OWNER" MEANS THE OWNER OR OPERATOR OF A CAMPGROUND OR
9 AN AGENT OF SUCH OWNER OR OPERATOR.
10 B. A CAMPGROUND OWNER MAY REMOVE OR CAUSE TO BE REMOVED FROM A CAMP-
11 GROUND ANY PERSON WHO:
12 1. IS NOT A REGISTERED GUEST OR VISITOR OF THE CAMPGROUND;
13 2. REMAINS ON THE CAMPGROUND BEYOND AN AGREED-UPON DEPARTURE TIME AND
14 DATE;
15 3. DEFAULTS IN THE PAYMENT OF ANY LAWFULLY IMPOSED REGISTRATION OR
16 VISITOR FEE OR CHARGE;
17 4. CREATES A DISTURBANCE THAT DENIES OTHER PERSONS THEIR RIGHT TO
18 QUIET ENJOYMENT OF THE CAMPGROUND;
19 5. VIOLATES ANY FEDERAL, STATE OR LOCAL LAW; OR
20 6. VIOLATES ANY OTHER LAWFUL REGULATION PROMULGATED BY THE CAMPGROUND
21 OWNER AND CONTINUES IN VIOLATION FOR MORE THAN TWENTY-FOUR HOURS AFTER
22 THE CAMPGROUND OWNER HAS GIVEN WRITTEN NOTICE OF SUCH VIOLATION AND
23 DIRECTING THAT SUCH PERSON CORRECT OR CEASE VIOLATION OF SUCH RULE OR
24 REGULATION.
25 C. A PERSON WHO REMAINS ON A CAMPGROUND AFTER HAVING BEEN ASKED TO
26 LEAVE BY A CAMPGROUND OWNER FOR VIOLATING ANY OF THE PROVISIONS OF

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 SUBDIVISION B OF THIS SECTION SHALL BE GUILTY OF TRESPASS AND MAY BE
2 REMOVED SUMMARILY BY THE CAMPGROUND OWNER OR A LAW ENFORCEMENT OFFICER.

3 D. A PERSON WHO IS REMOVED FROM A CAMPGROUND PURSUANT TO SUBDIVISION C
4 OF THIS SECTION SHALL BE ENTITLED TO A REFUND OF THE UNUSED PORTION OF
5 ANY PREPAID FEES, LESS ANY AMOUNT OTHERWISE OWED TO THE CAMPGROUND OWNER
6 OR DEDUCTED FOR DAMAGES, WHICH UNUSED PORTION OF PREPAID FEES MAY BE
7 PRORATED AT A RATE THAT IS BASED UPON THE DAILY RATE CHARGED BY THE
8 CAMPGROUND OWNER.

9 E. ANY PERSON REMOVED FROM A CAMPGROUND WHO OR WHO OTHERWISE LEAVES
10 PROPERTY ON THE CAMPGROUND WITHOUT THE PERMISSION OF THE CAMPGROUND
11 OWNER UPON THE CONCLUSION OF A CAMPING SEASON SHALL BE PROVIDED WITH A
12 REASONABLE OPPORTUNITY TO RETURN TO THE CAMPGROUND, EITHER PERSONALLY OR
13 THROUGH A PERSON WHO HAS BEEN GIVEN WRITTEN AUTHORITY TO ACT ON BEHALF
14 OF SUCH PERSON, FOR THE PURPOSE OF RECLAIMING SUCH PROPERTY. PROPERTY
15 THAT IS NOT RECLAIMED SHALL BE DEEMED TO HAVE BEEN PLACED IN STORAGE AND
16 MAY BE DISPOSED OF BY THE CAMPGROUND OWNER PURSUANT TO THE TERMS OF
17 ARTICLE NINE OF THE LIEN LAW. A MOTOR VEHICLE SHALL BE DEEMED TO HAVE
18 BEEN STORED BY A BAILEE OF MOTOR VEHICLES PURSUANT TO SECTION ONE
19 HUNDRED EIGHTY-FOUR OF THE LIEN LAW AND OTHER PERSONAL PROPERTY SHALL BE
20 DEEMED TO HAVE BEEN STORED BY THE OWNER OF A SELF SERVICE STORAGE FACIL-
21 ITY PURSUANT TO SECTION ONE HUNDRED EIGHTY-TWO OF THE LIEN LAW.

22 S 2. This act shall take effect immediately.