

STATE OF NEW YORK

1569--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. JONES, FAHY, LAVINE, RIVERA, D'URSO, LAWRENCE, B. MILLER, CROUCH, NORRIS -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The real property law is amended by adding a new section 233-b to read as follows:

§ 233-b. Campgrounds. a. Whenever used in this section:

1. "Campground" means any parcel or tract of land, including buildings or other structures, where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel or seasonal use.

2. "Campground owner" means the owner or operator of a campground or an agent of such owner or operator.

3. "Guest" means a person who occupies a campsite pursuant to an agreement with a term of more than one week.

b. 1. A campground owner may request any law enforcement officer remove any guest who willfully denies other guests their right to quiet enjoyment of the campground, including, but not limited, to any guest who:

(a) disturbs, threatens or endangers other guests;

(b) is less than twenty-one years of age and possesses alcohol;

(c) possesses illegal drugs;

(d) violates any state or local law; or

(e) violates any other lawful rule or regulation of the campground that enhances the safety and quiet enjoyment of its guests and is posted

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

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1 in a conspicuous place or made a part of the guest's occupancy agree-
2 ment.

3 2. the right to request a guest to be removed by any law enforcement
4 officer can only be exercised after the campground owner or its agent
5 has provided the guest with written warning that his or her conduct
6 shall result in a removal from the campground if it is repeated. In the
7 event that such conduct is repeated and the guest fails to vacate the
8 campground upon being requested to do so, the campground owner may only
9 cause the guest to be removed by a law enforcement officer, who may cite
10 the guest with trespass.

11 c. A person who is removed from a campground pursuant to subdivision b
12 of this section shall be entitled to a refund of the unused portion of
13 any prepaid fees, less any amount otherwise owed to the campground owner
14 or deducted for damages, which unused portion of prepaid fees may be
15 prorated at a rate that is based upon the daily rate charged by the
16 campground owner.

17 d. A campground owner may remove property belonging to a person who is
18 removed from a campground pursuant to subdivision b of this section from
19 a campsite and such property, whether removed from a campsite or allowed
20 to remain on a campsite, shall be deemed to be placed in storage. A
21 campground owner shall provide the owner of such property thirty days
22 written notice, by certified mail, return receipt requested, to remove
23 such property and dispose of such property pursuant to article nine of
24 the lien law in the event the owner fails to remove such property within
25 the thirty-day period of time.

26 § 2. This act shall take effect immediately.