

5:38-1
NEW RESIDENTIAL CONSTRUCTION OFF-SITE CONDITIONS DISCLOSURE
GENERAL PROVISIONS

5:38-1.1 Purposes

(a) The purposes of this chapter are as follows:

1. To prescribe the form and manner of submission of off-site conditions lists from their owners;
2. To specify for municipal clerks the form and manner of receiving off-site condition lists and maps, and making them available to the public; and
3. To ensure that off-site conditions information is presented in a readily available and easily understood way so that prospective purchasers of new residential construction will be able to locate off-site conditions in relation to the location of properties in which they are interested.

5:38-1.2 Correspondence and inquiries

(a) All correspondence and inquiries concerning this chapter should be addressed to:

Off-Site Conditions Disclosure
Division of Local Government Services
N.J. Department of Community Affairs
PO Box 803
Trenton, New Jersey 08625-0803
(609) 984-6628
Fax Number: (609) 633-6243

5:38-1.3 Definitions

(a) As used in this chapter, the following words and phrases shall have the following meanings, except where the context clearly indicates otherwise:

"Act" means P.L. 1995, c.253 (N.J.S.A. 46:3C-1 et seq.), the "New Residential Construction Off-Site Conditions Disclosure Act."

"Off-site conditions" means and includes the following:

- i. Overhead electric utility transmission lines conducting 240,000 volts or more;
- ii. Electrical transformer substations;
- iii. Underground gas transmission lines, as defined in 49 C.F.R. 192.3;

- iv. Sewer pump stations capable of pumping 0.5 million gallons per day and sewer trunk lines in excess of 15 inches diameter;
- v. Sanitary landfill facilities, as defined pursuant to N.J.S.A. 13:1E-3;
- vi. Public wastewater treatment facilities; and
- vii. Airport safety zones, as defined pursuant to N.J.S.A. 6:1-82.

"Owner" means and includes any person, individual, firm, corporation, limited liability corporation, partnership, association, trust or other legal entity or combination thereof who owns, leases or maintains an off-site condition.

"Actual reproduction cost" means those expenditures of funds involved in making copies of material to be provided to the public under the law and this chapter.

They are superior to and replace any fee authorized pursuant to N.J.S.A. 47:1A-2, the intent being that the cost of copies to the public be only the reimbursement of direct expenditures incurred by the municipal government in making them. Cost of employee time in making copies shall only be considered a cost if the employee is paid for making copies outside of the employee's normal work time.

(b) While the Act specifically includes other conditions in the definition of "off-site conditions," the definition in (a) above and this chapter are limited to those that must be reported by owners.