

13:1G-4.1

4/6/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1G-4.1

(Curfew for juveniles-- permit municipalities to sound alarm or siren)

CHAPTER 179

Laws Of: 1986

Bill No: S1169

Sponsor(s): Rand

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: October 27, 1986

Senate: February 3, 1986

Date of Approval: December 9, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Regulations pursuant to Noise Control Act: 7 N.J.A.C. 29 et seq

12-9-86

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SENATE, No. 1169**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator RAND

A SUPPLEMENT to the "Noise Control Act of 1971," approved
January 24, 1972 (P. L. 1971, c. 418, C. 13:1G-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. It shall not be a violation of the "Noise Control Act of 1971"
2 P. L. 1971, c. 418 (C. 13:1G-1 et seq.) or any rule or regulation
3 promulgated by the Department of Environmental Protection
4 pursuant to that act, for a municipality to sound an alarm by siren,
5 bell or other appropriate method in order to warn juveniles of the
6 approach or arrival of the curfew hour ***[adopted]*** **established**
7 *by municipal ordinance**; *providing that the governing body of the*
8 *municipality has, by ordinance, determined to sound an alarm*.*

1 2. This act shall take effect immediately.

MUNICIPAL GOVERNMENT

Permits a municipality to sound an alarm at the municipal curfew
hour.

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted January 30, 1986.

SENATE, No. 1169

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator RAND

SENATE, No. 530

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator RAND

A SUPPLEMENT to the "Noise Control Act of 1971," approved
January 24, 1972 (P. L. 1971, c. 418, C. 13:1G-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. It shall not be a violation of the "Noise Control Act of 1971"
2 P. L. 1971, c. 418 (C. 13:1G-1 et seq.) or any rule or regulation
3 promulgated by the Department of Environmental Protection
4 pursuant to that act, for a municipality to sound an alarm by siren,
5 bell or other appropriate method in order to warn juveniles of the
6 approach or arrival of the curfew hour adopted by municipal
7 ordinance.

1 2. This act shall take effect immediately.

STATEMENT

The rules and regulations adopted by the Department of Environmental Protection in the enforcement of the "Noise Control Act of 1971" are being enforced so as to prohibit municipalities from sounding a siren or other alarm to warn juveniles of the arrival of the curfew hour imposed by municipal ordinance. The imposition of a juvenile curfew hour has been an effective municipal action in curtailing juvenile crime and delinquency. The sounding of the siren or other alarm is an important part of the curfew law. In this instance, the benefits derived from the various curfew ordinances outweigh the benefits derived from the "Noise Control Act of 1971," and should take precedence.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1169

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STATE OF NEW JERSEY

DATED: OCTOBER 20, 1986

Assembly Municipal Government Committee favorably reports Senate Bill No. 1169 (OCR).

This bill exempts the sounding of an alarm, siren or bell by a municipality in order to warn juveniles of the approach or arrival of curfew hour, from the provisions of the "Noise Control Act of 1971" P. L. 1971, c. 418 (C. 13:1G-1 et seq.) and any regulation adopted by the Department of Environmental Protection pursuant to the act. In order to qualify for exemption, the municipality must have enacted an ordinance authorizing the sounding of the curfew alarm.

The "Noise Control Act of 1971" defines noise as "any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the State or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment." The act specifically includes the State and all its political subdivisions and any agency or instrumentalities thereof, as being subject to its jurisdiction.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported the bill includes the changes required by technical review.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 1169

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 1986

The Senate County and Municipal Government Committee reports favorably and with committee amendments Senate Bill No. 1169.

Senate Bill No. 1169 Sea supplements the "Noise Control Act of 1971," P. L. 1971, c. 418 (C. 13:1G-1 et seq.), to provide that it shall not be a violation of that act, or any rule or regulation promulgated thereunder, for a municipality to sound an alarm by siren, bell or other appropriate method to warn juveniles of the approach or arrival of the municipality's curfew hours; provided that the governing body has, by ordinance, determined to sound an alarm.

According to the sponsor, the rules and regulations which have been adopted by the Department of Environmental Protection in its enforcement of the "Noise Control Act of 1971" are being enforced so as to prohibit municipalities from sounding such alarms. The sponsor makes the following argument:

"The imposition of a juvenile curfew hour has been an effective municipal action in curtailing juvenile crime and delinquency. The sounding of the siren or other alarm is an important part of the curfew law. In this instance, the benefits derived from the various curfew ordinances outweigh the benefits derived from the 'Noise Control Act of 1971,' and should take precedence."

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported and amended, the bill includes the changes required by technical review which has been performed.