

26:1A-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:1A-7

(Swimming pools-
-some--exempt
from lifeguard)

LAWS OF: 1989

CHAPTER: 140

Bill No: A4357

Sponsor(s): Singer and others

Date Introduced: February 27, 1989

Committee: Assembly: -----

Senate: Institutions, Health & Welfare

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

Date of Passage: Assembly: March 2, 1989

Senate: June 26, 1989

Date of Approval: August 2, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

See newspaper clipping--attached:

"Lifeguard requirement is relaxed," 8-4-89 Asbury Park Press

"Lifeguard exemptions buoyed for special cases;" 6-16-89 Star Ledger

"Senate bill may rescue resort motels from lifeguard rule," 6-16-89 Asbury Park Press

[FIRST REPRINT]
ASSEMBLY, No. 4357

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1989

By Assemblymen SINGER, DOYLE, Hendrickson, Moran
and Assemblywoman Cooper

2 AN ACT concerning the regulation of swimming in certain
counties and supplementing Title 26 of the Revised Statutes.

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

6 1. As used in this act:

"Campground" means a plot of ground in a county of the fifth
8 class upon which two or more campsites are located, established
or maintained for occupancy by camping units of the general
10 public as temporary living quarters for children or adults, or both,
for a total of 15 days or more during the months of May through
12 September, inclusive, for recreation, education, or vacation
purposes, with a swimming pool of 2,000 square feet or less.

"Hotel" or "motel" means a commercial establishment in a
14 county of the fifth class with a building of four or more dwelling
units or rooms used ¹[and kept open]¹ for rental and lodging by
16 guests ¹[during the months of May through September,
18 inclusive,]¹ with a swimming pool of 2,000 square feet or less
¹which is used and kept open only during the months of May
20 through September, inclusive¹.

¹"Mobile home park" means a parcel of land, or two or more
22 contiguous parcels of land, containing at least 10 sites equipped
for the installation of mobile or manufactured homes and with a
24 swimming pool of 2,000 square feet or less, where these sites are
under common ownership and control, other than as a
26 cooperative, for the purpose of leasing each site to the owner of
a mobile or manufactured home for the installation thereof, and
28 where the owner provides services, which are provided by the
municipality in which the park is located for property owners
30 outside the park, which services may include, but shall not be
limited to:

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SIH committee amendments adopted June 15, 1989.

a. Construction and maintenance of streets;

2 b. Lighting of streets and other common areas;

c. Garbage removal;

4 d. Snow removal; and

e. Provision for the drainage of surface water from home sites
6 and common areas.¹

"Retirement community" means a retirement community in a
8 county of the fifth class which is registered with the Division of
Housing and Development in the Department of Community
10 Affairs pursuant to "The Planned Real Estate Development Full
Disclosure Act," P.L.1977, c.419 (C. 45:22A-21 et seq.), with a
12 swimming pool of 2,000 square feet or less.

2. Notwithstanding the provisions of section 7 of P.L.1947,
14 c.177 (C.26:1A-7) or the provisions of P.L.1946, c.172 (C.26:4A-1
et seq.) or any rules or regulation adopted pursuant thereto to the
16 contrary, a hotel, motel, campground ¹, mobile home park¹ or
retirement community is exempt from mandatory compliance
18 with the lifeguard requirements of section 1 of subchapter 5
(Waterfront Safety) of the Public Recreational Bathing
20 regulations (N.J.A.C.8:26-5.1); except that, the hotel, motel,
campground ¹, mobile home park¹ or retirement community shall
22 have a manager or owner on the premises when its swimming pool
is open for use.

24 3. A hotel, motel, campground ¹, mobile home park¹ or
retirement community which does not voluntarily comply with
26 the lifeguard requirements of section 1 of subchapter 5
(Waterfront Safety) of the Public Recreational Bathing
28 regulations (N.J.A.C.8:26-5.1) shall post a sign not less than three
feet by four feet which shall be prominently displayed at the
30 entrance to each swimming area stating: "This swimming pool is
not required by State law to have a lifeguard on duty. Persons
32 under the age of 16 must be accompanied by an adult. Swim at
your own risk. This pool shall be closed when the owner or
34 manager is not on the premises." This notice shall also be posted
on a sign not less than eight inches by 10 inches at the
36 registration desk of the hotel, motel or campground and in each
room or suite of the hotel, motel or campground used for
38 occupancy by guests.

Notwithstanding the provisions of N.J.A.C.8:26-2.5 to the

2 contrary, swimming pools covered by this act shall comply with
N.J.A.C.8:26-3.12 pertaining to pool enclosures.

4 4. A person who violates the provisions of this act shall be
subject to a penalty of \$500 for the first offense and \$1,000 for
6 each subsequent offense to be recovered in a summary proceeding
brought in the name of the State pursuant to "the penalty
enforcement law," N.J.S.2A:58-1 et seq.

8 5. The Department of Health shall monitor and evaluate the
impact of this law on public safety and shall report its findings to
10 the Legislature on or before January 1, 1991.

12 6. This act shall take effect immediately and shall expire two
years after the effective date.

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HEALTH
Sports and Recreation

16

18 Exempts certain hotels, motels, campgrounds, mobil home parks
and retirement communities from lifeguard requirements.

1 3. A hotel, motel, campground or retirement community which
2 does not voluntarily comply with the lifeguard requirements of
3 section 1 of subchapter 5 (Waterfront Safety) of the Public
4 Recreational Bathing regulations (N.J.A.C.8:26-5.1) shall post a
5 sign not less than three feet by four feet which shall be
6 prominently displayed at the entrance to each swimming area
7 stating: "This swimming pool is not required by State law to have
8 a lifeguard on duty. Persons under the age of 16 must be
9 accompanied by an adult. Swim at your own risk. This pool shall
10 be closed when the owner or manager is not on the premises."
11 This notice shall also be posted on a sign not less than eight
12 inches by 10 inches at the registration desk of the hotel, motel or
13 campground and in each room or suite of the hotel, motel or
14 campground used for occupancy by guests.

15 Notwithstanding the provisions of N.J.A.C.8:26-2.5 to the
16 contrary, swimming pools covered by this act shall comply with
17 N.J.A.C.8:26-3.12 pertaining to pool enclosures.

18 4. A person who violates the provisions of this act shall be
19 subject to a penalty of \$500 for the first offense and \$1,000 for
20 each subsequent offense to be recovered in a summary proceeding
21 brought in the name of the State pursuant to "the penalty
22 enforcement law," N.J.S.2A:58-1 et seq.

23 5. The Department of Health shall monitor and evaluate the
24 impact of this law on public safety and shall report its findings to
25 the Legislature on or before January 1, 1991.

26 6. This act shall take effect immediately and shall expire two
27 years after the effective date.

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STATEMENT

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30 This bill exempts, for a period of two years, hotels, motels,
31 campgrounds and retirement communities in Atlantic, Monmouth
32 and Ocean counties, with swimming pools of 2,000 square feet or
33 less, from the lifeguard requirements of the Public Recreational
34 Bathing regulations adopted by the Public Health Council
35 (N.J.A.C.8:26-5.1).

36 In lieu of lifeguards, these hotels, motels, campgrounds and
37 retirement communities will be required to have an owner or
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1 manager on the premises when the pool is open and will be
2 required to post a sign at the entrance to the swimming area,
3 which sign is at least three feet by four feet, stating that: "This
4 swimming pool is not required by State law to have a lifeguard on
5 duty. Persons under the age of 16 must be accompanied by an
6 adult. Swim at your own risk. This pool shall be closed when the
7 owner or manager is not on the premises." The bill also requires
8 that the notice be posted on a sign at least eight inches by 10
9 inches at the registration desk of the hotel, motel or campground
10 and in each room or suite used for occupancy by guests.

11 This law would be in effect for two years and would require the
12 Department of Health to monitor and evaluate its impact on
13 public safety and to report its findings to the Legislature on or
14 before January 1, 1991.

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HEALTH
Sports and Recreation

19

20 Exempts certain hotels, motels, campgrounds and retirement
21 communities from lifeguard requirements.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4357

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 4357 with committee amendments.

As amended by committee, this bill exempts, for a period of two years, hotels, motels, campgrounds, mobile home parks, and retirement communities in Atlantic, Monmouth and Ocean counties, with swimming pools of 2,000 square feet or less, from the lifeguard requirements of the Public Recreational Bathing regulations adopted by the Public Health Council (N.J.A.C.8:26-5.1).

In lieu of lifeguards, these hotels, motels, campgrounds, mobile home parks and retirement communities will be required to have an owner or manager on the premises when the pool is open and will be required to post a sign at the entrance to the swimming area, which sign is at least three feet by four feet, stating that: "This swimming pool is not required by State law to have a lifeguard on duty. Persons under the age of 16 must be accompanied by an adult. Swim at your own risk. This pool shall be closed when the owner or manager is not on the premises." The bill also requires that the notice be posted on a sign at least eight inches by 10 inches at the registration desk of the hotel, motel or campground and in each room or suite used for occupancy by guests.

This law would be in effect for two years and would require the Department of Health to monitor and evaluate its impact on public safety and to report its findings to the Legislature on or before January 1, 1991.

The committee amended the bill to include mobile home parks in the lifeguard exemption and to clarify in the definition of hotel and motel that the pool is for seasonal use only, and that the hotel or motel may remain open year-round.