

13:1G-4.3
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 34

NJSA: 13:1G-4.3 (Changes parameters of existing exemption for certain beach bars from noise control standards)

BILL NO: S1754 (Substituted for A2946)

SPONSOR(S) Whelan and others

DATE INTRODUCED: March 5, 2012

COMMITTEE: **ASSEMBLY:** Tourism and the Arts

SENATE: Environment and Energy

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 28, 2013

SENATE: June 25, 2012

DATE OF APPROVAL: March 12, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)

S1754

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL NOTE:	No

A2946

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2013, CHAPTER 34, *approved March 12, 2013*

Senate, No. 1754 (*First Reprint*)

1 AN ACT concerning noise restrictions on beach bars and amending
2 P.L.2011, c.198.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to
8 read as follows:

9 1. a. ¹(1)(a)¹ It shall not be a violation of the "Noise Control
10 Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
11 regulation established pursuant thereto, for a person to operate ¹[":

12 (1)"]¹ a beach bar [, existing and operating as of August 31,
13 2011,] ¹ , existing and operating as of August 31, 2011,¹ during
14 normal business hours, as defined by the department, between May
15 15 and October 15 ¹["; or] .

16 (b) It shall not be a violation of the "Noise Control Act of
17 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
18 regulation established pursuant thereto, or any other noise control
19 standard established by law, including but not limited to, any
20 statute, rule, regulation, or local ordinance, for a person to operate a
21 beach bar located in the Atlantic City Tourism District established
22 pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), between May
23 15 and October 15, regardless of the hours during which the beach
24 bar is operating, or the date on which the beach bar came into
25 existence or began operating.¹

26 (2) ¹It shall not be a violation of the "Noise Control Act of
27 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
28 regulation established pursuant thereto, for a person to operate¹ an
29 amusement park or a carnival amusement ride, existing and
30 operating as of August 31, 2011, during normal business hours, as
31 defined by the department, between May 15 and October 15,
32 provided, however, that the person operating the carnival
33 amusement ride, whether within an amusement park or otherwise, is
34 complying with the recommendations of the manufacturer for
35 maintaining and lubricating the carnival amusement ride to
36 minimize, to the extent practicable, the noise sources within and on
37 the ride.

38 b. In the event of the replacement of a carnival amusement ride
39 existing and in operation as of August 31, 2011, the ride shall
40 remain subject to the provisions of ¹paragraph (2) of¹ subsection a.

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:

¹Senate SEN committee amendments adopted June 7, 2012.

S1754 [1R]

2

1 of this section provided that the noise emissions of the new carnival
2 amusement ride are less than or equal to the noise emissions of the
3 ride that is being replaced.

4 c. As used in this section:

5 "Amusement park" means "amusement park" as defined in
6 section 1 of P.L.1992, c.118 (C.5:3-55).

7 "Carnival amusement ride" means "carnival amusement ride" as
8 defined in section 2 of P.L.1975, c.105 (C.5:3-32).

9 (cf: P.L.2011, c.198, s.1)

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11 2. This act shall take effect immediately.

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16 Changes parameters of existing exemption for certain beach bars
17 from noise control standards.

SENATE, No. 1754

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MARCH 5, 2012

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Eliminates requirement that a beach bar must have been in existence prior to August 31, 2011 for purposes of qualifying for exemption from "Noise Control Act of 1971."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning noise restrictions on beach bars and amending
2 P.L.2011, c.198.

3

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

6

7 1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to
8 read as follows:

9 1. a. It shall not be a violation of the "Noise Control Act of
10 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
11 regulation established pursuant thereto, for a person to operate:

12 (1) a beach bar **[**, existing and operating as of August 31,
13 2011,**]** during normal business hours, as defined by the department,
14 between May 15 and October 15; or

15 (2) an amusement park or a carnival amusement ride, existing
16 and operating as of August 31, 2011, during normal business hours,
17 as defined by the department, between May 15 and October 15,
18 provided, however, that the person operating the carnival
19 amusement ride, whether within an amusement park or otherwise, is
20 complying with the recommendations of the manufacturer for
21 maintaining and lubricating the carnival amusement ride to
22 minimize, to the extent practicable, the noise sources within and on
23 the ride.

24 b. In the event of the replacement of a carnival amusement ride
25 existing and in operation as of August 31, 2011, the ride shall
26 remain subject to the provisions of subsection a. of this section
27 provided that the noise emissions of the new carnival amusement
28 ride are less than or equal to the noise emissions of the ride that is
29 being replaced.

30 c. As used in this section:

31 "Amusement park" means "amusement park" as defined in
32 section 1 of P.L.1992, c.118 (C.5:3-55).

33 "Carnival amusement ride" means "carnival amusement ride" as
34 defined in section 2 of P.L.1975, c.105 (C.5:3-32).

35 (cf: P.L.2011, c.198, s.1)

36

37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill would eliminate the requirement that a beach bar must
43 have been existing and operating as of August 31, 2011 in order to
44 qualify for an exemption from the restrictions of the "Noise Control
45 Act of 1971." Under current law, a beach bar operating during

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.

S1754 WHELAN

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1 normal business hours, as defined by the department, between May
2 15 and October 15, is exempt only if it was existing and operating
3 as of August 31, 2011. This bill would expand the exemption to
4 include any beach bar operating during normal business hours, as
5 defined by the department, between May 15 and October 15,
6 regardless of how long the beach bar has been existing or operating.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1754

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1754 with committee amendments.

This bill, as amended, would change the beach bar exemption from noise control restrictions as it applies to beach bars located in the Atlantic City Tourism District established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

Under current law, beach bars Statewide are exempt from the noise restrictions of the "Noise Control Act of 1971" under certain circumstances. This bill, as amended, would expand the existing exemption for beach bars located in the Atlantic City Tourism District by making the exemption apply not only to the restrictions of the "Noise Control Act of 1971," but also to any other noise control standards established by law, including but not limited to, any statute, rule, regulation, or local ordinance.

Furthermore, under current law, a beach bar qualifies for the exemption only if: 1) it was existing and operating as of August 31, 2011, and 2) it is operating during normal business hours, as defined by the Department of Environmental Protection. This bill, as amended, would eliminate these requirements for beach bars located in the Atlantic City Tourism District. Thus, under the bill, as amended, a beach bar in the Atlantic City Tourism District would qualify for the exemption regardless of how long it has been existing or operating, and regardless of which hours it is operating.

The committee amendments would provide that for beach bars located in the Atlantic City Tourism District:

(1) the current exemption from noise restrictions would apply not only to the restrictions of the "Noise Control Act of 1971," but also to any other noise control standards established by law, including but not limited to any statute, rule, regulation, or local ordinance;

(2) the exemption from noise control standards would apply regardless of when the beach bar first came into existence or began operating, rather than applying only to those beach bars existing and operating prior to August 31, 2011; and

(3) the exemption from noise control standards would apply regardless of the time of day the beach bar is operating, rather than only applying during normal business hours.

ASSEMBLY TOURISM AND THE ARTS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1754

STATE OF NEW JERSEY

DATED: JANUARY 14, 2013

The Assembly Tourism and the Arts Committee favorably reports Senate Bill No. 1754 (1R).

This bill would change the beach bar exemption from noise control restrictions as it applies to beach bars located in the Atlantic City Tourism District established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

Under current law, beach bars Statewide are exempt from the noise restrictions of the "Noise Control Act of 1971" under certain circumstances. This bill would expand the existing exemption for beach bars located in the Atlantic City Tourism District by making the exemption apply not only to the restrictions of the "Noise Control Act of 1971," but also to any other noise control standards established by law, including but not limited to, any statute, rule, regulation, or local ordinance.

Furthermore, under current law, a beach bar qualifies for the exemption only if: 1) it was existing and operating as of August 31, 2011, and 2) it is operating during normal business hours, as defined by the Department of Environmental Protection. This bill would eliminate these requirements for beach bars located in the Atlantic City Tourism District. Thus, under the bill, a beach bar in the Atlantic City Tourism District would qualify for the exemption regardless of how long it has been existing or operating, and regardless of which hours it is operating.

This bill is identical to Assembly Bill No. 2946, as amended and reported by the committee.

ASSEMBLY, No. 2946

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 14, 2012

Sponsored by:

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman CHRIS A. BROWN

District 2 (Atlantic)

SYNOPSIS

Eliminates requirement that a beach bar must have been in existence prior to August 31, 2011 for purposes of qualifying for exemption from "Noise Control Act of 1971."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/15/2013)

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2 P.L.2011, c.198.

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24 b. In the event of the replacement of a carnival amusement ride
25 existing and in operation as of August 31, 2011, the ride shall
26 remain subject to the provisions of subsection a. of this section
27 provided that the noise emissions of the new carnival amusement
28 ride are less than or equal to the noise emissions of the ride that is
29 being replaced.

30 c. As used in this section:

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35 (cf: P.L.2011, c.198, s.1)

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6 regardless of how long the beach bar has been existing or operating.

ASSEMBLY TOURISM AND THE ARTS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2946

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 2013

The Assembly Tourism and the Arts Committee favorably reports Assembly Bill No. 2946 with committee amendments.

This bill, as amended by the committee, would change the beach bar exemption from noise control restrictions as it applies to beach bars located in the Atlantic City Tourism District established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

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This bill is identical to Senate Bill No. 1754 (1R), as also reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments would provide that for beach bars located in the Atlantic City Tourism District:

(1) the current exemption from noise restrictions would apply not only to the restrictions of the "Noise Control Act of 1971," but also to any other noise control standards established by law, including but not limited to any statute, rule, regulation, or local ordinance;

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operating, rather than applying only to those beach bars existing and operating prior to August 31, 2011; and

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