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A study of the public safety impact of P.L. 1989, c. 61 and P.L. 1989, c. 140: acts exempting certain public facilities from the lifeguard requirements as specified in N.J.S.A. 26:4-1 et. seq. and N.J.A.C. 8:26-1 et. seq. : Report to The Legislature by New Jersey. State Department of Health

Trenton N.J.: New Jersey State Department of Health, Division of Epidemiology and Communicable Disease Control, Consumer Health Services, [1992]

LAW

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1988

By Senator HURLEY

1 AN ACT concerning the regulation of certain swimming.

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

5 1. As used in this act:

"Campground" means a plot of ground in a county of the sixth
7 class upon which two or more campsites are located, established
or maintained for occupancy by camping units of the general
9 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
11 September, inclusive, for recreation, education, or vacation
purposes, with a swimming pool of 2,000 square feet or less.

13 "Hotel" or "motel" means a commercial establishment in a
county of the sixth class with a building of four or more dwelling
15 units or rooms used and kept open for rental and lodging by guests
during the months of May through September, inclusive, with a
17 swimming pool of 2,000 square feet or less.

2. Notwithstanding the provisions of section 7 of P.L.1947,
19 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
21 contrary, a hotel, motel, or campground is exempt from
mandatory compliance with the lifeguard requirements of section
23 1 of subchapter 5 (Waterfront Safety) of the Public Recreational
Bathing regulations (N.J.A.C.8:26-5.1); except that, the hotel,
25 motel, or campground shall have a manager or owner on the
premises when its swimming pool is open for use.

27 3. A hotel, motel, or campground which does not voluntarily
comply with the lifeguard requirements of section 1 of
29 subchapter 5 (Waterfront Safety) of the Public Recreational
Bathing regulations (N.J.A.C.8:26-5.1) shall post a sign ¹not less
31 than three feet by four feet¹ which shall be prominently
displayed ¹at the entrance to each swimming area¹ stating: "This
33 swimming pool is not required by State law to have 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:
¹ Senate SIF committee amendments adopted December 8, 1988.

1 lifeguard on duty. Persons under the age of 16 must be
2 accompanied by an adult. Swim at your own risk. This pool shall
3 be closed when the owner or manager is not on the premises."

4 ¹This notice shall also be posted on a sign not less than eight
5 inches by 10 inches at the registration desk of the facility and in
6 each room or suite of the facility used for occupancy by guests.

7 Notwithstanding the provisions of N.J.A.C. 8:26-2.5 to the
8 contrary, swimming pools covered by this act shall comply with
9 N.J.A.C. 8:26-3.12 pertaining to pool enclosures.¹

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

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

18 6. This act shall take effect on May 1, 1989 and shall expire
19 two years thereafter.

21

HEALTH

23

Sports and Recreation

25 Exempts certain hotels, motels and campgrounds from lifeguard
requirements.

SENATE, No. 2957

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1988

By Senator HURLEY

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4 *State of New Jersey:*

5 1. As used in this act:

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

13 "Hotel" or "motel" means a commercial establishment in a
14 county of the sixth class with a building of four or more dwelling
15 units or rooms used and kept open for rental and lodging by guests
16 during the months of May through September, inclusive, with a
17 swimming pool of 2,000 square feet or less.

18 2. Notwithstanding the provisions of section 7 of P.L.1947,
19 c.177 (C.26:1A-7) or the provisions of P.L.1946, c.172 (C.26:4A-1
20 et seq.) or any rules or regulation adopted pursuant thereto to the
21 contrary, a hotel, motel, or campground is exempt from
22 mandatory compliance with the lifeguard requirements of section
23 1 of subchapter 5 (Waterfront Safety) of the Public Recreational
24 Bathing regulations (N.J.A.C.8:26-5.1); except that, the hotel,
25 motel, or campground shall have a manager or owner on the
26 premises when its swimming pool is open for use.

27 3. A hotel, motel, or campground which does not voluntarily
28 comply with the lifeguard requirements of section 1 of
29 subchapter 5 (Waterfront Safety) of the Public Recreational
30 Bathing regulations (N.J.A.C.8:26-5.1) shall post a sign which
31 shall be prominently displayed stating: "This swimming pool is not
32 required by State law to have a lifeguard on duty. Persons under
33 the age of 16 must be accompanied by an adult. Swim at your
34 own risk. This pool shall be closed when the owner or manager is
35 not on the premises."

1 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
3 each subsequent offense to be recovered in a summary proceeding
brought in the name of the State pursuant to "the penalty
5 enforcement law," N.J.S.2A:58-1 et seq.

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

9 6. This act shall take effect on May 1, 1989 and shall expire
two years thereafter.

11

13 SPONSOR'S STATEMENT

15 This bill exempts, for a period of two years from the effective
date, hotels, motels and campgrounds in Cape May county, with
17 swimming pools of 2,000 square feet or less, from the lifeguard
requirements of the Public Recreational Bathing regulations
19 adopted by the Public Health Council (N.J.A.C.8:26-5.1), during
the months of May through September.

21 In lieu of lifeguards, these hotels, motels and campgrounds will
be required to have an owner or manager on the premises when
23 the pool is open and will be required to post a sign stating that:
"This swimming pool is not required by State law to have a
25 lifeguard on duty. Persons under the age of 16 must be
accompanied by an adult. Swim at your own risk. This pool shall
27 be closed when the owner or manager is not on the premises."

29 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
31 before January 1, 1991.

33 Cape May county, with the highest concentration of small,
independent, "mom and pop," hotels, motels and campgrounds
(more than 500) in the State has a severe shortage of lifeguards.
35 Not only is the population of Cape May county insufficient to
support an adequate lifeguard pool, but the student population
37 from other areas of the State are not attracted in sufficient
numbers to meet the need, and most of those young people who
39 are available leave for school before the recreational season is
over.

1 This bill is designed to remedy a special problem in a limited
geographical area, for a limited trial period, and with safeguards
3 which should, based on past experience, prove more than
adequate.

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HEALTH
Sports and Recreation

9

Exempts certain hotels, motels and campgrounds from lifeguard
11 **requirements.**

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 2957

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 1, 1988

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 2957 with committee amendments.

As amended by committee, this bill exempts, for a period of two years, beginning on May 1, 1989, hotels, motels and campgrounds in Cape May county, 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), during the months of May through September.

In lieu of lifeguards, these hotels, motels and campgrounds 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 facility and in each room or suite of the facility used for occupancy by guests.

This law would be in effect for two summer seasons 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.

Cape May county, with the highest concentration of small, independent, "mom and pop" hotels, motels and campgrounds (more than 500) in the State has a severe shortage of lifeguards. Not only is the population of Cape May county insufficient to support an adequate lifeguard pool, but the student population from other areas of the State are not attracted in sufficient numbers to meet the need, and most of those young people who are available leave for school before the recreational season is over.

The committee amended the bill to specify the minimum size of the pool sign and where it shall be posted, and to require that a notice of the lifeguard exemption shall be posted at the facility's registration desk and in each of the guest rooms. Other amendments clarify that the swimming pools shall comply with regulations regarding pool enclosures established pursuant to N.J.A.C. 8:26-3.12.

As amended by committee, this bill is identical to Assembly Bill No. 3767 (1R) (LoBiondo) which is currently pending in the General Assembly.