

13:1G-4.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 198

NJSA: 13:1G-4.3 (Exempts beach bars, amusement parks and carnival amusement rides from noise restrictions of "Noise Control Act of 1971" during certain time periods and subject to certain conditions)

BILL NO: S2850 (Substituted for A4442)

SPONSOR(S) Van Drew and others

DATE INTRODUCED: May 12, 2011

COMMITTEE: **ASSEMBLY:** ---

SENATE: Environment and Energy

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2012

SENATE: January 9, 2012

DATE OF APPROVAL: January 17, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

S2850

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

COMMITTEE STATEMENT: **ASSEMBLY:** No

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: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A4442

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

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Listen up! Amusement parks, carnivals win exemptions from noise law," Daily Record, 1-18-12.

"Listen up! Rides, bars exempt from noise law," Asbury Park Press, 1-18-12.

"Amusement parks, beach bars excluded from noise act," Courier-Post, 1-18-12.

"Law exempts carnivals from noise rule," Courier News, 1-18-12.

LAW/RWH

P.L.2011, CHAPTER 198, *approved January 17, 2012*
Senate, No. 2850 (*Second Reprint*)

1 AN ACT concerning noise restrictions on ²beach bars,² amusement
2 parks and carnival amusement rides and supplementing
3 P.L.1971, c.418 (C.13:1G-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. It shall not be a violation of the “Noise Control Act of
9 1971,” P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
10 regulation established pursuant thereto, for a person to operate ²:

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

14 (2)² an amusement park or a carnival amusement ride ¹, existing
15 and operating as of August 31, 2011,¹ during normal business
16 hours, as defined by the department, between May 15 and October
17 15, provided, however, that the person operating the carnival
18 amusement ride, whether within an amusement park or otherwise, is
19 complying with the recommendations of the manufacturer for
20 maintaining and lubricating the carnival amusement ride to
21 minimize, to the extent practicable, the noise sources within and on
22 the ride.

23 b. ¹In the event of the replacement of a carnival amusement
24 ride existing and in operation as of August 31, 2011, the ride shall
25 remain subject to the provisions of subsection a. of this section
26 provided that the noise emissions of the new carnival amusement
27 ride are less than or equal to the noise emissions of the ride that is
28 being replaced.

29 c. ¹As used in this section:

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

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

35 2. This act shall take effect immediately.
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37

38
39 Exempts beach bars, amusement parks and carnival amusement
40 rides from noise restrictions of “Noise Control Act of 1971” during
41 certain time periods and subject to certain conditions.

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 September 19, 2011.

²Senate floor amendments adopted December 15, 2011.

SENATE, No. 2850

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 12, 2011

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Senator JIM WHELAN

District 2 (Atlantic)

Co-Sponsored by:

Senator Ciesla

SYNOPSIS

Exempts amusement parks and carnival amusement rides from noise restrictions of “Noise Control Act of 1971” during certain time periods and subject to certain conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2011)

1 AN ACT concerning noise restrictions on amusement parks and
2 carnival amusement rides and supplementing P.L.1971, c.418
3 (C.13:1G-1 et seq.).

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

7
8 1. a. It shall not be a violation of the “Noise Control Act of
9 1971,” P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation
10 established pursuant thereto, for a person to operate an amusement
11 park or a carnival amusement ride during normal business hours, as
12 defined by the department, between May 15 and October 15, provided,
13 however, that the person operating the carnival amusement ride,
14 whether within an amusement park or otherwise, is complying with the
15 recommendations of the manufacturer for maintaining and lubricating
16 the carnival amusement ride to minimize, to the extent practicable, the
17 noise sources within and on the ride.

18 b. As used in this section:

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

21 “Carnival amusement ride” means “carnival amusement ride” as
22 defined in section 2 of P.L.1975, c.105 (C.5:3-32).

23

24 2. This act shall take effect immediately.

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STATEMENT

28

29 This bill would exempt persons operating an “amusement park”
30 or “carnival amusement ride,” which are terms defined in the bill,
31 from the noise restrictions of the “Noise Control Act of 1971”
32 during normal business hours between May 15 and October 15, so
33 long as the amusement rides in question are lubricated and
34 maintained in accordance with manufacturer’s recommendations for
35 minimizing the noise emanating from the rides.

36 Pursuant to the “Noise Control Act of 1971,” the Department of
37 Environmental Protection has established regulations setting forth
38 generally applicable maximum noise standards, which are measured
39 from any residential property line. In addition, the department has
40 also established 14 exceptions to which these standards do not
41 apply. Under the department’s current regulations, there is no
42 exception for amusement parks or rides.

43 However, due to increased residential development, the property
44 lines of newly-constructed residences have begun to shift ever-
45 closer to preexisting amusement parks and rides, creating the risk
46 that the noise emanating from these attractions will exceed the
47 department standards and constitute a violation of the act. In light
48 of this state of affairs, this bill would exempt the operation of

S2850 VAN DREW, WHELAN

3

1 amusement parks and carnival amusement rides from the current
2 noise restrictions under the act, and regulatory standards established
3 pursuant thereto, during normal business hours between May 15 and
4 October 15, so long as manufacturer's recommendations for
5 minimizing noise are followed in maintaining and lubricating
6 amusement rides.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 2850

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2011

The Senate Environment and Energy favorably reports Senate Bill No. 2850 with committee amendments.

This bill, with committee amendments, would exempt persons operating an “amusement park” or “carnival amusement ride,” which are terms defined in the bill, from the noise restrictions of the “Noise Control Act of 1971,” and any rules or regulations established thereto, during normal business hours between May 15 and October 15, so long as the amusement rides in question are lubricated and maintained in accordance with manufacturer’s recommendations for minimizing the noise emanating from the rides.

The committee amendments provide that in order for a carnival amusement ride or amusement park to be eligible under the provisions of the bill, it must be in existence and operation as of August 31, 2011. Additionally, the committee amendments provide that any replacement for a carnival amusement ride, existing and operating as of August 31, 2011, would remain subject to the provisions of the bill provided that the noise emissions of the new carnival amusement ride are less than or equal to the noise emissions of the ride that is being replaced.

STATEMENT TO
[First Reprint]
SENATE, No. 2850

with Senate Floor Amendments
(Proposed by Senator VAN DREW)

ADOPTED: DECEMBER 15, 2011

These floor amendments add an exemption to noise restrictions of the “Noise Control Act of 1971” for beach bars existing and operating as of August 31, 2011, during normal business hours, as defined by the Department of Environmental Protection, between May 15 and October 15.

ASSEMBLY, No. 4442

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 9, 2012

Sponsored by:

Assemblyman MATTHEW W. MILAM
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman NELSON T. ALBANO
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman DAVID W. WOLFE
District 10 (Monmouth and Ocean)
Assemblyman JOHN F. AMODEO
District 2 (Atlantic)

SYNOPSIS

Exempts beach bars, amusement parks and carnival amusement rides from noise restrictions of “Noise Control Act of 1971” during certain time periods and subject to certain conditions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning noise restrictions on beach bars, amusement
2 parks and carnival amusement rides and supplementing
3 P.L.1971, c.418 (C.13:1G-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

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

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

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

29 c. As used in this section:

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

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

35 2. This act shall take effect immediately.
36
37

38 STATEMENT
39

40 This bill would exempt beach bars, amusement parks, and
41 carnival amusement rides from the noise restrictions of the “Noise
42 Control Act of 1971” during certain time periods and subject to
43 certain conditions.

44 Specifically, this bill would exempt persons operating an
45 “amusement park” or “carnival amusement ride,” which are terms
46 defined in the bill, from the noise restrictions of the “Noise Control
47 Act of 1971,” and any rules or regulations established thereto,
48 during normal business hours between May 15 and October 15, so

1 long as the amusement rides in question are lubricated and
2 maintained in accordance with manufacturer's recommendations for
3 minimizing the noise emanating from the rides.

4 The bill also provides that in order for a carnival amusement ride
5 or amusement park to be eligible under the provisions of the bill, it
6 must be in existence and operation as of August 31, 2011.
7 Additionally, the bill provides that any replacement for a carnival
8 amusement ride, existing and operating as of August 31, 2011,
9 would remain subject to the provisions of the bill provided that the
10 noise emissions of the new carnival amusement ride are less than or
11 equal to the noise emissions of the ride that is being replaced.

12 The bill would also exempt any beach bar from the noise
13 restrictions of the "Noise Control Act of 1971," and any rules or
14 regulations established thereto, during normal business hours
15 between May 15 and October 15, provided, however, the beach bar
16 has been existing and operating as of August 31, 2011.