

P.L.1992, CHAPTER 122, approved October 22, 1992
1992 Assembly No. 1128 (First Reprint)

1 AN ACT concerning emergency sirens and amending P.L.1991,
2 c.475.

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

6 1. Section 1 of P.L.1991, c.475 (C.13:1G-4.2) is amended to
7 read as follows:

8 1. a. A siren or other sound emitting device used to alert
9 firefighters ¹[,] or¹ other emergency services personnel ¹[or the
10 public]¹ of a fire or other emergency shall be located no closer
11 than ¹[500] 250¹ feet from any ¹[school, school yard or
12 playground serving persons younger than 18 years of age]
13 elementary school or adjacent school yard or playground, except
14 that this prohibition shall not apply to any siren or sound emitting
15 device that is located on the premises of a fire station or other
16 facility operated by a local fire department or force or first aid,
17 rescue or emergency squad¹.

18 This subsection shall not apply to sirens or other sound emitting
19 devices placed in service before July 18, 1992 ¹[or to those
20 placed in service after that date at a school designated as an
21 emergency shelter] , and located in municipalities with a
22 population of less than 25,000 persons and with a population
23 density of more than 2,500 persons per square mile, according to
24 the latest federal decennial census.

25 Nothing in this subsection shall have the effect of restricting
26 the use of a siren or other sound emitting device to alert the
27 public of an emergency pursuant to the provisions of the
28 emergency management act, P.L.1942, c.251 (C.App. A:9-33 et
29 seq.), or any applicable federal laws or regulations pertaining to
30 emergency planning and preparedness¹.

31 b. The Commissioner of Environmental Protection and Energy
32 shall promulgate rules and regulations necessary to carry out the
33 purposes of this act pursuant to the "Administrative Procedure
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

35 (cf: P.L.1991, c.475, s.1)

36 2. This act shall take effect immediately.

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41 Prohibits sirens within 250 feet of schools except under certain
42 circumstances.

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:
Assembly amendments adopted in accordance with Governor's
recommendations September 14, 1992.

ASSEMBLY, No. 1128

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1992

By Assemblymen FELICE, CATANIA,
DeCroce and Assemblywoman Heck

1 AN ACT concerning emergency sirens and amending P.L.1991,
2 c.475.

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

6 1. Section 1 of P.L.1991, c.475 (C.13:1G-4.2) is amended to
7 read as follows:

8 1. a. A siren or other sound emitting device used to alert
9 firefighters, other emergency services personnel or the public of
10 a fire or other emergency shall be located no closer than 500 feet
11 from any school, school yard or playground serving persons
12 younger than 16 years of age.

13 This subsection shall not apply to sirens or other sound emitting
14 devices placed in service before July 16, 1992 or to those placed
15 in service after that date at a school designated as an emergency
16 shelter.

17 b. The Commissioner of Environmental Protection and Energy
18 shall promulgate rules and regulations necessary to carry out the
19 purposes of this act pursuant to the "Administrative Procedure
20 Act," P.L.1988, c.410 (C.52:14B-1 et seq.).
21 (cf: P.L.1991, c.475, s.1)

22 2. This act shall take effect immediately.

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25 STATEMENT

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27 This bill amends P.L.1991, c.475 which requires that sirens used
28 to alert firefighters, emergency service personnel or the public of
29 a fire or other emergency be located no closer than 500 feet from
30 a school, school yard or playground. The amendments would limit
31 this requirement to those sirens placed in service after the
32 effective date of the existing law, July 16, 1992. The
33 amendments also would exclude from compliance any siren
34 located at a school designated as an emergency shelter.

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39 Permits existing sirens within 500 ft. of schools.

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.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1128

STATE OF NEW JERSEY

DATED: APRIL 6, 1992

The Assembly Local Government Committee favorably reports Assembly Bill No. 1128.

Assembly Bill No. 1128 amends P.L.1991, c.475 which requires that sirens used to alert firefighters, emergency service personnel or the public of a fire or other emergency be located no closer than 500 feet from a school, school yard or playground. The amendments proposed in this bill would limit this requirement to those sirens placed in service after the effective date of the existing law, July 16, 1992, and also would exclude from compliance any siren located at a school designated as an emergency shelter.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1128

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Senate Law and Public Safety Committee favorably reports Assembly Bill No. 1128.

This bill amends P.L.1991, c.475 (C.13:1G-4.2) which requires that sirens used to alert firefighters, emergency service personnel or the public of a fire or other emergency be located no closer than 500 feet from a school, school yard or playground. The amendments would limit this requirement to those sirens placed in service after the effective date of that law, July 16, 1992. The amendments also would exclude from compliance any siren located at a school designated as an emergency shelter.

As reported by the committee, this bill is identical to Senate Bill 669 of 1992.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

ASSEMBLY BILL NO. 1128



September 10, 1992

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14, of the New Jersey Constitution, I herewith return Assembly Bill No. 1128 with my objections for reconsideration.

Assembly Bill No. 1128 amends P.L. 1991, c. 475, which requires that sirens used to alert fire fighters, emergency service personnel or the public of a fire or other emergency be located no closer than 500 feet from a school, school yard or playground serving persons younger than 16 years of age. This bill would limit this requirement to those sirens placed in service after July 16, 1991, the effective date of P.L. 1991, c. 475, and would also exclude from compliance any new siren located at a school designated as an emergency shelter.

In signing P.L. 1991, c. 475 into law, I believed there was wisdom in protecting our youngsters from the trauma and disturbance of siren blasts during their school hours. The recent passage of Assembly bill No. 1128 indicates the Legislature's desire to refine the goals of the original bill by curtailing the current provisions of State law that prohibit the use of existing sirens located in close proximity to schools. As a result, this new legislation reflects an intent to strike a different balance between the goal of protecting our children and the need to minimize the possible cost and disruption to the agencies operating these sirens.

While the complete "grandfathering" of existing sirens would certainly enable our municipalities to avoid the expense of relocating existing sirens, I am concerned this approach may place too little emphasis on the well-being of the children potentially affected by existing sirens. I share the Legislature's desire to avoid imposing any additional, unnecessary costs upon municipalities, but I believe there is a better approach for balancing the need to protect our children with the potential budgetary impact of the current prohibition on the operation of sirens near schools.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

As a result, I am proposing a number of amendments to narrow and refine the scope of this noise control program. First, I recommend an amendment to limit the applicability of the current prohibition to existing sirens that are located within a 250 foot distance of any elementary school or playgrounds adjacent to any elementary school. This proposal is consistent with technical guidelines issued by the Federal Emergency Management Agency (FEMA) based upon a scientific analysis of the impact of siren blasts on hearing. For example, these guidelines clearly advise state and local authorities to avoid sound-sensitive locations, such as schools and hospitals, in the placement of warning sirens. In addition, current federal guidelines emphasize that persons should not be in close proximity to activated warning sirens. As a result, the proposed changes I am recommending will maintain a necessary degree of protection for our youngest, most vulnerable children, who would otherwise be exposed to these disruptions during their school day.

Second, I am recommending a provision to authorize the continued use of all sirens, including those located at elementary schools, to alert the public of any imminent areawide emergency or disaster in accordance with the procedures prescribed by the State's emergency management act or any applicable federal laws or regulations. This provision will enable our state and local officials to continue to perform their vital emergency planning and preparedness functions as provided in existing State and federal programs. I am also proposing an exemption for those sirens that have traditionally been placed on the premises of fire stations and other facilities operated by our local fire departments and emergency rescue squads.

Finally, to minimize the potential fiscal strain on the budgets of smaller, volunteer fire departments, I am proposing that certain of our State's smaller townships and boroughs be exempted from the requirements of the 1991 act. This statutory exemption would be limited to those small municipalities that have higher population densities, since these towns are likely to face much greater difficulty and expense in finding satisfactory, alternative sites for any displaced fire sirens.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Therefore, I herewith return Assembly Bill No. 1128 and recommend that it be amended as follows:

Page 1, Section 1, Line 2: delete "fire fighters" delete "," insert "or" and after "personnel" delete "or the public"

Page 1, Section 1, Line 10: delete "500" insert "250"

Page 1, Section 1, Lines 11-12: delete in its entirety and insert "from any elementary school or adjacent school yard or playground, except that this prohibition shall not apply to any siren or sound emitting device that is located on the premises of a fire station or other facility operated by a local fire department or force or first aid, rescue or emergency squad."

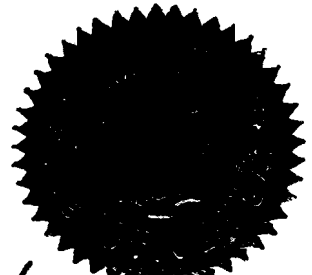
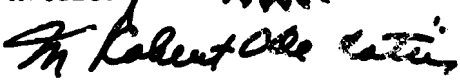
Page 1, Section 1, Lines 14-16: delete in its entirety and insert "devices placed in service before July 16, 1992 and located in municipalities with a population of less than 25,000 persons and with a population density of more than 2,500 persons per square mile, according to the latest federal decennial census."

Nothing in this subsection shall have the effect of restricting the use of a siren or other sound emitting device to alert the public of an emergency pursuant to the provisions of the emergency management act (C. App. A:9-33 et seq.) or any applicable federal laws or regulations pertaining to emergency planning and preparedness.

Respectfully,


GOVERNOR

Attest:



Chief Counsel to the Governor

09/15/92bd
01/1535

Document ID 139
LP 0018
SR 0125
TR 0076

CONDITIONAL VETO

to

ASSEMBLY, No. 1128

(Sponsored by Assemblymen FEJICE and CATANIA)

REPLACE SECTION 1 TO READ:

1. Section 1 of P.L.1991, c.475 (C.13:1G-4.2) is amended to read as follows:

1. a. A siren or other sound emitting device used to alert firefighters ¹[,] or ¹other emergency services personnel ¹[for the public] ¹of a fire or other emergency shall be located no closer than ¹[500] 250¹ feet from any ¹[school, school yard or playground serving persons younger than 16 years of age] elementary school or adjacent school yard or playground, except that this prohibition shall not apply to any siren or sound emitting device that is located on the premises of a fire station or other facility operated by a local fire department or force or first aid, rescue or emergency squad¹.

This subsection shall not apply to sirens or other sound emitting devices placed in service before July 16, 1992 ¹[or to those placed in service after that date at a school designated as an emergency shelter] , and located in municipalities with a population of less than 25,000 persons and with a population density of more than 2,500 persons per square mile, according to the latest federal decennial census.

Nothing in this subsection shall have the effect of restricting the use of a siren or other sound emitting device to alert the public of an emergency pursuant to the provisions of the emergency management act, P.L.1942, c.251 (C.App. A:9-33 et seq.), or any applicable federal laws or regulations pertaining to emergency planning and preparedness¹.

b. The Commissioner of Environmental Protection and Energy shall promulgate rules and regulations necessary to carry out the purposes of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
(cf: P.L.1991, c.475, s.1)

REPLACE SYNOPSIS TO READ:

Prohibits sirens within 250 feet of schools except under certain circumstances.