

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1406

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Community Affairs Committee reports favorably Senate Bill No. 1406 with committee amendments.

As amended by the committee, this bill would modify the immunity from liability under the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.) otherwise accorded owners of shooting ranges pursuant to P.L.1991, c.391 (C.13:1G-21.1 et seq.).

The 1991 enactment provided owners of shooting ranges with immunity from liability in any civil proceeding or any proceeding brought pursuant to the "Noise Control Act of 1971" where the liability is based upon noise resulting from normal operation of the range, notwithstanding the provisions of section 21 of P.L.1971, c.418 (C.13:1G-21). That section of law allowed municipalities to establish standards for the level or duration of community noise more stringent than the "Noise Control Act," or rules and regulations adopted pursuant thereto. The 1991 enactment removed the municipality's authority to adopt stricter regulations governing noise standards in connection with shooting ranges which had been maintained continuously in the same location since January 24, 1972.

This bill, while maintaining the prohibition on municipal action to make noise regulations stricter than State law, takes account of the noise impacts a shooting range might have on a residential community in a neighboring municipality and removes the immunity from liability otherwise accorded those ranges. It also removes liability protection from any shooting range which expands its clientele after the effective date of P.L.1991, c.391.

The committee amended the bill so that its provisions would apply to a shooting range situated within 750 feet of a residential zone in an adjoining municipality. The bill was also amended to recognize that the immunity provided by the 1991 enactment only applied to shooting ranges which had been maintained continuously in the same location since January 24, 1972.