

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Carnival-Amusement Rides

Rider and Gravity Propelled Rides in Youth Camps

Proposed Amendment: N.J.A.C. 5:14A-1.1

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 5:3-36.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-016.

Submit written comments by March 19, 2011 to:

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The agency proposal follows:

Summary

Rider and gravity propelled rides, such as playground equipment, in youth day camps are subject to inspection by the Department of Health and Senior Services. If there is also a mechanical ride in the amusement area, both the mechanical ride(s) and the rider or gravity propelled rides are subject to inspection by the Department of Community Affairs. This proposed amendment to N.J.A.C. 5:14A-1.1(d)4 would provide for the acceptance by the Department of Community Affairs of inspections performed by the Department of Health and Senior Services of all such rider or gravity propelled rides in youth camps, thus eliminating the need for duplicative inspections of the non-mechanical rides.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

If inspection by the Department of Health and Senior Services of rider and gravity propelled rides in youth camps that do not also have mechanical rides is adequate to protect the safety of children using the equipment, it is no less adequate if a mechanical ride subject to inspection is present at the same location, so there would be no adverse social impact.

Economic Impact

The elimination of duplicative inspections would be economically beneficial to youth camp operators, who would only have to arrange for one inspection and to comply with orders from one agency regarding the same equipment.

Federal Standards Statement

No Federal standards analysis is required because this amendment is not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the proposed amendment would result in any creation or loss of jobs.

Agriculture Industry Impact

The proposed amendment would not impact the agriculture industry.

Regulatory Flexibility Statement

As indicated in the Economic Impact statement, the proposed amendment would have a positive economic impact for operators of youth camps, who would not be subject to duplicative inspection of the same equipment by two agencies. Some of these operators are “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and they would received the same benefit as all other operators, regardless of size or form of organization. No reporting, recordkeeping or compliance obligations would be imposed by the proposed amendment and no professional services would be required.

Smart Growth Statement

The proposed amendment would have no effect upon smart growth or the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

Inasmuch as the proposed amendment would only affect operators of youth camps, and has nothing to do with housing, there is an extreme unlikelihood that it would evoke a change in the average costs associated with housing.

Smart Growth Development Impact

Inasmuch as the proposed amendment would only affect operators of youth camps, and has nothing to do with housing, there is an extreme unlikelihood that it would evoke a change in housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**):

5:14A-1.1 Title; scope; intent

(a) - (c) (No change.)

(d) This chapter shall apply to:

1.- 3. (No change.)

4. Any rider or gravity propelled ride, including, but not limited to, any water slide or water-based recreation equipment when located in an amusement area or park in which there are other rides covered by the Act.

i. In the case of any rider or gravity propelled ride, including, without limitation, any water slide under 15 feet or any water-based recreation equipment, located in a youth day camp, the Department shall accept a valid Certificate of Approval from the Department of Health and Senior Services as evidence of compliance with the requirements of this chapter.

(e) - (f) (No change.)