

ORDINANCE NO. 2017-19

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 18: "BEACHFRONT AND MARINE REGULATIONS" TO INSERT NEW SECTION 18-2.7c. (PREVIOUSLY RESERVED) PROHIBITING USE OF TENTS AND CANOPIES ON THE BEACHFRONT AT CERTAIN TIMES WITH EXCEPTIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 18: "Beachfront and Marina Regulations" of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

18-2.7 Rules and Regulations.

In addition to the rules and regulations hereinafter enumerated, the Borough Council is hereby authorized and empowered to adopt, by resolution, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and the waters adjacent thereto. For purposes of this Chapter, the term "beachfront area" shall mean all areas east of Ocean Avenue, including by way of illustration and not limitation, the boardwalk, jetties, dunes, beach plantings, the beach and waters immediately adjacent thereto. Nothing herein shall be construed to limit the Borough of Belmar from enforcing other applicable provisions of the Borough of Belmar Revised General Ordinances, New Jersey State statutes or other applicable laws.

The Borough Council is further authorized and empowered to suspend, modify and/or supplement, by resolution, for a limited time the operation of certain rules and regulations governing the beachfront and the waters adjacent thereto in order to permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council. The following rules and regulations are hereby established.

- a. No person shall bathe or swim from the beachfront except from the protected bathing beaches, as designated by flags, and where boats and lifeguards are provided by the Borough, and only at such times as the lifeguards are on duty.
- b. No person shall use or tamper with any boat or lifeguard equipment without the permission of the beachfront director, the chief lifeguards, or the Mayor.
- c. ~~Reserved.~~ No tents or canopies are permitted on the beachfront from the Friday of Memorial Day weekend to midnight on the Monday of Labor Day, except in conjunction with an authorized beach party permit under Borough ordinance subsection 18-2.7aa. The only permitted shade devices on the beachfront from the Friday of Memorial Day weekend to midnight on the Monday of Labor Day shall be:
 1. Umbrellas with one central shaft supporting the umbrella canopy in an upright or adjustable tilted position up to 90 degrees; and
 2. Devices designed or used to shade infants and/or toddlers no larger than 36 inches

high by 36 inches wide by 36 inches deep.

- d. *Reserved.*
- e. Sleeping on the boardwalk, beach sand or any other public areas of the beachfront is prohibited between the hours of 10:00 p.m. and 8:00 a.m., prevailing time. A finding or a plea of guilty to sleeping on the boardwalk, beach sand or any other public areas of the beachfront shall result in a minimum fine of one hundred (\$100.00) dollars.
- f. No person shall engage in surf fishing in the bathing areas at any time.
- g. No person shall play baseball or engage in any type of ball playing or throwing of a frisbee on the beachfront or in the water adjacent thereto during bathing hours in any manner which creates a danger or unreasonable inconvenience to others; provided, however, that all such persons shall obey all direction from lifeguards and Police Officers regarding such activities.
- h. No person shall engage in any type of rough athletics on the beachfront or in the water adjacent thereto.
- i. No person shall be permitted to bring on the boardwalk or beach, any tubs, barrels, coolers, cans or other containers with the capacity to hold over four (4) gallons of liquid, exclusive of fishing equipment.
- j. No person shall skin-dive upon the beachfront of the Borough or the water adjacent thereto at any time during which the beaches are closed to the public.
- k. No person shall throw or discard any bottles, cans, paper or other refuse, including but not limited to, cigarette butts, cigar butts, and other tobacco products, in any beachfront area, and all refuse and paper and litter shall be placed in refuse containers provided therefor. The penalty for violation of this section shall be one hundred (\$100.00) dollars and two (2) days community service
- l. No dogs or other animals shall be permitted on the boardwalk or on the beachfront or in the waters adjacent thereto, or upon any public walk contained on the beachfront, except as allowed herein:
 - 1. Dogs that are wearing a valid and current license tag issued by a municipality or government agency shall be permitted on the beach in the area south of the Belmar Fishing Club pier at First Avenue and extending southerly to the border of Spring Lake at North Lake Drive, and in the waters adjacent thereto, from October 1 to April 30th during daylight hours; provided that the dog is accompanied by an adult who is at all times in possession of a bag or other container or device appropriate for the purpose of cleaning up after the dog, and who shall be responsible for completely and immediately removing and properly disposing of the dog's fecal droppings; and who shall also be responsible for complying with all other applicable laws and regulations.
 - 2. Dogs are permitted on the boardwalk only in and about the times enumerated in paragraph 1. above, for the limited purpose of entering or exiting the beach.
 - 3. The penalty for a violation and conviction of this section for a first offense shall carry a minimum fine of two hundred fifty (\$250.00) dollars, for a second offense a minimum fine of five hundred (\$500.00) dollars, and for a third offense a court appearance shall be mandatory and upon a third conviction a minimum fine of one thousand (\$1,000.00) dollars.

- m. No person shall ride bicycles, skates, skateboards, scooters, motorcycles or motor vehicles of any type on the boardwalk or any of the public walks adjacent thereto on any portion of the beachfront. However, as a special exception to this section, bicycles may be ridden on the boardwalks and public walks only between the hours of 6:00 a.m. and 9:00 a.m., prevailing time, on any morning; and between the hours of 6:00 a.m. and 6:00 p.m., prevailing time, from October 1st to April 30th. This section shall not apply to Firemen, First Aid Members, Police Officers, Public Works and Sanitation Employees while on duty or responding to an emergency. This section shall also not apply to vehicles and trailers using the boardwalk vehicle ramp at Third Avenue for purposes of lawfully transporting non-motorized watercraft or motorized personal watercraft in accordance with the regulations set forth in this Chapter.
- n. No person shall climb over, break, damage or deface any fence, railing, enclosure or other Borough property on the boardwalk or the beachfront.
- o. No person, article or object shall be permitted to enter the beachfront or beach area except through a publicly designated entrance.
- p. No person shall hawk, peddle, vend, sell, distribute, deliver or offer for sale any goods, wares, product samples or merchandise on any of the public beaches or beachfront of this Borough bordering upon the Atlantic Ocean or Shark River. However, the prohibition of these activities along the Shark River shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.
No person shall hawk, peddle, vend, sell, distribute, deliver or offer for sale any goods, wares, product samples or merchandise on any public boardwalk in the Borough, except from a permanently enclosed building, store or other structure located on the boardwalk or in accordance with a permit granted by the Mayor and Council.
- q. No person shall solicit on a pamphlet or a flyer any trade or business on any of the public beaches or beachfront of this Borough bordering upon the Atlantic Ocean or Shark River. However, the prohibition of these activities along the Shark River shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.
No person shall solicit on a pamphlet or a flyer any trade or business on any public boardwalk in the Borough except from a permanently enclosed building, store or other structure located in said boardwalk.
- r. No person shall obstruct the flow of pedestrian traffic or other activities on the boardwalk or beachfront area.
- s. No person shall bring, consume or possess any alcoholic beverage, malt alcoholic beverage or wine or any other intoxicating liquors on the beachfront or in the waters adjacent thereto or on the boardwalk, or in the Borough owned pavilions whether or not they are occupied by a concession lessee, except as specifically authorized by Chapter XVII Alcoholic Beverage Control of the Borough of Belmar Revised General Ordinances.
- t. Modeling or designing sand or upon any of the material upon the beachfront is permitted provided that the same is removed and the area leveled prior to leaving the area where such activities have occurred.
- u. No person shall model, draw or depict any obscene or rude figures upon the beachfront.
- v. No person shall take or haul any beach sand or soil from the beachfront, nor shall any person dig in the beachfront in such a manner as to leave a depression of more than twelve (12")

inches deep in the surface of the land.

- w. No person shall use surfboards, lifeboats or life rafts made of inflatable or rigid or non-rigid material, or any other appliances or equipment, whether made of inflatable or rigid or non-rigid materials, which might cause injury to persons sitting, standing, walking, bathing or swimming upon the beach, the sand, the beachfront or in the waters adjoining thereto, except as follows:
Inflatable surf-mats made of a non-rigid material and not over six (6') feet in length may be used in such specific areas on the beach, the sand, the beachfront, or in the waters adjoining thereto as are so designated by Resolution of the Borough Council, and shall never be taken into or used in or on a swimming or bathing area or beach or waters as so designated by the Council.
Surfboards of the type approved by the National Surfing Association and not exceeding ten (10') feet in length may be used only in such specific areas on the beach, the sand, beachfront, or in the waters adjoining thereto as are so designated by resolution of the Borough Council and shall never be taken into or used in or on a swimming or bathing area or beach or waters as so designated by the Borough Council.
- x. No person shall enter into the designated lifeguard area without the permission of the lifeguard in charge, and no person shall molest, bother or annoy the lifeguards in the performance of their duties.
- y. No person shall build, start, or make any fire on any portion of the beachfront except the beach designated in subsection 18-2.2c, and except upon the issuance of a special permit from the Borough Fire Official. The Fire Official shall issue such a permit only upon compliance by the applicant with the requirements of Sections F-300.1 et seq. of the State Fire Prevention Code, including the requirement of Section F-301.2 pertaining to prior approval of the New Jersey Department of Environment Protection. The permit shall explicitly state all limitations, conditions, and restrictions imposed on the applicant by the Borough Fire Official.
- z. Reserved.
- aa. No beach parties shall be permitted on any portion of the beach except the beach designated in subsection 18-2.2c, and except upon the issuance of a special permit from the Borough Clerk. Every permit shall be valid only for the single day indicated on the permit between the hours of 6:00 p.m. and 12:00 midnight. Applications for permits must be made to the Borough Clerk on forms promulgated by the Clerk. No permit shall be issued unless the applicant first submits to the Clerk: (1) a security deposit of one hundred (\$100.00) dollars, returnable only if there is no damage to the beach or any Borough property, and only if all trash and litter has been removed from the beach by the applicant; and (2) a certificate of insurance or other satisfactory proof that the applicant has obtained and paid for liability insurance against any and all claims for bodily injuries and property damage arising out of or in any way connected with the presence of persons on the beach during the party, which insurance must have a limit of liability of at least five hundred thousand (\$500,000.00) dollars and must name the Borough of Belmar as an insured. No swimming or bathing privileges shall be extended to any person attending a beach party, and no person attending a beach party shall bring onto the beach or the boardwalk any alcoholic beverages. In addition, the provisions of subsection 18-2.7y shall apply to all beach parties.

- bb. From May 1 through September 30 of each year and between the hours of 8:00 a.m. and 5:00 p.m., no person shall place bicycles, baby carriages or any other vehicles upon the beachfront or boardwalk within fifteen (15') feet of a publicly designated entrance to the beachfront unless placed in a bike rack provided by the Borough. At all other times the same shall not be placed so as to interrupt with safe and efficient access to and from the beach.
- cc. No person shall, while on or using any portion of the beachfront or while bathing or swimming in the waters of the ocean adjacent thereto, annoy or molest any other person or persons, or utter any offensive or indecent language or in any way act in a disorderly manner.
- dd. No gambling, gaming or wagering of any type shall be permitted at any time on the beachfront or in the waters adjacent thereto.
- ee. No person shall bathe or swim in the Atlantic Ocean from the Belmar beach at a distance greater than as directed by the lifeguard in charge.
- ff. No person shall be permitted to bring or have in their possession on the beaches any glass containers of any type.
- gg. No dance floors or objects for use as a dance floor may be placed on the boardwalk or beaches for the purpose of public dancing, except in conjunction with: 1. an authorized beach party permit pursuant to subsection 18-2.7aa; 2. an aerobics class offered by an authorized beach aerobics concessionaire of the Borough; or 3. a special event, activity or program authorized by resolution of the Borough Council.
- hh. No person shall be permitted to play or operate any device that emits a sound amplification in excess of 65 dB(A) at the source on any section of the boardwalk or beach. No component T.V., radio, stereo or electric equipment for the purpose of reproducing T.V., radio, or recorded sound or electronic musical instruments are permitted except in conjunction with an authorized beach party permit pursuant to Borough ordinance subsection 18-2.7aa.
- ii. No radio, phonograph, tape, or cassette player, television, musical instrument, loudspeaker or amplifier, or other machine or device for the electronic or stereophonic production or reproduction of sound may be permitted on the boardwalk or beachfront unless equipped and operated only with headphones.
- jj. No person shall smoke any cigarettes, cigars or other tobacco products in the beachfront area at any time. The penalty for violation of this section shall be twenty-five (\$25.00) dollars.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.