

ORDINANCE NO. 2019-21

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.

- c. No tents, camping 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/stanchion supporting the umbrella canopy in an upright or adjustable tilted position up to 90 degrees and with a top no larger than six (6) feet across; and
 - 2. Devices designed or used to shade known as beach popup tents or sun shelters which are small and open on one side. ~~infants and/or toddlers no larger than 36 inches high by 36 inches wide by 36 inches deep.~~
 - 3. The police department is authorized and directed to remove any tent which is creating a hazard or unnecessary disturbance to other.

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.