

ORDINANCE NO. 2020-43

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER XVIII OF THE BOROUGH CODE ENTITLED “BEACH FRONT AND MARINE REGULATIONS”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 18 of the Borough Code is hereby amend as stated below. (Insertions identified by underline and deletions identified by ~~striketrough~~)

SECTION I. 18-3.3 Definitions.

CHARTER BOAT

Shall mean any boat or vessel carrying ~~a group passengers~~ for hire or for commercial purposes, by pre-arranged appointment or reservation through the owner or Captain. Single passenger bookings through outside entities are prohibited.

SECTION II. 18-3.10 Prohibited Uses and Areas.

e. No person shall hawk, peddle, vend, distribute, or deliver, any goods, wares, fish, food products or merchandise of any type and kind in any part of the Belmar Marina Area. No charter vessels can hawk or peddle spots through outside entities including but not limited to websites and Social Media platforms. ~~No commercial delivery of any goods, product or merchandise shall be made by vehicle to the Belmar Marina Area, except to a designated loading area outside the Donald E. Sterner Administration Building and then only between the hours of 8:30 a.m. and 11:30 a.m., and 1:30 p.m. and 4:30 p.m.~~

All such goods, products or merchandise shall then be unloaded by hand and moved by hand or by non-motorized cart to their final destination.

Nothing contained in this subsection shall be construed to prohibit customers of commercial vessels or owners and passengers of pleasure boats from unloading their vehicles in appropriately designated areas.

This subsection shall not be deemed to apply to municipal employees or contractors acting on official business.

In the event of any emergency or other special circumstances, the Superintendent of Public Works or designee may authorize the delivery of any service and/or part(s) at an appropriate location and time.

~~However, the regulations and prohibitions contained in this section shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.~~

i. No person shall smoke any cigarettes, cigars or other tobacco products in the beachfront area known as L Street Beach at any time, including the boardwalk area at L Street Beach. The penalty for violation of this section shall be ~~\$250.00 plus court costs. \$25.~~

SECTION III. 18-4.3 Miscellaneous Rates and Services.

d. Prorated Rates. Any initial lease signed after August ~~15th~~ 1 of any year may be accepted on payment of 1/2 of the seasonal rate in effect for pleasure boats. Commercial Boat rates shall be determined by dividing the current rate by 365 days, then multiplying the result by the number of days remaining in the year.

~~f. Gasoline and Diesel Access Card/Keys. Any boat owner may purchase gasoline and diesel fuel from the Borough by use of a "Fuel Access Card or Key" provided that the owner executes (with personal guarantees if the owner is a corporation or a partnership) a contract prepared by the Borough Attorney, whereby the owner agrees to purchase all of the owner's gasoline and diesel fuel from the Borough except when operating away from the Belmar/Shark River area or in emergencies, and at prices in effect at the time of delivery.~~

~~Boat owners will be given statements on a weekly basis and invoiced on a biweekly basis. Invoices shall be payable in seven days. Payments, if made by check, do not satisfy an invoice or replenish a security until the check clears.~~

~~The failure of a boat owner to pay invoices in a timely fashion will result in the deactivation of the fuel access card or key. The fuel access card or key will not be reactivated until the outstanding invoices, interest and penalties are paid in full and the following security is posted and maintained at all times:~~

Charter boats	\$1,000
Party boats	\$5,000
Private boats	\$500
Cruise/Excursion boats	As required

~~Thereafter, if invoices are not paid in a timely fashion the fuel access card or key will be deactivated and the security on deposit will be used to pay any delinquent invoice(s), interest and~~

~~penalty and the boat owner will be required to replenish the security. If it is not replenished in 10 days the fuel access card or key will be deactivated. If a fuel access card or key is deactivated it will not be reactivated until all outstanding invoices, interest and penalties are paid and the appropriate amount of security is restored.~~

~~Upon the termination of a boat owner's lease the fuel access card or key will be deactivated and any security on deposit will be returned within 14 days of the satisfaction of the last invoice(s) or other payments owed to the Borough.~~

~~The cost for any replacement or new gas key for an existing account is \$10 per key.~~

~~**m. Sailboat Beach Fees.** The fee and number of permits to be issued for placing a sailboat on beach as described in Subsection 18-2.10 shall be established by resolution of the Harbor Commission and with approval of the Borough Council.~~

n. The Business Administrator is hereby authorized to accept renewals of existing leases, provided the lessee executes a written lease renewal agreement and pays the rent for the renewal term in full on or before ~~January~~ **December** 31st of the current lease year. Execution of winter storage agreement shall not extend the due date for pleasure boat rents. Failure to execute a lease renewal agreement and to pay the rent for the renewal term in full as set forth above will result in a termination of all rights, and the vessel will be required to leave the marina upon expiration of the current lease. Deadline for 50% payment is January 31st. Full payment due by April 15th.

~~**o. Boat Ramp— Annual Boat Ramp Pass.** The fee for an annual boat ramp pass shall be established by resolution of the Harbor Commission and with approval of the Borough Council. A rate for a senior citizen's annual boat ramp pass, for persons 62 years of age or over, may also be established by resolution of the Harbor Commission and with approval of the Borough Council. All annual boat ramp passes are subject to the following conditions: passes may only be used for one launch and one retrieve per day; in order to obtain a pass the person applying must provide a copy of a current boat/vessel registration; the pass is only valid for the boat/vessel of the registration presented; anyone violating these conditions forfeits the use of the ramp pass in accordance with Subsection 18-4.4h.~~

~~**p. Security Key.** Keys will be issued upon payment in full of slip. Two passkeys will be issued per slip. There will be a \$10 charge for additional keys. Lost or stolen passes must be reported immediately to the Harbor Office. There will be a \$5 fee for a replacement. Keys shall be returned to Harbor Office upon vacating of slip. Keys will be deactivated 15 days after lease end date. If keys are not returned, boat owner will be billed \$10 per key. No boat owner or their guests shall cause any security or access gate or door anywhere in the Marina to be propped open, tied open or otherwise prevented from closing, or tamper with or destroy the gate or locking mechanism. In addition to any other remedies, upon the first violation of this section the boat owner shall be sent a written notice of the same and receive a \$500 penalty which shall be payable in 10 days and deemed rent under this lease. Upon the second violation of this section~~

~~the boat owner shall be notified in writing that his/her lease has been terminated and the owner shall remove his/her boat in 10 days and forfeit any security key deposit.~~

~~q. Transient Slip Security Key. Two passkeys will be issued per transient slip. A deposit of \$50 cash or charge card slip shall be left before keys are issued. Lost or stolen passes must be reported immediately to the Harbor Office. Keys shall be returned to Harbor Office upon vacating of slip. If keys are not returned, boat owner will be billed \$50 per key. No boat owner or their guests shall cause any security or access gate or door anywhere in the Marina to be propped open, tied open or otherwise prevented from closing, or tamper with or destroy the gate or locking mechanism. In addition to any other remedies, upon the violation of this section the boat owner, in the Borough's sole discretion may be required to vacate the Marina and/or forfeit any security key deposit.~~

SECTION IV. 18-4.8 Prohibited Activities Applicable to All Boats.

~~k. Soliciting for the sale of products or services by anyone shall be prohibited in the Marine Basin except as provided in Subsection j above; however, this prohibition shall not apply to veterans or exempt firemen possessing a valid license issued pursuant to N.J.S.A. 45:24-9 et seq.~~

l. No one may deliver to any boat, nor may any owner, captain, mate, employee or agent, accept for any boat the delivery for the benefit of any boat gasoline or diesel fuel which may only be sold or dispensed by the Borough at the service dock provided for such purpose. Fuel from the commercial fuel pumps shall only be provided to those boats maintaining an active commercial lease agreement.

n. No flood lights, spot lights, beams or other forms of lighting shall be left on or operating when boat is not in use unless the cost of electricity is covered by an arrangement with the Marina Office or is metered.

SECTION V. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION VI. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.