

ORDINANCE 17-2010

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**AN ORDINANCE REGULATING THE BATHING BEACHES,
OCEAN AND AREAS CONTIGUOUS THERETO IN THE
BOROUGH OF SEA GIRT AND REPEALING ORDINANCES
NO. 684, NO. 893 & NO. 11-2009 AND ALL OTHER PRIOR
ORDINANCES INCONSISTENT HERewith**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SEA GIRT, as follows:

SECTION 1 Area of Applicability.

This ordinance is applicable to the area of public beaches and dunes within the Borough of Sea Girt, including all intertidal areas and the waters adjacent thereto. The provisions set forth herein shall apply to all parts of the public beaches and dunes, including all intertidal areas and the waters adjacent thereto, notwithstanding a specific reference to the terms “beach”, “beachfront”, “dune” or “waters adjacent thereto”.

SECTION 2 Rules and Regulations.

The following rules and regulations are hereby established:

- (a) No person shall bathe from the beachfront or in the waters adjoining the beachfront in the Borough of Sea Girt except within certain designated areas as set forth herein or to be hereafter determined from time to time by resolution of the Mayor and Council and thereafter published in the beach regulations of the Borough of Sea Girt for the current season or as designated by signs or flags to be posted by the Beach Manager. Bathing hours are from 9:15 a.m. to 4:45 p.m. During the beach season, as designated by the Borough, the Borough may provide lifeguards at designated beaches until 6:00 p.m. and during those times bathing shall be restricted to those designated beaches.
- (b) No person shall bathe or swim from the beachfront except from the protected bathing beaches, as designated by flags or signs and where lifeguards are provided by the Borough of Sea Girt, and only at such times as the lifeguards are on duty.
- (c) No person shall use or tamper with any boat or lifeguard equipment without

the permission of the Beach Manager, the Captain of the lifeguards or the Borough Administrator.

(d) Lifeguards shall be maintained on duty at the protected bathing beaches during bathing hours as established in Section 2(a) except at such times when bathing or swimming shall be deemed dangerous or hazardous by the Beach Manager, the lifeguard in charge of the beach or the Captain of the lifeguards. When such dangerous conditions exist, a sign or red flag shall be displayed indicating that the beach is closed to bathing or swimming and no person shall bathe or swim in said waters adjacent to the beach, whether protected or not, at any time until the signs or flags are removed. No person shall bathe or swim in said waters adjacent to the beach at night or during the hours of darkness.

(e) Lifeguards shall have charge, control and supervision of the bathing, swimming and surfing at the respective designated beaches and generally on all the beaches and beachfront of the borough and in the waters adjoining the same. Nothing herein shall be construed to limit the authority of the Borough Police Department or any other law enforcement agency to enforce the laws of the state or ordinances of the Borough on all the beaches and beachfront of the borough and in the waters adjoining the same. Failure to obey, or disregard of the oral or visual command, whistle or signal, or the directive of a lifeguard or law enforcement officer not to enter the beaches, beachfront or waters adjoining the same, not to surf in the waters, not to swim or bathe beyond the designated swimming or bathing areas or in waters deemed hazardous or dangerous by the lifeguard, not to leave the waters or the beach or beachfront with or without paraphernalia or equipment, whether swimming, bathing, surfing or being thereon, as the case may be, shall constitute a violation of this ordinance. The Borough shall provide beach patrols consisting of regular and/or special law enforcement officers.

(f) All persons purchasing a beach badge or season bath house, or other privilege as may be designated and described by the Mayor and Council, from time to time, by ordinance or resolution shall furnish their names and addresses and all other information as may be required and requested to the Beach Manager or his representative.

(g) Except for children under the age of 12, and any other person or group of persons so designated by authorized resolution or ordinance of the Borough Council, all persons, before entering the beachfront, bathing beaches and waters adjacent thereto for any purpose whatsoever shall purchase a badge, check or other insignia as designated and described by Mayor and Council, and shall wear it attached in a prominent place on their clothing during the times covered by this ordinance and shall show it to the gatekeeper, Beach Manager, their representative and agents, and to any law enforcement officer upon request.

(h) The classes of badges, checks and insignia and the fees therefor entitling those purchasing them to the privilege of using the beachfront, bathing beaches and waters adjacent thereto shall be fixed annually by ordinance or resolution of the Mayor and Council and thereafter published in the beach regulations of the Borough of Sea Girt for the current season. Such regulations shall be available upon request, in person, at Borough offices.

(i) The Mayor and Council are hereby authorized to employ a registrar and such other employees as may be necessary to carry out the provisions of this ordinance, and to purchase such books, stationery, badges, checks or other insignia and such other supplies as may be necessary.

(j) Bath houses may be rented for periods and for fees as may be fixed annually by Mayor and Council, by resolution or ordinance, and thereafter published in the beach regulations of the Borough of Sea Girt for the current season. Persons renting bath houses shall obey all the provisions of this ordinance and exhibit their badge, check or insignia, as required by paragraph (g) of this ordinance.

(k) The Mayor and Council reserve the right to cancel any privilege granted or extended to any person who shall violate any of the provisions of this ordinance.

(l) No person other than authorized Borough employees and emergency personnel shall operate a beach buggy, snowmobile, moped, motorcycle or motor propelled vehicle of any kind, size or description on the beach, dunes or boardwalk.

(m) No person shall ride or have custody or control of a bicycle on the boardwalk except between the hours of 5:00 a.m. and 10 A.M. from May 15 to September 15. Bicycles are permitted on the boardwalk from September 16 through May 14.

(n) It shall be unlawful for the owner or a person having custody or control of any animal other than a dog as set forth herein to permit or suffer it to be upon the beach at any time of the day or year, whether ridden, tethered, attended or otherwise.

(o) Dogs are prohibited on the beach from March 15 to September 30. During other periods of the year when dogs are permitted on the beach, the owner or a person having custody or control of a dog must accompany it on the beach and the dog must be securely confined and controlled by an adequate leash or chain not more than six (6) feet in length. At no time may a dog be left unattended or be tied to or otherwise secured to any fixture, post or any part of the boardwalk.

(p) No person shall sleep on the beach between the hours of 6:00 p.m. and 9:00 a.m.

(q) Persons, including fishermen, are prohibited from going on the jetties at any time.

(r) The placing of private storage boxes on the beach or under the boardwalk is prohibited.

(s) Consumption of food on the beach, except in areas located near the boardwalk and designated by official Borough signage, is prohibited. With the exception of the restricted periods as set forth in Section 3 below, one (1) picnic party may be held in an area as designated by the Borough on Wednesdays from 6 p.m. to 9 p.m. during the period from May 15 to September 15. In the event of cancellation due to inclement weather the picnic party originally permitted and scheduled for a Wednesday may be postponed once, only, to the following Thursday. Anyone wishing to hold a picnic party shall first obtain a permit from the Sea Girt Police Department after making written application fifteen (15) days prior to the date desired. Applications for permits to hold picnic parties on the same day will be decided on a first come first served basis. Applications for permits shall be accompanied by a \$50.00 deposit which shall be refunded subject to any Borough expense for damage and clean-up as a result of the picnic party.

(t) Only non-alcoholic beverages in non-disposable containers are permitted on the beach. Possession and consumption of alcoholic beverages is prohibited at all times.

(u) Boats may not be launched or beached on the North beaches during bathing hours during the period of 15 March – 31 August of each year, without advance approval by the Administrator. Motorized boats or motorized personal motor craft known by such registered trade names as jet ski, skidoo and wave runner, et al, may not be launched or beached on the beachfront, nor may they be operated within 300 feet of the beach or a bathing area during the period of 15 March – 31 August of each year.

(v) Surfboard riding is restricted during the protected shorebird breeding season of March 15 to the earlier of 1) notification by the NJ Division of Fish and Wildlife to the Sea Girt Borough Administrator of completion of the breeding season of for protected shorebird species; 2) removal of any symbolic fence by NJ Division of Fish and Wildlife; or 3) August 31. Surfboard riding at all other times is restricted during bathing hours to 1) the area between the Philadelphia Boulevard jetty and the New York Boulevard jetty. Surfboards may not be stored or left unattended on the boardwalk.

(w) During those periods of time when games and activities are not restricted in accordance with Section 3 (a) i. below, no person shall engage in any type of ball playing, kite flying or throwing of a frisbee on the beachfront or in the water adjacent thereto during

bathing hours, provided, however, that volleyball shall be permitted on volleyball courts with the permission of the Borough and at such locations designated from time to time by resolution of the Borough Council.

(x) During those periods of time when conducting, authorizing or sanctioning the use of fireworks within .75 miles of any public beach or dune are not prohibited in accordance with Section 3 below, nothing herein shall preclude the fireworks displays approved by the Borough in accordance with all applicable laws.

(y) No person may enter into a fenced protected shorebird species nesting area or a seabeach amaranth fenced area except under the supervision or direction of the NJ Division of Fish and Wildlife, except that Borough employees or other emergency personnel may enter such areas in the case of an emergency constituting an imminent or immediate risk to human life, health or safety.

(z) With the exception of Section 3, below, the Mayor and Council are hereby authorized and empowered to adopt rules and regulations on an annual or more frequent basis concerning classes of badges, checks or insignia, fees, beach capacity and such other rules and regulations as may be necessary for the proper control and regulation of the beachfront, bathing beaches and waters adjacent thereto as well as for the protection of protected shorebird species and seabeach amaranth, and any person violating such rules or regulations shall be subject to the same penalties as are hereinafter provided for violation of the provisions of Section 3 (d) of this ordinance. With the exception of Section 3, 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 beach front and the waters adjacent thereto in order to permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council. Any adoption of rules and regulations or the suspension, modification or supplementation of Section 3 must be made by way of duly enacted ordinance.

SECTION 3 Rules and Regulations Applicable to Protected Shorebird Breeding Season.

(a) The following activities within the Borough of Sea Girt upon any area of public beaches and dunes including all intertidal areas from the Spring Lake border south to the northern boundary of the National Guard Training Center are either prohibited or restricted for the protection of shorebird species as set forth and specified below from March 15 to the earlier of 1) notification by the NJ Division of Fish and Wildlife to the Sea Girt Borough Administrator of completion of the breeding season of for protected shorebird species; 2) removal of any symbolic fence by NJ Division of Fish and Wildlife; or 3) August 31, such termination of said restrictions or prohibitions to become effective upon

the posting of official Borough notices on or about the beach area and on the Borough's website, as follows:

i. Games/activities, both formal event and informal play, involving the throwing, hitting or active use of any object, including but not limited to toys, projectiles, frisbees, paddle balls, footballs and balls of any type are prohibited on the North Beach, Pavilion Beach, and beach from the Southern end of Seaside Place south to the National Guard Training Center. The North Beach and Pavilion Beach are hereafter described and depicted in Exhibits A and B, attached hereto and incorporated by reference.

a) In areas not restricted as to games and activities, ball playing may be permitted as follows:

(i) With the use of a "soft-ball", defined herein as a ball with no hard cover. Baseballs, lacrosse balls, and softballs as used in the sport known as softball are prohibited at all times; and,

(ii) At such location designated by posted sign or verbal approval of the Borough Administrator, Beach Manager or Chief Lifeguard, such location not to impact on or interfere with the use and enjoyment of the beach by other persons, threatened or endangered species areas or habitat or beach access points.

(iii) The Borough Administrator, Beach Manager or Chief Lifeguard each retain the discretion to stop or otherwise prohibit ball playing at any time notwithstanding compliance with the above sections of this provision.

ii. Launching, staging, flying or landing of all kites, including surf kites are prohibited in all areas;

iii. Picnic parties on all beaches except in areas located near the boardwalk designated by official Borough signage. Any picnic party within the designated area must be approved in accordance with Section 2 (s), above.

iv. Overnight private structures or storage of private property on all public beaches and dunes excluding lifeguard stands that may remain on the beach, lifeguard stand no. 00 closest to North Beach being required to be laid on its side overnight, are prohibited;

v. Conducting, authorizing or sanctioning the use of fireworks within .75 miles of any public beach or dune is prohibited;

vi. Conducting, authorizing or sanctioning any organized events designed,

or with a reasonably foreseeable potential, to attract a large number of people, including but not limited to concerts, festivals, lifeguard tournaments, sports competitions, or games is prohibited on the North Beach;

a) Third party organized beach clean ups on the North Beach are permitted during this time period so long as debris is removed without using any motorized equipment. Debris may be hand carried with a garbage bag or by use of a manually pushed wheelbarrow, garden cart, or similar non-motorized equipment to take debris off the beach. No wrack, shells, or other natural materials will be removed. Debris that may be harmful to the public or otherwise cause a public health hazard (i.e., glass, medical waste, logs, boards) may be hand removed. All seabeach amaranth plants at the North Beach must be fenced by NJ Division of Fish and Wildlife or the US Fish and Wildlife Service before any organized third party beach clean up can occur.

vii. The storage, launching and landing of kayaks and surfboards on North Beach is prohibited.

viii. No catamarans shall be stored or left on the beach north of Beacon Boulevard.

SECTION 4 Penalties.

(a) Upon conviction for a violation of subsection (l) of Section 2 of this Ordinance a fine of not less than \$100.00 nor more than \$500.00 shall be imposed.

(b) Upon conviction for a violation of subsection (m), (n), (o), (u) or (v) of Section 2 of this Ordinance a fine of not less than \$75.00 nor more than \$500.00 shall be imposed.

(c) Upon conviction for a violation of subsection (g), (p), (s) or (t) of Section 2 of this Ordinance a fine of not less than \$50.00 nor more than \$500.00 shall be imposed.

(d) Upon conviction for a violation of subsection (a), (b), (c), (d), (e), (q), (r) or (w) of Section 2 of this Ordinance a fine of not less than \$25.00 nor more than \$500.00 shall be imposed.

(e) Upon conviction for a violation of subsection (y) of Section 2 of this Ordinance a fine of not less than \$250.00 nor more than \$1,000.00 shall be imposed.

(f) Upon conviction for a violation of subsection (a)i, (a)ii, (a)iii, (a)iv, (a)v, (a)vi, (a)vii or (a)viii of Section 3 of this Ordinance a fine of not less than \$250.00 nor more than

\$1,000.00 shall be imposed.

(g) In addition to the above fines set forth or in lieu thereof, at the direction of the Municipal Court Judge a sentence of not more than 10 days imprisonment in the County Jail or not more than a 10 day period of community service may be imposed.

SECTION 5 Conflicts With Prior Ordinances.

All ordinances or parts thereof in conflict or inconsistent with this ordinance are hereby repealed.

SECTION 6 When Effective.

This ordinance shall take effect when passed and published.

(NEEDS PHOTOS AND LEGAL DESCRIPTIONS ATTACHED)