

Chapter 9

BEACHES

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HISTORY: Article I adopted by the Mayor and Borough Council of the Borough of Seaside Park 3-5-1965 as Ordinance No. 626. Amended 4-8-1971 by Ord. No. 677; 3-22-1973 by Ord. No. 695; 4-10-1975 by Ord. No. 719; 4-27-1978 by Ord. No. 767; 5-7-1981 by Ord. No. 814; 5-5-1983 by Ord. No. 873; 2-16-1984 by Ord. No. 901; 3-21-1985 by Ord. No. 925; 7-11-1985 by Ord. No. 937; 3-6-1986 by Ord. No. 958; 3-5-1987 by Ord. No. 992; 6-1-1989 by Ord. No. 1063; 8-3-1989 by Ord. No. 1068; 3-15-1990 by Ord. No. 1084; 11-4-1993 by Ord. No. 1154; 4-21-1994 by Ord. No. 1162; 3-2-1995 by Ord. No. 1179; 5-18-1995 by Ord. No. 1184; 5-18-1995 by Ord. No. 1187; 5-16-1996 by Ord. No. 1200; 6-19-1997 by Ord. No. 1216; 5-21-1998 by Ord.

No. 1227; 6-4-1998 by Ord. No. 1228; 5-20-1999 by Ord. No. 1249; 4-19-2001 by Ord. No. 1276; 4-17-2003 by Ord. No. 1315; 5-26-2004 by Ord. No. 1349; 4-13-2005 by Ord. No. 1362; 4-26-2006 by Ord. No. 1386.

Article II adopted 6-12-1975 as Ordinance No. 720. Amended 4-26-1979 by Ord. No. 782; 4-2-1987 by Ord. No. 1002; 3-16-1989 by Ord. No. 1057; 2-6-1997 by Ord. 1207; 2-20-1997 by Ord. No. 1208; 4-19-2001 by Ord. No. 1276; 11-19-2001 by Ord. No. 1285; 12-20-2001 by Ord. No. 1291.

Article III adopted 6-16-1988 as Ordinance No. 1042.

Article IV adopted 5-20-1999 as Ordinance No. 1249. Amended 11-19-2001 by Ord. No. 1285.

GENERAL REFERENCES: See Chapter 10 (Bicycles); Chapter 26 (Dogs and Other Animals); Chapter 39 (Hawking, Peddling and Soliciting); Chapter 48 (Noise); Chapter 49 (Nuisances); Chapter 53 (Peace and Good Order); Chapter 80 (Wharfs, Use of).

Be it ordained by the Mayor and Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

ARTICLE I

Acquisition and Operation

Adopted 3-5-1965 as Ord. No. 626

§9-1. Public beaches established.

There is hereby established a place of resort for public health, recreation, bathing and entertainment, including construction and maintenance of boardwalk, bathing and recreational facilities, safeguards and equipment, in this borough, on the oceanfront, upon the lands owned by this municipality fronting upon the Atlantic Ocean and also at specific locations on the bay front, as shall be designated by the Mayor and Council.

§9-2. Maintenance of resort area.

Said places of resort for public health, recreation, bathing and entertainment shall be maintained by this municipality after the effective date of this ordinance.

§9-3. Acquisition and maintenance of equipment.

The municipality shall acquire, construct, use and maintain such safeguards, equipment and facilities as shall be necessary in the proper establishment and maintenance of said places of resort for public health, recreation, bathing and entertainment. The municipality shall have the right and authority to purchase, rent or otherwise acquire lifeboats, ropes, poles and other safeguards, recreational facilities and equipment for the recreation, protection and safeguard of human beings at said places of resort while bathing or otherwise at said places of resort.

§9-4. Lifeguards.

The municipality shall engage, hire and pay such lifeguards and such other personnel as shall be required for the proper maintenance of said place of resort.

§9-5. Policemen.¹

The municipality shall have the right to police said place of resort and to hire, engage and pay such police officers and policemen as shall be necessary for the proper policing of said place of resort.

§9-6. Protection; construction of approaches and boardwalk.

The municipality shall have the right to protect said places of resort and the lands thereof from erosion, encroachment and damage by sea or otherwise, and construct and maintain public boardwalk and walks and approaches thereto.

§9-7. Permits required for use of beach; rates.

*Amended 4-8-1971 by Ord. No. 677
3-22-1973 by Ord. No. 695; 4-10-1975 by Ord. No. 719
4-27-1978 by Ord. No. 767; 5-7-1981 by Ord. No. 814
5-5-1983 by Ord. No. 873; 2-16-1984 by Ord. No. 901
3-21-1985 by Ord. No. 925; 7-11-1985 by Ord. No. 937
3-6-1986 by Ord. No. 958; 3-5-1987 by Ord. No. 992
6-1-1989 by Ord. No. 1063; 8-3-1989 by Ord. No. 1068
3-15-1990 by Ord. No. 1084; 11-4-1993 by Ord. No. 1154
4-21-1994 by Ord. No. 1162; 3-2-1995 by Ord. No. 1179
5-18-1995 by Ord. No. 1184; 5-18-1995 by Ord. No. 1187
5-16-1996 by Ord. No. 1200; 6-19-1997 by Ord. No. 1216
5-21-1998 by Ord. No. 1227; 6-4-1998 by Ord. No. 1228
4-19-2001 by Ord. No. 1276; 4-17-2003 by Ord. No. 1315
5-26-2004 by Ord. No. 1349; 4-13-2005 by Ord. No. 1362
4-26-2006 by Ord. No. 1386*

In order to provide funds to improve, maintain and police said places of resort and to protect the same from erosion, encroachment and damage by sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged persons twelve (12) years of age and over using said lands and bathing facilities for access to the beach and bathing and recreational facilities:

- A. Season Permit: Thirty-five dollars (\$35.00) per person for a season permit when purchased before June 15th and forty-five dollars (\$45.00) when purchased thereafter.
 - 1. Season Permit - Senior Citizen: Sixteen dollars (\$16.00) per person for a season permit for a

¹ EDITOR'S NOTE: See Chapter 56 (Police Department).

senior citizen. A senior citizen shall be considered an individual sixty-five (65) years of age or older.

- B. One-week Permit: Twenty-two dollars (\$22.00) per person for a one-week permit. Each permit shall be in effect from the opening of the beaches each Saturday morning during the summer season until the closing of the beaches the following Saturday afternoon.
- C. Daily Permits. Eight dollars (\$8.00) per person for a daily permit on weekdays and eight dollars (\$8.00) per person for a daily permit on holidays and weekends.
- D. Special Event Permits. The Mayor and Borough Council, in their sole discretion, shall have the authority to issue permits for special events to be conducted on or over the Ocean Beach and Bay Beach areas within the Borough of Seaside Park. The fee charged for each permit shall be five dollars (\$5.) per person per day and shall be issued only to those who are participants in the event. Prior to any permits being issued hereunder, the organizer of the special event shall apply in writing to the Mayor and Borough Council for permission to conduct the event. The Mayor and Borough Council may refuse to grant permission to conduct the event if in their sole discretion the event would be detrimental to the health, safety and welfare of the participants, the other members of the public using the ocean and bay beaches or to the Borough of Seaside Park.
- E. Use of Public Docks, Boat Ramp and Bayfront.
1. Public Docks. The holders of permits described above will be entitled to use the public docks located at 14th Avenue and Fifth Avenue.
 2. Boat Ramp. The following fees shall be charged persons using the public boat ramp located at 13th Avenue:
 - a. Season Permit: Seventy dollars (\$70.00) per boat or other water craft for a season permit when purchased before June 15th and ninety dollars (\$90.00) when purchased thereafter. The holders of these season boat ramp permits are not required to have a season, weekly or daily beach permit described above.
 - b. Daily Permit: Twenty dollars (\$20.00) for a daily permit which shall entitle the holder to launch and/or remove no more than one (1) boat or other water craft.
 3. Bayfront. Persons desiring to anchor boats at Barnegat Bay must anchor such boats at least six (6) feet off shore from the high-water mark of Barnegat Bay, at its intersection with the shoreline; and such persons must have a season, weekly or daily beach permit described above in order to enter over bayfront beaches to come ashore or to board such boats.

- F. Each and every permit issued hereunder shall be evidenced by a button, ticket, coin or otherwise, as may be determined by the Mayor and Borough Council from time to time. The same shall be prominently displayed on each person's bathing suit or other attire at all times.
- G. On said public beach the Mayor and Council shall designate, from time to time, areas to be used for protected bathing, surfing, fishing and other activities.
- H. The Mayor and Council shall designate the hours of each day when the beaches shall be open to the public, at which times the rates set forth herein shall be charged.
- I. Persons desiring to obtain permits as hereinabove described under sections A, B, C, and D may obtain said permits at Beach Headquarters located at Decatur Avenue and the Boardwalk during the normal hours of beach operation. Said beach permits may also be obtained at such additional locations as determined by resolution of the Mayor and Borough Council.

§9-8. Regulations governing conduct.

*Amended 6-19-1997 by Ord. No. 1216
5-20-1999 by Ord. No. 1249*

No person shall do any of the following things at or upon the said place of resort for public health recreation, bathing and entertainment:

- A. Throw, drop, discard or leave any wastepaper, garbage or other refuse; or sell, peddle or hawk any food, drink or confections.
- B. In any way litter, make unsightly, damage, destroy or disfigure the said beach or any public or private property thereat.
- C. Make any loud noise, sound or music to the annoyance of any other person.
- D. Use loud, profane or indecent language.
- E. Play ball or any other game or engage in any activity which will endanger another person or interfere with the enjoyment of the quiet use of the beach or public boardwalk or the said place of public resort by another person.
- F. Intoxicating liquor² shall not be taken upon any public beach or public boardwalk.
- G. Take or permit his or her dog³ to be or go upon beach or in the water at the public beach or upon the public boardwalk.
- H. Go into the water at any beach when:
 1. It is unsafe to do so.

² EDITOR'S NOTE: See Chapter 5 (Alcoholic Beverages).

³ EDITOR'S NOTE: See §26-15 in Chapter 26 (Dogs and Other Animals).

2. When directed by public lifeguard to come from said water.
 3. When intoxicated.
- I. No person shall remain in the water at bathing beach when:
1. It is unsafe to do so.
 2. When directed by public lifeguard to come from said water.
 3. When intoxicated.
- J. Shall molest or disturb any person in the peaceful enjoyment of said beach, boardwalk or bathing facilities.
- K. Do anything which shall endanger the life or safety of himself, herself or any other person.
- L. Dump or throw garbage or other refuse in water at the bathing beach.
- M. Go out in water at bathing beach farther than directed by public lifeguard, or in violation of reasonable order of lifeguard when safety of bather is or may be endangered by going in water.
- N. Refuse or neglect to obey the orders and directions of public lifeguards as to time, place and distance for bathing.
- O. Interfere with or obstruct a police officer or lifeguard in the performance of his duty.
- P. Operate a privately owned motor vehicle on a public boardwalk at any time.
- Q. Reserved.
- R. Take or permit any glass container, glass bottle or glass jar onto the beach.

§9-9. Applicability.

All provisions of this ordinance shall be applicable to and shall pertain to the Fifth Avenue Beach on Barnegat Bay of this municipality and such other beaches on the bay front as may be designated by the Mayor and Council, with the exception of §9-7C.

§9-10. Repealer.

Any and all inconsistent ordinance or ordinances, resolution or resolutions or parts thereof are hereby repealed and rescinded.

§9-11. Violations and penalties.

Amended 6-19-1997 by Ord. No. 1216

- A. Any person, firm, corporation or public agency that shall be convicted of a violation of this Ordinance shall, upon conviction whereof by any court authorized by law to hear and determine the matter, be subject to a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for a term not exceeding ninety (90) days, or both, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

- B. In addition to the above penalties, the Seaside Park Beach Patrol, Beach Control, Code Enforcement Officer(s), Police Department or other duly authorized officers or employees are hereby empowered to pursue such legal and equitable relief as may be necessary to abate any violation or enforce any condition of this Ordinance.

§9-12. Severability.

The various sections, paragraphs and portions of this ordinance shall be construed as severable so that if one (1) section, paragraph or provision shall be found to be illegal, such finding shall not necessarily affect the remaining sections, paragraphs and provisions of this ordinance.

§9-13. When effective.

This ordinance shall take effect immediately upon its final passage, approval and publication as required by law.

ARTICLE II

Use of Motor Vehicles on Beaches

Adopted 6-12-1975 as Ord. No. 720

§9-14. Purpose.

The purpose of this ordinance is to protect the safety of those who use our ocean and bay beaches from the dangers created by the operation of privately owned (as opposed to municipally owned), unlicensed and improperly equipped motor vehicles upon the borough's ocean and bay beaches. Further, this ordinance is designed to protect those who would otherwise unduly subject themselves as well as others to the dangers created by failure to maintain a properly equipped or proper type of motor vehicle.

§9-15. Operation of vehicles on bay front beach prohibited.

No person shall operate a motor vehicle upon the bay front beach at any time of the year.

§9-16. Operation on ocean beach restricted.

*Amended 4-26-1979 by Ord. No. 782
4-2-1987 by Ord. No. 1002; 3-16-1989 by Ord. No. 1057
2-6-1997 by Ord. No. 1207; 2-20-1997 by Ord. No. 1208
4-19-2001 by Ord. No. 1276
11-19-2001 by Ord. No. 1285*

The following rules and regulations shall be adhered to by all those operating four-wheel-drive motor vehicles upon the ocean beach in Seaside Park:

- A. Any person desiring to operate a motor vehicle on the ocean beach in Seaside Park shall be required to apply to the Borough of Seaside Park and pay a residential fee of forty-two dollars (\$42.) and a non-residential fee of fifty dollars (\$50.) for said permit. The maximum number of permits shall be

established by resolution of the Seaside Park governing body.

- B. No vehicles shall enter or leave the ocean beach except upon the provided Brighton Avenue ramp. Once upon the beach all vehicles shall remain within a corridor 50 (fifty) feet from the water's edge.
- C. There shall be no eating, sleeping, or camping on the ocean beaches at any time. In addition it shall be unlawful for anyone to deposit waste of any type, including, but not limited to, human, animal, vegetable, mineral or otherwise, upon the ocean beaches.
- D. No person shall operate a privately owned motor vehicle (as opposed to a municipally owned vehicle) of any type upon the ocean beach at any time from May 16th through September 15th.

§9-17. Use of four-wheel-drive vehicles on ocean beach.

*Amended 4-26-1979 by Ord. No. 782
2-6-1997 by Ord. No. 1207*

During the remainder of the year, only four-wheel-drive motor vehicles which have received a borough permit and which are registered at 10,000 pounds or less shall be allowed upon the Seaside Park ocean beach. Additionally, anytime said vehicle is to be used on the Seaside Park ocean beach it must contain the following equipment and be subject to the following restrictions:

1. Fishing equipment and bait/tackle for each person over twelve years of age. When said vehicle is not operating, said individuals must be actively engaged in fishing.
2. Tire gauge
3. Spare tire
4. Workable jack and board/support for jack in sand (3/4 inch x 12 inch x 12 inch plywood square minimize size)
5. Tow chain/snatch line
6. Shovel
7. Flashlight (for darkness)
8. Fire extinguisher
9. Auto first aid kit
10. Litter/trash bag
11. Minimum of 1/4 tank of fuel

§9-18. Conformance with statute required.

During the period when certain vehicles are permitted to be operated upon the ocean beach they shall be so operated subject to and in conformance with the following provisions of Title 39 of the New Jersey Statutes:

- A. N.J.S.A. 39:3-3 to 39:3-83, registration and licensing, equipment, tires and loads.

- B. N.J.S.A. 39:6A-1 et seq. and 39:6B-1 et seq., no-fault insurance and compulsory liability insurance.

§9-19. Prohibited acts.

The following acts prohibited by Title 39 of the New Jersey Statutes shall also be deemed prohibited on the places of resort within the Borough of Seaside Park.

- A. N.J.S.A. 39:4-49.1, operating a motor vehicle with certain drugs in possession or in motor vehicle.
- B. N.J.S.A. 39:4-50 to 39:4-50.6, operating under the influence of liquor or drugs.
- C. N.J.S.A. 39:4-52, racing.
- D. N.J.S.A. 39:4-96, reckless driving.
- E. N.J.S.A. 39:4-97, careless driving.

§9-20. Speed limit.

Amended 2-6-1997 by Ord. No. 1207

The speed limit upon any ocean beach within the Borough of Seaside Park shall be ten (10) miles per hour.

§9-21. Repealer.

All other ordinances or parts thereof that are in conflict with this ordinance are hereby repealed but only to the extent of the conflict.

§9-22. Severability.

If any part of this ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

§9-23. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

For any and every violation of the provisions of this ordinance there will be a fine not exceeding one thousand dollars (\$1,000.) or not more than ninety (90) days' imprisonment in the Ocean County Jail, or both, at the discretion of the Magistrate before whom said conviction is had.

§9-24. When effective.

This ordinance shall take effect immediately upon final passage and publication as required by law.

**ARTICLE III
Dunes**

Adopted 6-16-1988 as Ord. No. 1042

§9-25. Legislative findings.

It has been clearly demonstrated that well established and protected sand dunes, together with properly maintained beach and dune areas, along with functional structures in critical areas, are effective protection against high tides and flooding, and against property

damage by the ocean under storm conditions, and provide desirable protection of the coastal areas adjacent thereto, and the Borough of Seaside Park and its residents have an interest in the continued protection and preservation thereof, and in the restoration of them in the event of damage or destruction.

The developed coastal area of New Jersey, including developed barrier islands and adjacent shorefront areas, represent in their developed state, a unique and invaluable social, economic, recreational, and aesthetic resource.

Given the present degree of commercial and residential development in these areas, and given the measurable and intangible benefits that accrue to the residents of the Borough of Seaside Park and the public at large from the beach, boating, fishing and vacation facilities that this diversely developed coastal area offers, and given the present extensive knowledge of the protective and restoration nature of beach nourishment and other selected coastal engineering programs, it is hereby declared that it is appropriate, essential, feasible, and in the public interest to preserve, protect, and enhance these coastal regions in their developed state.

It is the purpose of this Ordinance to define the areas so affected and to establish regulations to assure their continued effectiveness. This Ordinance is declared to be an exercise of the police power in the interest of safety and welfare and for the protection of persons and property.

§9-26. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

DUNE DEVELOPMENT DISTRICT-I (DDD-I) — The area located seaward of the boardwalk, beginning approximately twenty (20) feet from the boardwalk and extending eastward an average of approximately thirty (30) feet. Placement of fence and/or planting of vegetation will be completed in this area in an effort to trap windblown sand and develop a dune. DDD-I is considered to have dynamic boundaries which move in response to seasonal winds and storms.

DUNE DEVELOPMENT DISTRICT-II (DDD-II) — The area located east of Ocean Avenue and west of the boardwalk extending an average of approximately thirty (30) feet. Placement of fence and/or planting of vegetation will be completed in this area in an effort to trap windblown sand and develop a dune. DDD-II is considered to have dynamic boundaries which move in response to seasonal winds and storms.

DUNE DEVELOPMENT DISTRICT-III (DDD-III) — The area located seaward of Bayview Avenue extending an average of approximately thirty (30) feet. Placement of fence and/or planting of vegetation will be completed in this area in an effort to trap windblown sand and develop a dune. DDD-III is

considered to have dynamic boundaries which move in response to seasonal winds and storms.

PERSON — Natural persons, partnerships, firms, associations, joint stock companies, syndicates, and corporations, and any receiver, trustee, conservator, or other officer appointed pursuant to law or by any court, State or Federal. "Person" also means the State of New Jersey, counties, municipalities, authorities, other political subdivisions, and all departments and agencies of the aforementioned governmental entities.

SAND FENCE — Includes the term "snowfence" and shall mean a barricade established in a line or pattern to accumulate sand and aid in the formation of a dune. It shall include and normally be limited to, the commercial variety of light wooden picket fence held together by wire and secured by posts.

VEGETATION — Includes the term "native vegetation" or "indigenous vegetation" and specifically includes such plants as beach grass (*ammophila breviligulata*), seaside goldenrod (*Solidago semervirens*), bayberry (*Myrica pensylvanica*), salt spray rose (*Rosa rugosa*) which normally grow or may be planted on the slopes of dunes or behind them, no distinction being made as to how such plants are introduced into their location.

§9-27. Prohibited activities.

Within the Dune Development District areas, no person shall undertake or cause to be undertaken any of the following activities:

1. The operation of any motor vehicle except in designated access ways.
2. Pedestrian traffic on or over dunes or sand fencing.
3. The removal, mutilation or destruction of sand, sand fencing or vegetation.

§9-28. Regulated activities.

Within the Dune Development District areas, no person shall undertake or cause to be undertaken any activity including construction, relocation, reconstruction, modification, expansion, or demolition of any temporary, mobile or permanent structure, except, upon the approval of the Mayor and Borough Council, the following uses may be permitted:

1. Boardwalks and steps to permit access across the dunes to the beach, without damage to the dunes themselves.
2. Sand fences to encourage the accumulation of sand.
3. Pavilions or similar small platforms less than four hundred (400) square feet in area, provided that they do not have solid walls, are mounted on suitable pilings, and provided further that it shall be designed to the satisfaction of the Construction Official that the proposed design and construction methods as applied to the particular site situation and time will not:

- a. Unreasonably disturb the existing dunes.
 - b. Be likely to create wind currents detrimental to the existing dunes; or
 - c. Be likely to create, increase or prolong any other hazard.
4. Necessary building and structures for public safety and convenience, including first aid stations, lifeguard stations, boardwalks and attached buildings, comfort stations, piers, dune walkover structures and related activities.
5. Necessary shorefront protection and stabilization improvements, including groins, bulkheads, and activities related to beach restoration projects.

§9-29. Violations and penalties.

- A. Any person, firm, corporation or public agency that shall be convicted of a violation of a provision of this Ordinance shall, upon conviction whereof by any court authorized by law to hear and determine the matter, be subject to a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for a term not exceeding ninety (90) days, or both, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.
- B. In addition to the above penalties, the Seaside Park Beach Patrol, Code Enforcement Officer, Police Department or other duly authorized officers or employees are hereby empowered to pursue such legal and equitable relief as may be necessary to abate any violation or enforce any condition of this Ordinance.

§9-30. (Reserved)⁴

ARTICLE IV Beach Fires

Adopted 5-20-1999 as Ord. No. 1249

§9-31. Purpose.

The purpose of the within ordinance is to establish permit fees, rules, regulations and procedures for beach fires or beach parties having open fires. A beach fire is defined as the burning of any combustible material on the beaches within Seaside Park. Permissible materials for burning are hereinafter described and enumerated. It is the belief of this governing body that the control of said beach fires is vital to protecting the health, safety and welfare of the borough's residents and visitors by preserving the air quality and the safety of the

borough's ocean beaches as well as adjoining residential areas.

§9-32. Permit fee.

Amended 11-19-2001 by Ord. No. 1285

There is hereby established a permit fee of fifty (\$50.) dollars for a beach fire or beach party or picnic with a beach fire. Said permit is to be applied for through the Borough Code Enforcement Department and shall be issued by the Code Enforcement Officer or his designee. Permits shall be limited to permanent residents or property owners of the Borough of Seaside Park who are of eighteen (18) years of age or older. Said individual being granted the permit shall be responsible and must be present during any party or picnic having a beach fire and requiring a permit.

- A. A permit may be withheld or temporarily suspended by the Police Department. Conditions that warrant said permit withholding or suspension include, but are not limited to, severe weather conditions including winds that could endanger the air quality of adjoining residential areas, high winds causing difficulty in controlling fire or any other severe or dangerous weather condition.

§9-33. Rules and regulations.

There are hereby established rules and regulations for beach fires as allowed and permitted by the within ordinance:

- A. Beach fire permits shall only be issued for designated areas located upon the ocean beach at 5th Avenue and "D" Street.
- B. Beach fire permits shall only be issued between May 16th and September 15th of each year to be held between the hours of 6:00 p.m. and 12:00 midnight.
- C. All fires must be contained within a "fire ring" at the above designated locations and shall be completely extinguished by 12:00 midnight.
- D. Only unpainted wood shall be burned. No treated lumber, wood with nails or wood longer than twenty-four (24) inches shall be burned. No other materials shall be burned or placed in said fires.
- E. All fire areas must be cleaned up and all unburned materials are to be removed and subject to proper disposal.
- F. All trash generated from said associated beach party or picnic is to be removed from the beach and subject to proper disposal.
- G. There shall be no glass bottles or alcoholic beverages upon the public beaches and at any permitted beach fire, party or picnic.
- H. The Code Enforcement Department of the Police Department shall enforce the within ordinance.

⁴ EDITOR'S NOTE: Ord. No. 1249, adopted 5-20-1999, supplemented this chapter with the addition of Article IV (Beach Fires) beginning with §9-31. Section 9-30 has been reserved to maintain the section numbering sequence.

§9-34. Exemption.

The within ordinance shall not apply to Borough-sponsored events which shall be exempt from the provisions of the within ordinance.

§9-35. Violations and penalties.

Any person who violates any one (1) or more sections of this ordinance shall be subject to a fine of not more than one thousand dollars (\$1,000.) for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days and/or community service for violators of the within ordinance.