

Chapter 12A

BOATS

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HISTORY: Article I adopted by the Mayor and Borough Council of the Borough of Seaside Park 11-19-2001 as Ordinance No. 1285.¹ Amended 12-20-2001 by Ord. No. 1291.

Article II adopted 5-16-1996 as Ordinance No. 1201. Amended 12-20-2001 by Ord. No. 1291.

Article III adopted 11-5-1998 as Ordinance No. 1234. Amended 12-20-2001 by Ord. No. 1291.

GENERAL REFERENCES: See Chapter 9 (Beaches); Chapter 80 (Wharfs, Use of).

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

ARTICLE I

Storage of Boats or Watercraft Prohibited on the Borough's Bayfront

Adopted 11-19-2001 as Ord. No. 1285¹

§12A-1. Purpose.

The purpose of this ordinance is to protect the general health, safety and welfare of the residents and visitors to

the Borough of Seaside Park. It is further passed for the purpose of protecting bayfront vegetation and beach areas from unnecessary disturbance.

§12A-2. Storage on bayfront beach prohibited.

- A. No boat or watercraft or related equipment may be placed upon or stored upon the bayfront beach at any time during the year.

§12A-3. Violations and penalties; removal of boats in violation.

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

- A. 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 (\$1,000.) dollars for each separate offense and/or confinement in the

¹EDITOR'S NOTE: Ord. No. 1285 repealed former Article I (Storage of Boats or Watercraft) adopted 5-21-1981 as Ord. No. 819, amended 11-5-1981 by Ord. No. 831; 2-16-1984 by Ord. No. 903; 5-7-1987 by Ord. No. 1005; 5-3-1990 by Ord. No. 1091; 5-16-1996 by Ord. No. 1201.

Ocean County Jail for a period of not more than ninety (90) days.

- B. Authority to remove. The borough, under the direction of the Chief of Police, is hereby authorized and empowered to take possession of and remove any boat or watercraft which has been placed upon or stored at the bayfront beach.
- C. Costs and charges. Any boat, watercraft, trailer or other equipment which has been removed as herein set forth shall not be returned until such time as the owner thereof has satisfactorily established ownership. In addition, said boat shall not be released until the storage fees and costs of removal of said boat shall be reimbursed to the borough.

§12A-4. Repealer.

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

§12A-5. When effective.

This ordinance shall take effect January 1, 2002 upon its final passage and publication as required by law.

§§12A-6 through 12A-8. (Reserved)²

ARTICLE II Mooring of Boats or Watercraft

Adopted 5-16-1996 as Ord. No. 1201

§12A-9. Purpose.

The purpose of the within ordinance is to adopt regulations to protect the health, safety and welfare of the residents and visitors to the Borough of Seaside Park pursuant to N.J.S.A. 40:48-2. It is further determined by the governing body that the presence of mooring devices in certain areas commonly used for bathing and recreational activities presents a hazard to the residents and visitors to the Seaside Park bayfront beach.

§12A-10. Moorings prohibited.

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

- A. Definitions. A mooring is hereby defined as a pipe or pole placed in the bay bottom in the jurisdictional waters along the Seaside Park bayfront for the purpose of securing a boat or other object to that particular location. It shall also consist of any objects placed on or into the bay bottom in order to secure a boat or other object to that location. It shall not include a temporary anchor customarily used by a boat or watercraft and of such size, shape and weight that can be placed in the bottom and removed

therefrom by a single individual in or upon said watercraft.

- B. No permanent mooring shall be installed or located in the following area or areas: in the area formed by the boundary of the pier located at 14th Avenue in the Barnegat Bay to a point fifty (50') feet from the northern edge of the boat ramp located on the bayfront at 13th Avenue.
- C. Subject to the final adoption and effective date of the within ordinance, the Borough may remove and dispose of any mooring located within the prohibited area as hereinabove set forth.
- D. 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 (\$1,000.) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days.

ARTICLE III

Personal Watercraft

Adopted 11-5-1998 as Ord. No. 1234

§12A-11. Definitions:

PERSONAL WATERCRAFT — shall mean a power vessel defined as a class "A" vessel by the United States Coast Guard, and which:

- (a) Is designed to be operated from a sitting, standing or kneeling position;
- (b) Is equipped with an internal combustion engine which powers a water jet pump; and
- (c) Cannot be operated in a manner so as to disengage the pump so as to prevent the vessel from making headway.

§12A-12. Operation.

No person shall operate a personal watercraft or allow a personal watercraft to be operated in such a manner where the speed of the personal watercraft may cause danger or injury to life or limb or damage to property. Personal watercraft may not be operated in such a manner as to make the vessel completely leave the water.

§12A-13. Speed

The speed of the personal watercraft shall be regulated so as to avoid the risk of damage or injury by any means, from the personal watercraft wake, to all manner of craft whether floating, moored, anchored or underway, or to piers, wharfs, bulkheads, draw spans or other waterfront construction, either directly or by the effect of the wash or wave raised by such personal watercraft through its speed or otherwise. Personal watercraft shall not be operated in any lagoon, canal or confined area of less than two hundred feet (200') in

²EDITOR'S NOTE: Former §§12A-6 through 12A-8, adopted 5-21-1981 by Ord. No. 819 as amended, were repealed 12-20-2001 by Ord. No. 1285.

width at any speed above low speed or "no wake" speed, or above an idle speed within 50 feet of a bathing beach that has its boundaries marked by buoys or signs, the shoreline, or any person in the water.

§12A-14. Hours.

Personal watercraft may not be operated between sunset and sunrise.

§12A-15. Violations and penalties.

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

A person who disregards the rights or safety of others and operates a personal watercraft on the waters of this Borough in a manner which unnecessarily interferes with the free and proper use of any waters, or which unnecessarily creates a risk of damage or injury to other craft therein, or to person or property, or violates the provisions of this section, shall be guilty of reckless operation of a vessel and subject to a term of imprisonment not to exceed 90 days or a fine of not more than one thousand (\$1,000) dollars, or both. Any person convicted of reckless operation of a personal watercraft must also complete a boat safety course.

§12A-16. Repealer.

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

§12A-17. Severability.

If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

§12A-18. When effective.

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