

ARTICLE I
General Provisions

Adopted 12-20-2001 as Ord. No. 1288'

§44A-1.1 Establishment of Marina Utility.

The Borough-owned Marina, hereby designated and to be known as the "Borough of Seaside Park Marina", shall be operated by the Borough as a utility, which is hereby established as the "Borough of Seaside Park Marina Utility.

§44A-1.2 Marina Utility Fund.

All revenue and accounting for the Borough of Seaside Park Marina Utility shall be on a dedicated utility basis in conformance with provisions of the Local Budget Law, N.J.S.A. 40A:2-4 et seq. All revenue derived from the operation of the Marina Utility or applicable to its support shall be segregated and kept in a separate fund which shall be known as the "Borough of Seaside Park Marina Utility Fund" and all disbursements for the operation and maintenance for the Marina Utility shall be taken from this fund.

§44A-1.3 Marina Utility Budget.

The Borough of Seaside Park Marina Utility Budget shall set forth the appropriations in the form and detail prescribed by regulations to be adopted by the Borough Council and shall include categories for operations, interest and debt retirement, deferred charges and statutory expenditures.

§44A-1.4 Capital Debt Responsibility.

The Borough of Seaside Park Marina Utility is assuming the responsibility for the general capital debt incurred in connection with the acquisition of the Marina utility property and related expenses.

'Editor's Note: Former Chapter 44A (Marina Utility) adopted 5-4-2000 as Ord.No.1263 was repealed 12-20-2001 by Ord.No.1288.

ARTICLE II
Rental Procedures

Adopted 12-20-2001 as Ord No. 1288

Amended 6-28-2011 as Ord. No.1567; Amended 9-13-2011 as Ord. No. 1576

§44A-2.1 Boat Slip Rental Applications.

A. Applications for rental of a boat slip at the Borough of Seaside Park Marina shall be categorized by boat slip size and listed in chronological order of receipt. The slip size required will be determined by the Borough's Designated Representative based on the overall length of the vessel.

- B. Applications for the rental of a boat slip shall be submitted on forms available from the Borough of Seaside Park and shall be accepted year-round. All boat slip rental applications shall be:
 - 1. Completed and signed by the person(s) in whose name(s) the boat slip rental permit will be issued.
 - 2. Accepted in the name of an individual(s) only. No application shall be accepted in the name of a corporation.
 - 3. Completed, signed and not removed from the designated Borough office.
- C. Boat slip rental permits shall be issued in the name(s) of the persons that signed the original application and slip assignments shall be made from the waiting list based on the chronological order of the date of receipt by the Borough. The waiting list shall be kept current and made available for public inspection.
- D. Each applicant for a boat slip rental permit must annually confirm that the applicant wants to remain on the waiting list. Confirmation shall be made by letter received or postmarked no later than December 31st. Failure to notify the Borough as above provided shall result in cancellation of the application and removal of the applicant from the waiting list.
- E. Applicants purchasing a vessel of a different size category than that for which application was made who desire a boat slip for the new vessel shall submit an application for a boat slip in the category of the new vessel and shall be placed as a new applicant on the list of that category.
- F. If, for any reason, an applicant refuses or fails to accept two offered boat slip assignments in accordance with the procedure outlined in this Ordinance, the applicant's permit application shall be canceled and the applicant's name shall be removed from the waiting list.

§44A-2.2 Boat Slip Rental Permits.

- A. All boat slip rental permit holders of record on September 1st shall be given an opportunity to renew their slip rental permit for the next summer season. A permit renewal form shall be forwarded to each permit holder of record on or about October 1st.
- B. On or before November 1st of each year the permit holder of record shall return the following to the designated Borough office:

1. Boat slip rental permit renewal form signed by the permit holder of record.
 2. Payment of the required deposit for the boat slip which shall be in an amount not less than one-half (1/2) the total boat slip rental fee.
 3. A copy of the valid New Jersey vessel registration solely in the name of the permit holder for the vessel which will occupy the offered boat slip.
 4. A copy of the Certificate of Title to the vessel solely in the name of the permit holder if not already on file.
- C. If the permit holder of record does not return the required documents and payment as provided above, the Borough shall on the first business day after the due date or as soon as possible thereafter provide written notice to the permit holder of record, by certified mail return receipt requested, to return the documents and payment to the designated office within ten (10) working days after the date of the notice.
- D. If the required documents and payment are not received in the designated Borough office within ten (10) working days after the date of the written notice as provided above, the offer to renew the permit shall become void immediately upon expiration of the ten (10) day period with the boat permit being subject to immediate reassignment.
- E. Slip rental permits shall be issued for all vacated boat slips in accordance with the following:
1. Permit holders of record in the Marina who have submitted a written request to transfer to another boat slip shall be given an opportunity to transfer to a vacated slip. Requests for transfer shall be prioritized based on the date the request is received.
 2. Remaining vacant boat slips shall be offered to applicants that are number one on the waiting list for the available slip size.
 3. In the event the waiting list is exhausted in a particular slip size category, available slips in that size category shall be offered to applicants on the waiting list for the next smaller slip size category.
 4. In the event that the next smaller boat slip size category waiting lists described above are exhausted, the availability of the vacant boat slip shall be publicly posted at the Marina. Permits for vacant boat slips shall be issued upon

receipt of a boat slip rental permit application in accordance with this Ordinance.

5. Permits for vacated boat slips shall be offered to applicants by category and in numerical order within that category. An attempt to contact applicants by telephone during normal business hours. The applicant will be given three (3) business days to respond. If the designated Borough representative is not able to contact the applicant, the boat slip shall be offered to the next applicant on the waiting list. The applicant shall return the following to the designated Borough office within ten (10) days after the offering:
 - a. A signed permit form.
 - b. Payment in full for the boat slip offered.
 - c. A copy of the valid New Jersey vessel registration solely in the name of the permit holder for the vessel which will occupy the offered boat slip.
 - d. A copy of the Certificate of Title to the vessel solely in the name of the permit holder.

§44A-2.3 Boat Slip Assignment.

- A. The Borough of Seaside Park reserves the right to limit the number and category of boat slips available for seasonal or transient usage.
- B. Transient boat slip assignments shall be available on a first come first served basis and shall be available on a daily basis at the discretion of the Borough's designated representative. The daily transient period shall be from the time of occupancy to 12:00 noon of the following day.
- C. Any vessel occupying a boat slip without a valid seasonal permit shall be charged at the daily transient rate for the duration of occupancy.

§44A-2.4 Boat Slip Reassignment.

The reassignment of boat slips within the Marina shall be made in accordance with the following procedures:

1. Reassignment shall be made only upon the approval of the Borough's designated representative.
2. In the event of the death of the permit holder of record, the boat slip which is the subject of the permit, may be assigned to the spouse of the deceased permit holder.

3. A permit holder of record shall be allowed to assign the rights granted under the permit subject to the following conditions:
 - a. The permit holder of record shall submit a written request for assignment to the Borough's designated representative.
 - b. The assignment shall be limited to a period not to exceed the season for which the assigned permit was issued.
 - c. The permit holder of record shall be liable for all fees.
 - d. A cancellation fee as outlined in this Ordinance shall be assessed to the permit holder of record.
 - e. No boat slip reassignment shall be considered unless payment, for the affected period, in full has been provided.
 - f. A boat slip shall not be reassigned if the permit holder is in the first year of occupancy.

§44A-2.5 Multiple ownership of a vessel.

- A. A boat slip rental permit shall be issued in the names of multiple owners only if the vessel is owned by the multiple owners and they are named on the original slip rental application.
- B. In the event that subsequent to boat slip assignment, a multiple ownership is formed or a person not identified on the original slip rental application acquires an ownership interest in the vessel identified in a permit, the new owner shall have no rights to the boat slip which is the subject of the permit. Rights to the subject boat slip must be acquired through the regular application procedure.

§44A-2.6 Trailer Storage Permits.

- A. Boat trailer storage permits for currently licensed boat trailers shall be issued on a first come first served basis to:
 1. Permit holders of record in the Marina.
 2. Residents/Property owners.
 3. Non-residents.
- B. The number of boat trailer storage permits available shall be authorized from time to time by Resolution of the Borough Council.

ARTICLE III

Marina Fees

*Adopted 12-20-2001 as Ord No. 1288; Amended 5-9-2007 as Ord.No. 1429;
Amended 6-28-2011 as Ord. No.1567; Amended 9-13-2011 as Ord. No. 1576*

§44A-3.1 Boat Slip Fees.

- A. Boat slip rental permit fees for the Summer Season, for the period from April 1st through October 30th shall be at the rate of SIXTY-FIVE DOLLARS (\$65.00) per foot for boat slips not equipped with electrical service and SEVENTY-ONE DOLLARS (\$71.00) per foot for boat slips equipped with electrical service. These fees shall be based on the size of each boat slip as determined by the Borough.
- B. Any boat with an overall length which exceeds the size of the boat slip shall pay a boat slip fee based on the overall boat length at the rates outlined above.
- C. Residents and the owners of property within the Borough of Seaside Park, shall pay a reduced rate which reflects a FIFTEEN PERCENT (15%) discount from the boat slip rental permit fees outlined above. "Resident" is hereby defined as an individual with a permanent residence within the Borough of Seaside Park. "Property owner" is hereby defined as an individual whose names appears on the current tax duplicate as the owner of property located within the Borough of Seaside Park.
- D. The Borough's designated representative shall have the authority to prorate slip rental fees for boats stored in oversized boat slips and for rental terms that commence after August 1st.

§44A-3.2 Transient Dockage Fees.

The fee for transient boat dockage is hereby established at the rate of \$2.00per foot (length overall) per day.

§44A-3.3 Summer Trailer Storage Fees.

The fee for the storage of boat trailers not exceeding an overall length of FORTY (40) feet, without a boat, shall be ONE HUNDRED TWENTY DOLLARS (\$120.00.) for the period April 1st - November 1st. The daily fee for the storage of these trailers, without a boat, shall be FIVE DOLLARS (\$5.) per day during this same period.

§44A-3.4 Summer Boat & Trailer Storage Fees.

The fee for the storage of boats on a trailer shall be at the rate of FIFTEEN DOLLARS (\$15.00) per foot for the period April 1st - November 1st. The daily fee for the storage of a boat and trailer, shall be TEN DOLLARS (\$10.) per day during this same period.

§44A-3.5 Winter Trailer Storage Fees.

The fee for the storage of boat trailers not exceeding an overall length of FORTY (40) feet, without a boat, shall be ONE HUNDRED-TWENTY DOLLARS (\$120.00.) for the period November 2nd-March 31st. The daily fee for the storage of these trailers, without a boat, shall be FIVE DOLLARS (\$5.) per day during this same period.

§44A-3.6 Winter Boat & Trailer Storage Fees.

The fee for the storage of boats on a trailer shall be at the rate of FIFTEEN DOLLARS (\$15.00) per foot for the period November 2nd – March 31st. For boats stored at the marina, boats must be stored uncovered, have custom covers or be professionally shrink-wrapped. No tarps will be allowed to cover boats.

§44A-3.7 Other Fee Provisions.

- A. Refunds. The refund of any slip rental deposit for cancellation after April 1st will be made only upon the successful renting or reassignment of the boat slip and will be subject to a cancellation fee in the amount of \$50.00. Refunds shall not be granted for transient boat slip assignments.
- B. Relocation Charge. Any vessel which interferes with the normal operation of the Marina shall be relocated at a charge of \$5.00 per foot.
- C. Transfer Fee. The fee for the transfer from one location to another at the customer's request shall be \$50.00 in addition to any increase in rate due to the transfer.
- D. Overall Length of Boats. Charges for boat slip rental or boat and trailer storage are based on the overall length of the vessel. Overall length includes such items as bow pulpits, swim platforms, out drive units, outboard motors (in or out of water), rudders on sailboats extending aft from hull, and bowsprits.
- E. Finance Charge. A finance charge of 18% per annum shall be assessed on all unpaid balances over 30 days.
- F. Display of Permit. Each boat and/or trailer storage permit shall be evidenced by a decal which shall be prominently displayed at all times the boat or trailer is located within the Marina site.

ARTICLE IV
Marina Regulations

*Adopted 12-20-2001 as Ord No. 1288; Amended 5-9-2007 as Ord.No.1429;
Amended 5-9-2007 as Ord.No. 1416; Amended 6-28-2011 as Ord. No.1567;
Amended 9-13-2011 as Ord. No. 1576*

§44A-4.1 Applicability.

- A. Signature by the permit holder on the permit or permit renewal constitutes agreement to abide by this Ordinance and any other pertinent Borough, State and Federal statutes, rules and regulations. Failure to comply with this Ordinance and pertinent Borough, State and Federal statutes, rules and regulations shall be cause for immediate cancellation of the permit, forfeiture of all fees paid and removal of the vessel from the Marina.
- B. Boat slips are not transferable and shall be occupied only by the boat owned by the permit holder of record as described on the permit application or renewal form. The Borough reserves the right to utilize, assign or reassign any boat slip.

§44A-4.2 Vehicle and Parking Regulations.

- A. No person or persons shall operate a motor vehicle within the Marina in excess of the speed of FIVE (5) miles per hour.
- B. The use of bicycles or motor vehicles of any kind on the piers, docks and walkways is prohibited within the Marina.
- C. No motor vehicle shall be parked within the Marina except in areas designated for such purpose. Use of campers and recreational vehicles is prohibited within the Marina. The parking of disabled vehicles within the Marina for a period in excess of 24 hours is prohibited.

§44A-4.3 Boat Condition and Operation.

- A. No person shall operate a boat within the Marina at a speed in excess of the speed of FIVE (5) miles per hour. No person shall operate a boat within the Marina at a speed which creates a wake. No person shall operate a boat in a manner which endangers other craft in the Marina or the life or limb of any person upon such vessel.
- B. Any condition on a vessel or any premises used by the permit holder within the Marina declared to be a fire or safety hazard by the Borough's designated representative shall be corrected immediately by the permit holder.

- C. The Borough, through its representative, may arrange for the relocation or removal and hauling out of any boat which it determines to be in an unsafe or sinking condition, provided the owner is unavailable or fails to respond to notification of said unsafe conditions. All charges for said relocation or removal and hauling out shall be paid by the boat owner.

§44A-4.4 Certain Activities Prohibited.

- A. The use of any vessel in a time-sharing venture, or use of a vessel as a domicile, residence or habitat on other than a transient basis is prohibited.
- B. Use of a boat slip as a water sport activity center such as water skiing or parasailing is prohibited.
- C. Swimming, diving or bathing from the bulkheads, piers, docks, walkways or vessels is prohibited within the Marina.
- D. Fishing, crabbing or cleaning fish, crabs or bait on bulkheads, piers, docks, walkways or vessels is prohibited within the Marina. The cleaning of fish will be allowed at designated fish cleaning stations. The use of boxes or containers larger than 24" in length for storing live bait is prohibited within the Marina.
- E. The sale of fish or other items from motor vehicles in the Marina area is prohibited. The sale of fish from docks is prohibited.
- F. No commercial activity or chartering of boats is permitted. Soliciting or hawking within the Marina is prohibited.
- G. Major boat alterations or repairs shall not be undertaken while a boat is on Marina property.
- H. Trailer storage shall be limited to boat trailers only. The storage of personal property on any trailer, other than a boat, is prohibited.
- I. The power washing, sanding, painting, or extensive repair of any boat stored on a trailer within the marina is prohibited.
- J. The storage of flammable liquids or materials within dock boxes or other storage areas is prohibited. Draining, cleaning and/or removal of fuel tanks and/or the use of gasoline or other flammable solvent as a cleaning agent within the Marina is prohibited. The filling of fuel tanks or the transfer of fuel within the Marina is prohibited.

- K. The use of any fire or open flame is prohibited within the Marina except in an area that may be designated for such purpose.
- L. Dinghies stored in permit holders' boat slips shall not exceed TEN (10) feet in length and shall not encroach on adjacent boat slip space. Dinghies shall not be stored on or under piers, walkways or on land.

§44A-4.5 Noise Regulations.

- A. A person shall not make noise that is unreasonable considering the nature and purpose of the actor's conduct, locations, time of day and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
- B. The use of loudspeakers, bullhorns or other devices for the amplification of sound, whether mechanical or otherwise, including the playing of music, anywhere in the Marina area or from boats is prohibited.
- C. No boat engines shall be started earlier than TEN (10) minutes prior to the time the boat leaves its boat slip.
- D. Sailboats within the Marina shall be required to tie off halyards. Permit holders not in compliance will be billed for the service.

§44A-4.6 Trash and Waste Regulations.

- A. No garbage, oil, sludge, refuse matter, sewage or waste material of any kind shall be thrown, deposited or permitted to fall from any vessel into the water within the Marina or onto or from any bulkheads, piers, docks and walkways.
- B. The toilet facilities of any vessel which empty into the water shall not be used while such vessel is in the Marina.
- C. The trash and recycling containers and receptacles located within the Marina are provided for the sole use of the boat slip rental permit holders.

§44A-4.7 Use of Docks and Storage.

- A. Walkways and piers shall be kept clean at all times. Permit holders are responsible for the cleanliness of their immediate boat slip area. Additions or alterations, including the placement of carpet material, shall not be made to piers, walkways or other Marina property. The placement of signs and the marking up of bulkheads, piers, docks and walkways is prohibited within the Marina.
- B. Unattended property that interferes with public safety or the orderly management of the Marina is prohibited.

- C. All personal property and gear, except lines, shall be removed from Marina piers and property at the expiration of the permit period.
- D. Dock boxes shall be installed in designated areas with the prior approval of the Borough's designated representative. Dock boxes placed on marina docks or piers shall be constructed of white plastic or fiberglass and must conform to the following dimensions; no larger than:
 - 6 foot wide docks, 27"Hx60"Wx20"D; and
 - 8 foot wide docks, no larger than 27"Hx60"Wx23"D.

§44A-4.8 Water Use Restricted.

All water hoses used in the Marina or on any boat shall employ an automatic shutoff device so as to eliminate waste of water. Washing of vehicles is prohibited within the Marina.

**ARTICLE V
General Provisions**

Adopted 12-20-2001 as Ord No. 1288; Amended 6-28-2011 as Ord. No. 1567

§44A-5.1 Enforcement.

- A. The Police Department, Code Enforcement Officer and designated Marina personnel are hereby authorized to enforce the provisions of this Chapter.
- B. The resolution of any situation that may arise that is not covered by this ordinance will be made by the borough's designated representative with the approval of the Borough Administrator.

§44A-5.2 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.

§44A-5.3 Repealer.

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

§44A-5.4 When effective.

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

