

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE NO: 2018-25

**ORDINANCE TO AMEND THE BRADLEY BEACH CODE, COUNTY OF MONOUTH,
STATE OF NEW JERSEY CHAPTER ONE HUNDRED TWENTY THREE,
BEACHFRONT AREAS AND ADJACENT WATERS**

WHEREAS, it has come to the attention of The Borough Council that there are some provisions of the Rules and Regulations governing beach access which are inconsistent and/or could expose the Borough to liability in the event the beach is accessed while there are no lifeguards on duty; and

WHEREAS, the Borough Council deems it in the best interest of the citizenry of the Borough to amend certain sections of Chapter 123:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, Monmouth County, State of New Jersey, that Chapter 123 of the Borough of Bradley Beach code be amended and supplemented as follows:

CHAPTER 123 – BEACHFRONT AREAS AND ADJACENT WATERS

§123-3.C. shall be amended as follows: Transferability. ~~All badges, checks or other insignia shall be for the exclusive use of the registrant and shall not be loaned, given, sold nor transferred to any other person. Weekly, monthly or seasonal badges or passes shall be transferable at the discretion of the badge or pass holder.~~

§ 123-3.D. shall be amended as follows: Badges required for entry on beach. No person except children under the age of ~~14~~ 13 years shall use the beachfront and the adjacent waters for swimming purposes nor enter upon the beachfront unless registered in accordance with the provisions of this article and displaying the required badge, check or other insignia, whether the person has paid the fee for daily use, seasonal use or any other period of time.

§123-3.J. shall be added as follows: Active Military. Active Military, their spouses and dependents shall be entitled to free admission to the public beaches.

§ 123-7 shall be amended as follows: Hours of employment. Lifeguards shall be maintained on duty at ~~the~~ established protected bathing beaches, during the bathing hours of 9:00 a.m. and to 5:00 p.m. daily and 9:00 a.m. to 6:00 p.m. on weekends and holidays from May 31st on weekends until the middle of June when the beaches will be open daily through Labor Day, except at such times when swimming is deemed dangerous or hazardous by the Beach Manager, Chief Lifeguard or by the captain of the lifeguards or the lifeguard in charge of the beach. When such dangerous conditions exist, the beach shall be closed for swimming, and no person shall swim in the waters adjacent to the beach, whether protected or not.

§ 123-8.B. shall be amended as follows: Swimming at night. No person shall swim in any waters adjacent to the beach, at night or during hours of darkness. ~~unless express permission is granted by the Borough Council by resolution or otherwise.~~

§ 123-8.Y. shall be amended as follows. Smoking restriction on beach and beachfront areas. (1) No person shall smoke a cigarette, cigar or chew any tobacco/nicotine product or any other smoking substance, including e-cigarettes, on the beach or beachfront area at any time. (2) For purposes of this subsection, the term "beachfront area" shall mean all public areas, ~~excepting the beach area proper,~~ including, but not limited to, boardwalk areas, access ramps, grass areas, sidewalk areas, paver areas, areas leased to third parties, and other areas subject to the control or jurisdiction of the Borough of Bradley Beach east of the easterly curb line along Ocean Avenue, in the Borough of Bradley Beach. ~~(3) No person shall smoke or chew any tobacco/nicotine product or any other substance, including e-cigarettes on any beach area proper from 9:00 a.m. through 7:00 p.m. on any day, through and including the dates of May 1 and September 30 of any year.~~

§ 123-11 shall be amended as follows: The Borough Council may cancel any privilege, badge and/or; tag, ~~insignia or check~~ granted or extended to any person who violates any of the provisions of this article.

~~§123-15 shall be amended as follows: In addition to the rules and regulations hereinafter enumerated, the Borough Council is hereby authorized and empowered to adopt, by resolution, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and the waters adjacent thereto. 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 beachfront and the waters adjacent thereto in order to permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council. 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 Bradley Beach except within certain designated areas. 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 Bradley Beach, and only at such times as the lifeguards are on duty. C. No person shall use or tamper with any boat or lifeguard's equipment without the permission of the Beachfront Manager, the Captain of the lifeguards or the Mayor. D. No person shall bathe or swim in said waters adjacent to the beach at night or during the hours of darkness. Erection of warning signs. The Borough of Bradley Beach is hereby directed to erect signs at appropriate locations along the beaches, which shall state: "Unguarded Beaches" "Swim at Your Own Risk," from Labor Day to Memorial Day each year or when lifeguards are not on duty.~~

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, This ordinance shall take effect twenty (20) days after passage by the Mayor and Council and publication according to law.

SO ORDAINED as aforesaid.

KELLY BARRETT
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced:

Date of Hearing and Adoption: