

May 26, 2020

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2020-131

**RESOLUTION AMENDING RESOLUTION NO. 2020-79 AND ITS ACCOMPANYING
PROCLAMATION AND RESCINDING RESOLUTION NO. 2020-96 SUSPENDING
HOTELS, MOTELS, AND GUESTHOUSES DURING COVID-19 CRISIS TO
COMPORT WITH THE GOVERNOR'S EXECUTIVE ORDER NO. 143**

Mayor Engelstad offered the following Resolution and moved its adoption:

AMENDED PROCLAMATION OF STATE OF EMERGENCY

**TO ALL CITIZENS AND PERSONS WITHIN THE BOROUGH OF BRADLEY BEACH
AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF THE
BOROUGH OF BRADLEY BEACH:**

WHEREAS, pursuant to the powers vested in the Mayor by N.J.S.A. App. A:9-30, *et seq.*, N.J.S.A. 40:48-1(6), and the Revised General Ordinances of the Borough of Bradley Beach (the "Borough") enacted pursuant thereto, together with N.J.S.A. 2C:33-1 *et. seq.*, as amended and supplemented, and Executive Order No. 103 issued by the Governor of the State of New Jersey, by Resolution No. 2020-79, the Borough's Governing Body ratified the Mayor and Emergency Management Coordinator's proclamation that a **STATE OF EMERGENCY** exists within the Borough of Bradley Beach due to the COVID-19 crisis; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules, and regulations as are necessary to meet the various problems which have or may be presented by such an emergency; and

WHEREAS, by reason of the outbreak of the novel coronavirus, COVID-19, the need for government operations to address staffing capabilities to ensure essential operational needs are met in order to mitigate factors which may further adversely affect the health, safety, and welfare of the people of the Borough and exacerbate and worsen existing conditions; and

WHEREAS, pursuant to N.J.S.A App. A:9-33.1, entitled "Emergency Powers of Government," a disaster is defined as an unusual incident resulting from natural or unnatural causes which endangers the health or safety of residents; and

WHEREAS, by Resolution No. 2020-79, it was determined that the Borough should be declared a disaster area, and further, that certain measures be taken to ensure that the authorities will be unhampered in their efforts to maintain law and order as well as an orderly flow of traffic and further protect the persons and property of the residents affected by the conditions and that governmental operations shall be substantially altered; and

WHEREAS, all lands within the boundaries of the Borough of Bradley Beach, as a result of the outbreak of the novel coronavirus, were designated as disaster areas, in accordance with the “Emergency Powers of Government”; and

WHEREAS, by Resolution No. 2020-96, under the authority of the aforesaid laws, and in accordance with Executive Order No. 108 and Administrative Order No. 2020-8, the Borough temporarily prohibited all hotels, motels, guest houses, or private residences, or parts thereof, from accepting any new transient guests, short-term tenants, or seasonal tenants within the Borough; and

WHEREAS, because New Jersey is no longer seeing an increase in the number of new cases of COVID-19 reported on a daily basis, and the State is experiencing a decrease in the number of individuals visiting emergency departments and being admitted to hospitals for COVID-19, the Governor has issued Executive Order No. 143 relaxing certain restrictions on access to public and private beaches, boardwalks, lakes, and lakeshores; and

WHEREAS, the Governor has determined that, as New Jersey makes continued progress in its fight against COVID-19, it is appropriate to ensure that New Jerseyans can safely enjoy outdoor recreation, including access to beaches, boardwalks, lakes, and lakeshores throughout the State as a way to enhance physical and mental health, while maintaining reasonable restrictions to help limit the spread and prevent future outbreaks of COVID-19 and protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, Executive Order No. 143 provides that “municipalities may impose reasonable restrictions on public access to beaches to protect public safety and welfare, such as limiting the number of persons allowed on the beach at any one time, provided such restrictions are applied in a non-discriminatory manner”; and

WHEREAS, Executive Order No. 143 further provides that “municipalities may not impose restrictions to public access of New Jersey’s beaches that overtly or implicitly discriminate against persons based on residency, income-level, or any protected class”; and

WHEREAS, the Mayor & Council, Administrator, Emergency Management Coordinator, and Borough Attorney have carefully considered the provisions of Executive Order No. 143, and with public input and comment, have developed rules and regulations for the use of public beaches, boardwalks, lakes, and lakeshores, as well as the permitting the acceptance of new guests by hotels, motels, guest houses, and private residences within the Borough;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & the Council of the Borough of Bradley Beach do hereby affirm the previously declared “State of Emergency” within the Borough of Bradley Beach, and hereby approve the following rules and regulations in amendment to their prior Resolution Nos. 2020-79 and 2020-96, in compliance with Executive Order No. 143:

BOROUGH OF BRADLEY BEACH

COVID-19 RULES & REGULATIONS FOR SUMMER 2020

GENERAL RULES AND REGULATIONS

- ✓ Subject to existing Borough Ordinances and further Rules and Regulations hereinbelow, the Borough's Beach and Boardwalk areas shall be open to the public, provided that that all residents and visitors comply with all Executive Orders, all of the latest State and Federal guidelines, as well as guidance provided by the Centers for Disease Control.
- ✓ All residents and visitors shall practice the currently recommended and required social-distancing measures so that the Borough and all authorities are unhampered in their efforts to combat the spread of COVID-19 and maintain law and public order for the health, safety and welfare of all persons.
- ✓ Penalties for violations of any Executive Order, Borough Ordinances, and/or the Rules and Regulations hereinbelow may be imposed under local ordinance or state statute, including the aforesaid laws. The Borough's State of Emergency will continue in full force and effect pending the conclusion of all phases of emergency management, relative to this pandemic and until it is declared that such emergency no longer exists.
- ✓ Authority for these directives is based on the Laws of the State of New Jersey, Executive Orders of the Governor, including but not limited to #102 and #143.

BEACH & BOARDWALK USE AND ACCESS

- ✓ Commencing at 9am on Saturday, May 23, 2020, the beach will be staffed and open to season and daily badge holders¹;
- ✓ Commencing at 9am on Tuesday, May 26, 2020, the beach will be staffed on a daily basis by Life Guards and swimming will be permitted;
- ✓ Commencing at 9am on Thursday, June 18, 2020, the beach will be fully staffed (Life Guards, Badge Takers and Cashiers) and open for the Summer 2020 Season;
- ✓ All Access points will be open: Lake Terrace, Cliff Ave, Newark Ave, Park Place, Ocean Park/McCabe, Lareine, Brinley, Fourth Ave, Third Ave, Second Ave and Evergreen;
- ✓ Members of the public are required to practice social distancing² and stay six feet apart whenever practicable, excluding immediate family members, caretakers, household members, or romantic partners;

¹ Borough Code Chapter 123-2

² Executive Order No. 143 #3 (b)

- ✓ The following shall remain closed: Water Fountains, Picnic Areas, Playgrounds, and Pavilions³;
- ✓ Showers and Restrooms⁴ will be in use with a proactive cleaning process that will be implemented by the Department of Public Work (DPW)⁵;
- ✓ It is strongly recommended that all employees and visitors wear a face covering⁶;
- ✓ Beach blankets, chairs and coolers are allowed;
- ✓ All organized or contact activities or sports are prohibited⁷ (Bocce Court, Mini Golf, Volleyball, Surf Camp shall remain closed);
- ✓ Locker rentals are available on Saturday, May 23, 2020 and social distancing shall be exercised when in use or when accessing same;
- ✓ Boardwalk benches will not be in use⁸; and
- ✓ Bicycles are banned from 10am to Midnight on the Boardwalk.

BADGE & PARKING SALES

- ✓ Additional Seasonal Beach badges are on sale to the public until they are sold out. Please check the Borough Website for regular updates. Purchases can be made via Viply on their website or App at www.viplypass.com/bradley-beach-badges and by cashier at the Brinley Ave booth on the boardwalk and by cash at the Third Ave and Cliff Ave booths on the boardwalk;
- ✓ Daily badges will be sold on Saturday, May 23-25, 2020, and every weekend thereafter, until Thursday, June 18, 2020, when daily badges will be available every day until Monday, September 7, 2020;
- ✓ The maximum badge sales limit will be established by a formula that anticipates utilization of seasonal badges. Maximum beach badge sales for all days will be capped at a projected max attendance of 10,000 individuals (employees and visitors included)⁹;
- ✓ Each beach day, overall capacity will be monitored regularly, determinations will be made if needed to reduce or restrict access to certain beaches; and

³ Executive Order No. 143 #2

⁴ Executive Order No. 143 #2 (h)

⁵ Executive Order No. 143 #2 (j)

⁶ Executive Order No. 143 #4

⁷ Executive Order No. 143 #3 (h)

⁸ Executive Order No. 143 #3 (d)

⁹ Executive Order No. 143 #3 (a)

- ✓ All parking spaces will be available and the Pay Stations shall be in operation from 8:00am to 7:00pm from Saturday, May 16, 2020 to Sunday, September 13, 2020¹⁰ and may be purchased at the meters or the M2Pay App at www.mypay2park.com.

LIFEGUARDS AND BADGE CHECKERS

- ✓ Directed to follow the Best Practices for Re-Opening Beach Operations¹¹

FLETCHER LAKE FOOT BRIDGE

- ✓ The bridge will remain open to pedestrians crossing the bridge. No stopping or social gathering is allowed and it's strongly recommended that face mask(s) be worn.

TRANSIENT GUESTS OR SEASONAL TENANTS

- ✓ The Borough will begin accepting Certificate of Occupancy applications effective immediately and Certificate of Occupancies will be issued effective Tuesday, May 26, 2020¹².

FOURTH OF JULY FIREWORKS

- ✓ At this time in accordance with Executive Order No. 143 it is impermissible to gather individuals or groups for fireworks¹³.

***These Rules will be continuously re-evaluated and are potentially subject to change.**

Seconded by Councilman _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell				
Mr. Gubitosi				
Mr. Sexsmith				
Mr. Weber				
Mayor Engelstad				

¹⁰ Borough of Bradley Beach Code Chapter 335-6

¹¹ Executive Order No. 143 (c) and MEL Safety Institute Bulletin, May 7, 2020

¹² The Prohibitive Order to Stop Issuing CO's is in accordance with Executive Order No. 108 and Administrative Order No. 2020-8

¹³ Executive Order No. 143 #3 (g)

CERTIFICATION

I, Erica Kostyz, Borough Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the May 26, 2020 meeting.

ERICA KOSTYZ
Borough Clerk