

BATHING BEACH

Chapter 33

BATHING BEACH

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[HISTORY: Adopted by the Township Committee of the Township of Union 3-3-66. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 28.

Municipal dock — See Ch. 43.

Dogs — See Ch. 44.

Garbage, rubbish, refuse matter — See Ch. 48.

Peace and good order — See Ch. 60.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 33-1. Bathing beach established.

There shall be established in the Township of Barnegat a bathing area which shall be called, for the purposes of this ordinance, the "bathing beach"; said bathing beach shall be located on that portion of land lying between Bay Shore Drive and Barnegat Bay. Said bathing beach is located on the Township Tax Map on page 17, being Block 202, Lot 1.

§ 33-2. Risk of user. [Added 5-21-73]

Any person using the beach shall do so at his or her own risk and liability, and the municipality shall incur no liability by the use of the beach.

§ 33-3. Posting of signs. [Added 5-21-73]

The township shall post signs on the beach front notifying the users at the beach that the use of the beach is at the risk of the user and the municipality assumes no obligation for the use of the beach.

'Editor's s Note: Former § 33-2. Designated hours of bathing, and §

33-3, Lifeguard on duty, were repealed by the ordinance adopted 5-21-73.

§ 33-4. Bathing season and hours of operation.
[Amended 3-7-88 by Ord. No. 1988-61]

The bathing season shall commence July 1st and run to Labor Day of each year. The hours of operation until otherwise changed by official action of the governing body shall be between the hours of 10:00 a.m. and 4:00 p.m. daily.

§ 33-5. Certain activities prohibited. [Added 8-4-75 by Ord. No, 1975-242]

The below-enumerated activities are expressly prohibited:

A. Ball playing; rough athletics.

²Editor's Note: Former §§ 33-5, 33-6, 33-7, 33-8, 33-9, 33-10, 33-11 (added 5-21-73), 33-12, 33-14, 33-15 and 33-16 (added 4-7-75 by Ord. No. 1975-6), which prohibited certain activities on the beach, were repealed 6-7-76 by Ord, No. 1976-14.

- B. Disorderly conduct of any kind which may cause annoyance or disturbance to other persons using the beach.
- C. Littering the beach or depositing thereon any bottles, cans, papers or other refuse of any sort, kind or description.
- D. Climbing upon, breaking, defacing, destroying or damaging any fence or other property of the Township of Barnegat.
- E. Water skiing or any other similar activity within three hundred (300) yards of the bathing beach.
- F. The possession of any weapon.
- G. The possession of any spear gun.
- H. The allowance of any pet or animal of any sort, kind or description on the beach.
- I. Disrobing or undressing, either on the beach or in any motor vehicle or in the water adjacent to the beach.
- J. Taking or removing any sand or soil from the beach.
- K. Beach parties, beach luncheons and fires on the beach, unless such party, luncheon or fire has been approved by the Township Committee and the security in the sum of one hundred dollars (\$100.) has been deposited therefor with the Township Clerk. Such security shall be forfeited in the event that such person shall leave the bathing beach without properly cleaning the beach and removing all debris. [Amended 7-21-80 by Ord. No. 1980-26]
- L. Alcoholic beverages of any kind, nature or description are hereby prohibited at any time upon the township bathing beach. [Amended 6-7-76 by Ord. No. 1976-14; 7-21-80 by Ord. No. 1980-261]
- M. Swimming or bathing beyond a safe depth as indicated and determined or regulated by the township lifeguards on duty.
- N. The use of any inflatable raft, inner tube, water wings or any floating or inflated object of any kind or description,

except as indicated and determined or regulated by the township lifeguards.

- O. The failure to obey all orders, directions, whistles or other signals used by the township lifeguards and police.
- P. Sleeping on the beach between the hours of 6:00 p.m. and 6:00 a.m.
- Q. Riding or walking horses on the beach.
- R. Operate a privately owned motor vehicle on the beach at any time.
- S. Fishing from the beach or within one hundred (100) yards of the boundaries thereof.
- T. Fishing or trespassing on any jetties.
- U. Allowing or permitting children under the age of twelve (12) to go upon the beach, unless accompanied by a person of the age of fourteen (14) years or older actually encharged with the care, custody and control of such child.
- V. It shall be unlawful for anyone to be upon the township bathing beach between the hours of 9:00 p.m. and 6:00 a.m. daylight saving time and between the hours of 6:00 p.m. and 6:00 a.m. Eastern standard time, including the parking area as well as the bathing beach. [Added 7-21-80 by Ord. No. 1980-26]

§ 33-6. Responsibility for care and operation. [Added 8-4-75 by Ord. No. 1975-24]

The care and operation of the bathing beach is hereby placed under the regulation and direction of the Barnegat Township Committee as the responsible elected officials of the Township of Barnegat.

§ 33-7. (Reserved)

§ 33-8, (Reserved)

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§ 33-9 (Reserved)

§ 33-10 (Reserved)

§ 33-11 (Reserved)

§ 33-12 (Reserved)

§ 33-13. **Dangerous activity.** [Added 4-7-75 by Ord. No. 1975-61]

No person or persons shall do anything which shall endanger the life or safety of himself, herself or any other person.

§ 33-14. (Reserved)

§ 33-15. (Reserved)

§ 33-16. (Reserved)

(Cont'd on page 3305)

¹ Editor's Note: Former § 33-13, Use of surfboards, was repealed 5-21-73.

§ 33-17. Paid beach fee. [Added 4-7-75 by Ord. No. 1975-6']

Finding. Whereas, the cost of maintaining the public bathing beach within the Township of Barnegat has greatly increased and continues to increase annually due to the increased number of users of said beach; and

Whereas, the Township Committee of Barnegat Township has determined that it is necessary to provide for the funding of the said bathing beach; and

Whereas, funds are necessary for the maintenance of the said beach, the cleaning of said beach, the patrol of said beach and ultimately the providing of lifeguards on said beach;

Now, therefore, the Township Committee of Barnegat Township does provide as follows:

- A. Beach fee. In order to provide** the necessary funds to improve, maintain and police the beach, including the employment, where deemed advisable in the opinion of the Township Committee, of lifeguards and the purchase of necessary equipment for the protection and safeguard of bathers, the following fees shall be charged for the use of Barnegat Township Bathing Beach:
- (1) A fee of two dollars (\$2.) per individual over twelve (12) years of age provided the application is made to the proper authorities of Barnegat Township on or before Memorial Day of each year. [Amended 3-17-86 by Ord. No. 1986-9; 7-3-89 by Ord. No. 1989-21]
 - (2) In the event that an application is made subsequent to Memorial Day of each year, the fee for each individual over twelve (12) years of age shall be four dollars (\$4.) per season. [Amended 3-17-86 by Ord. No. 1986-9; 7-3-89 by Ord. No. 1989-21]

¹Editor's Note: Former § 33-17, Posting of regulations in conspicuous places, was repealed 5-21-73.

- (3) Residents desiring to use the beach on a daily basis shall pay the sum of one dollar (\$1.) and nonresidents shall pay the sum of two dollars (\$2.). [Amended 3-17-86 by Ord. No. 1986-9]
- (4) The above referenced fees shall not be applicable to individuals twelve (12) years of age or under and to residents sixty-five (65) years of age or older. In the case of residents sixty-five (65) years of age or older it shall be necessary for said individuals to obtain a permit but they shall not be required to pay the fee therefor. [Added 3-17-86 by Ord. No. 1986-9]
- B. Evidence of payment of fee. No person having attained the age of twelve (12) years shall bath at or otherwise use the lands, facilities or privileges of the Barnegat Township bathing beach without first having acquired and then having in his or her possession a proper and effective badge, license or permit to use the said beaches. The possession of such a proper badge shall be conclusive evidence of the payment of the fees required above in Subsection A.
- C. Transfer prohibited. No privilege, right, badge, ticket or other evidence of right to use the beaches, issued to or to be issued upon the payment of any of the fees provided for in this section, shall be sold, rented or in any other way set over to another person by the person to whom the same is issued.

§ 33-18. Violations and penalties. [Amended 9-2-71]

Any person who shall violate any provision hereof shall, upon conviction before a Municipal Court Judge having proper jurisdiction, be subject to a fine in any sum not exceeding five hundred dollars (\$500.) or imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment; all, however, being in the discretion of the said Judge having jurisdiction.