

**BOROUGH OF BEACH HAVEN
COUNTY OF OCEAN**

ORDINANCE #2023-9C

AN ORDINANCE AMENDING Chapter 55, Article I, “Conduct on Beaches”, Section 55-9, “Tents and gazebos prohibited” in the Borough Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, 2000”.

PURPOSE

The purpose of this Ordinance is to add restrictions on the use of umbrellas and other fixtures on the beach.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN:

SECTION I.

Chapter 55 “Beaches, Use of” shall be amended as follows: underscores represent additions; ~~strikethroughs~~ represent deletions.

§ 55-9Tents and gazebos prohibited. Restrictions on the use and erection of umbrellas, tents and canopies

[Added 5-26-1981 by Ord. No. 81-6^{III}; amended 11-12-2013 by Ord. No. 2013-17C]

~~Tents, shelters, gazebos and temporary and permanent structures of all sorts, kinds and descriptions are prohibited on the beach or strand; provided, however, that sun shelters for children not exceeding 16 square feet, containing not more than four feet on any side and not exceeding 40 inches in height shall be permitted as sunshading for children of tender years, and popup tents with no sides but only a roof which shall not exceed 10 feet in width, 10 feet in length and eight feet in height shall be permitted for events which have received a special event permit. Such tents as are permitted by this section shall be permitted during the period of one hour after sunrise to one hour before sunset, local time prevailing.~~

- A. No person shall erect, maintain, use or occupy on or in any beach or bathing area, any umbrella, tent, canopy, shelter or structure of any kind with the exception of the following:
1. Sunshades, with one central stanchion and an anchor, to support shade whether upright or at a ninety-degree position, that is a collapsible shade, no greater than 7 feet across or greater than seven feet six inches in height and does not contain grounding lines, ropes, or sides.
 2. Devices designed or used to shade infants and small children, also known as “baby tents”, no larger than forty inches high by forty inches wide by forty inches deep.
 3. Popup tents, with no sides, but only a roof, which shall not exceed 10 feet in width, 10 feet in length, and 8 feet in height, shall be permitted for events that have received a special events permit from the Borough of Beach Haven.
- B. No person shall locate a sunshade or baby tent in an area obscuring a lifeguard’s view of the ocean or in an area impeding a lifeguard’s egress from a lifeguard stand, as determined by a lifeguard.

- C. No person shall locate a sunshade or baby tent in an area blocking ingress or egress from beach entrance points, as determined by a lifeguard.
- D. Such sunshades, as are permitted by this section, shall be permitted during the period of one hour before lifeguards are on duty to one hour after they leave the beach.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION III

If any word, phrase, clause, sections, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

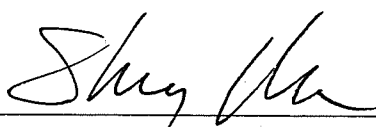
SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law. Any permit issued prior to the effective date of this Ordinance shall not be subject to the restriction on pool construction and installation provided by Section I, hereof.

CERTIFICATION

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted by the Borough Council of the Borough of Beach Haven at a public meeting held on the 10th day of April, 2023, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th day of April, 2023


Sherry Mason, RMC, Borough Clerk

<i>Introduction:</i>	<i>March 13, 2023</i>
<i>First Publication:</i>	<i>March 23, 2023</i>
<i>Adoption:</i>	<i>April 10, 2023</i>
<i>Second Publication:</i>	<i>April 20, 2023</i>
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