

**BOROUGH OF BEACH HAVEN
COUNTY OF OCEAN**

ORDINANCE #2024-5C

AN ORDINANCE AMENDING AND SUPPLEMENTING Chapter 141, “Peace and Good Order”, in the Borough Code of the Borough of Beach Haven, County of Ocean, State of New Jersey.

PURPOSE

The purpose of this Ordinance is to amend and clarify sections of the Borough Code related to vessels within the Borough’s riparian grant. It is also to recognize and preserve shellfish history, protect our current resources, and most importantly, to educate and promote our local heritage for future generations.

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

SECTION I

Section 141-6 of the Code of the Borough of Beach Haven shall be amended and supplemented (underscored represent additions; ~~strikethroughs~~ represent deletions) as follows:

A. It shall be unlawful for any person, firm or corporation to place or cause to be placed any permanent or semipermanent obstruction of any sort, kind or description within any riparian grant owned by the Borough of Beach Haven. Any vessel located within any Borough-owned riparian grant shall not be secured to the bulkhead in any manner whatsoever.

B. It shall be unlawful for any person, firm or corporation to moor or cause to be moored a boat or vessel of any kind, sort or description within a riparian grant owned by the Borough of Beach Haven for longer than two hours.

C. There shall be a rebuttable presumption that any boat or vessel moored in contravention of Subsection A or B was created by the owner of the vessel or boat.

D. Any boat or vessel moored longer than two hours in a Borough riparian grant may be towed by the Beach Haven Police or the State Police and it shall be the responsibility of the owner of the vessel or boat to pay the towing charges and storage charges prior to the release of the boat or vessel.

E. The prohibitions and restrictions contained in paragraphs A through D of this section shall not apply to the riparian grant owned by the municipality, as shown in Fig. 1 below, between the bulkhead at or adjacent to the intersection of West Ave and Pearl Street, and bordered by Block 113, Lots 2, 2.01, and 2.02.

Fig. 1:



- (1) **Permit Required.** No person shall moor a boat in the Riparian Grant area identified in Figure 1 without first obtaining a validly issued permit for such privilege in the manner set forth by the borough. Permits shall be valid from January to December of each calendar year at no cost. A maximum of ten (10) permits shall be issued annually. The borough shall erect appropriate signage related to permitting and use restrictions.

- (2) **Use Restricted.** No permit shall be issued without proof of validly issued NJ commercial or residential Clamming/Oyster license. No permit shall be issued for vessels larger than 25' in length. No permit shall be issued without proof of Beach Haven residency. Only low keel or flat-bottom Garvey-type vessels are permitted. No fixed hardware, nails, screws, or cleats shall be installed on Borough property.

- (3) **Fines and Penalties.** Any person who violates any provisions of this article shall, upon conviction thereof, be liable to a penalty of not less than \$60 for each violation. Conviction may result in the revocation of mooring permit.

SECTION II

Repealer. 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

Severability. 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

Effective Date. This Ordinance shall take effect upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on March 28, 2024 at 4:00 p.m. A copy of the ordinance can be obtained, without cost, by any member of the general public, at the Office of the Municipal Clerk, 300 Engleside Avenue, Beach Haven, New Jersey 08008 Monday through Friday, 9:00 a.m. to 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on April 25, 2024 at 4:00 p.m. at the Beach Haven Municipal Building, 300 Engleside Avenue, Beach Haven, New Jersey 08008.

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 28th day of March, 2024, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of March, 2024.



Sherry Mason, RMC, Borough Clerk

<i>Introduction:</i>	<i>March 28, 2024</i>
<i>First Publication:</i>	<i>April 4, 2024</i>
<i>Adoption:</i>	<i>April 25, 2024</i>
<i>Second Publication:</i>	<i>May 2, 2024</i>
<i>Effective Date:</i>	<i>May 15, 2024</i>