

ORDINANCE 2015-008

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING
SMOKING ON THE BOROUGH BEACHES.**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 144 of the Borough Code of the Borough of Barnegat Light, entitled "RECREATION AND PUBLIC RESORT AREAS," is hereby amended and supplemented to provide a new paragraph V in Section 144-11, entitled "Rules and regulations," to prohibit smoking on public beaches as follows:

**Chapter 144
RECREATION AND PUBLIC RESORT AREAS**

**Article I
Beaches**

§ 144-11. Rules and regulations.

It shall be unlawful for any person on any beach or resort area within the Borough, whether or not designated as a bathing beach or area, to:

- A. Molest, annoy or disturb any person, by physical action or by word of mouth, in the peaceful enjoyment of the places of resort.
- B. Use any loud, profane, offensive or indecent language.
- C. Make any loud noise, sound or music to the annoyance of any other person.
- D. Play ball or any other game or engage in any activity which may endanger another person or interfere with the enjoyment of the quiet use of the places of resort by another person.
- E. Do anything which shall endanger or be likely to endanger the life or safety of himself or any other person.
- F. Littering.
 - (1) Throw, discard or leave upon any beach any bottle, can or receptacle of any kind which is unsanitary or unsightly or which is detrimental to the health or well-being of the persons using the beach.
 - (2) Throw, discard or leave upon the beach any wastepaper, garbage, refuse or material of any kind which is unsanitary or unsightly or which is detrimental to the health or well-being of the persons using the beach.
 - (3) Dump or throw garbage or other refuse in the water at any beach.
- G. Break, damage, destroy, disfigure or deface any Borough property, signs or equipment which is lawfully upon any beach.
- H. Break, damage, destroy, disfigure or deface any publicly or privately owned property which is lawfully upon any beach.

I. Ride or operate a surfboard in any area of the beaches not designated for that purpose. The Borough, through its properly designated officers, shall designate areas of the beach for the use of those persons desiring to engage in surfing. In these areas, no bathing or fishing shall be permitted while the areas are being used for surfing. The Council may change the location of the surfing areas, designate the hours of use of the areas and adopt such other regulations for the management thereof as the public welfare may require. Any area designated for surfing purposes shall be so posted.

J. Surf fish, fish or crab in any area of the beaches not designated for that purpose or within the water areas within which other designated purposes are in progress. The Borough shall designate areas of the beaches for the use of those persons desiring to engage in surf fishing, spear- or goggle fishing or skin or scuba diving. In these areas, no bathing shall be permitted when the areas shall be subject to control of the Council. The Council may change the location of the areas, designate the hours of use of the areas and adopt such other regulations for the management thereof as the public welfare may require. Any such areas shall be so posted as practicable.

K. Operate any motor vehicle of any kind, type or description without written permission from the proper Borough official.

L. Sell or consume any food, drink or confection on any beach.

M. Organize or participate in a beach party, picnic or similar outing.

N. Possess or consume alcoholic beverages, drugs or narcotics.

O. Start or maintain any fire.

P. Take or permit his dog to be on the places of the resort commencing May 1 through September 30 of each year.

Q. Go into the water at any beach:

- (1) When it is unsafe to do so.
- (2) When directed by any lifeguard to stay out of the water.
- (3) When intoxicated or when to any degree under the influence of alcohol or any drug or narcotic.

R. Remain in the water at any beach:

- (1) When it is unsafe to do so.
- (2) When directed by any lifeguard to come from the water.
- (3) When intoxicated or when to any degree under the influence of alcohol or any drug or narcotic.

S. Go out in the water at any beach farther than directed by any lifeguard or in violation of any reasonable order of the lifeguard.

T. Refuse or neglect to obey the orders and directions of any lifeguard as to time, place and distances for bathing or otherwise.

U. Interfere with or obstruct any police officer, policeman, lifeguard or other officer in the performance of his duties.

V. Smoking Prohibited. Smoking, the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, shall be prohibited on any beach or resort area within the Borough commencing May 1 through September 30 of each year.

SECTION 2. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, on the 10 day of June, 2015, and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 East 7th Street, Barnegat Light, New Jersey, on the 8 day of July, 2015, at 5:00 p.m., at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

GAIL J. WETMORE, Borough Clerk

Passage on First Reading: date: June 10,2015 moved by Reynolds seconded by Sharpless

VOTE:

Spark aye Sharpless aye Wellington aye Reynolds aye Mikuletzky aye Warr aye

Attest:

GAIL J. WETMORE, Borough Clerk

Final Passage: date: July 8, 2015_ moved by Sharpless seconded by Spark

VOTE:

Spark aye Sharpless aye Wellington aye Reynolds aye Mikuletzky aye Warr aye

Attest:

GAIL J. WETMORE, Borough Clerk

Approved:

_____ date: _____

KIRK O. LARSON, Mayor

Attest:

GAIL J. WETMORE, Borough Clerk