

ORDINANCE 657-22

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY TO REPEAL AND REPLACE ORDINANCE #345-91, 373-94, AND 553-11 ENTITLED “AN ORDINANCE ESTABLISHING BOAT MOORING REGULATIONS FOR THE JURISDICTIONAL WATERS AND THE BEACH OF THE BOROUGH OF OCEAN GATE, AND PROVIDING PENALTY THEREFORE, IN THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN”

BE IT ORDAINED by Borough Council of the Borough of Ocean Gate in the County of Ocean and the State of New Jersey that Ordinance No’s. 345-91, 373-94 and 553-11 is hereby repealed and supplemented as follows:

SECTION I

Definitions:

- a. Boardwalk: The wood and/or concrete walkway along the beachfront.
- b. Boat: Any watercraft, including seaplanes when not airborne, in or upon, docked, or moored at any place on the jurisdictional waters of the Borough of Ocean Gate.
- c. Boro: The Borough of Ocean Gate.
- d. Mooring: A mushroom anchor, chain, buoy and pennant, with necessary swivels, shackles, thimble and eye splices, and any other device used for the purpose of tethering the vessel, ship, boat or other watercraft in a relatively stationary position that is held or fixed to the ground underneath the water.
- e. Riparian Grant: The area from the highwater mark to and including 500 feet offshore.

SECTION II

Anyone wishing to moor a boat upon the jurisdictional waters of the Borough of Ocean Gate shall first obtain a permit by submitting to the Borough of Ocean Gate a Boat Mooring Application with the applicable fee payable to the “Borough of Ocean Gate” and receiving approval by the Borough of Ocean Gate. A separate application shall be required for each boat the owner wishes to use.

The following required information shall be submitted on the Boat Mooring Application:

- Owner’s name
- Owner’s primary residential address
- Boat name
- Boat ID
- Boat NJ Registration Number
- The year, length and beam of the boat

- Boat insurance company name and policy number
- Type of boat detailing color/markings

The following required documentation shall be submitted with the Boat Mooring Application:

- Copy of current insurance policy that the boat is covered under
- Copy of current year vessel registration
- Picture of boat

Proof of proper mooring: Proof will consist of either a visual inspection by the Borough of Ocean Gate Code Enforcement Officer. Inspection will only consist of verifying compliance with the ordinance. It shall be the mooring owners' responsibility to insure adequate mooring size.

Proof of valid registration: Proof shall consist of presentation of registration at the time of application.

Proof of liability insurance: Proof of insurance shall consist of a certificate of insurance verifying liability insurance issued by the mooring owners' insurance company to the Boro.

No vessel shall be permitted moored or beached from October 1st through March 1st of the following year.

SECTION III

The following fees shall be charged to obtain a mooring permit. There shall be no refunds issued.

1. Minimum fee is \$20.00, \$2.00 per foot.
2. All fees shall be payable to the Borough of Ocean Gate.

SECTION IV

No boat in excess of nineteen (19) feet shall be stored upon the beach in the Borough of Ocean Gate or within eight (8) feet of the boardwalk or four (4) feet to the high water line of the beach.

No boat shall be stored in accordance with the above provisions unless it is registered, as hereinafter provided, with the Borough.

It shall be unlawful to secure any boat stored on the aforesaid designated areas to any bench, sign post, or other Boro property.

SECTION V

Anyone desiring to moor a boat upon the jurisdictional waters of the Borough of Ocean Gate shall be required to apply for a permit. Applications to be submitted with the payment to the Code Enforcement office and will then be reviewed and approved by the Code Enforcement

Officer. Upon registering said boat with the Borough of Ocean Gate, the individual so registering shall receive a number decal to be placed on the buoy of the mooring. Said number shall be a minimum of three (3) inches high. The aforesaid permit shall be valid for the period of March 2nd through September 30th of each year.

All mooring assemblies shall be removed by October 1st. If mooring is not removed by this date a summons will be issued immediately and will be issued each week that the violation continues. Any remaining mooring assemblies may be removed by the Borough of Ocean Gate at a charge of three hundred (\$300.00) dollars per removal, which will be assessed to the boat owner. The mooring apparatus will be returned to the owner upon full payment of the removal charge. If the removal charge is not paid and/or the mooring apparatus is not claimed within ninety (90) days of removal and summons, it will become the property of the Borough of Ocean Gate to dispose of as the Borough of Ocean Gate so determines.

SECTION VI

Anyone desiring to store a boat upon the beach shall be required to apply to the Code Enforcement Officer for a permit. Upon registering said boat with the Borough of Ocean Gate, the individual so registering shall receive a decal which must be placed in a visible location upon the hull of the boat or watercraft. The aforesaid permit shall be valid for the period of March 2nd through September 30th. Only boats/watercraft vessels are permitted to be beached with proper decal stickers any other accessories (beach umbrellas, beach chairs, beach toys, etc.) must be removed as it can create a hazard.

SECTION VII

Boat mooring for a period of less than 24 hours shall be exempt from the mooring permit regulations, but shall obey all other laws and regulations. Registration with the Borough is requested. No fees shall be charged for this temporary registration.

SECTION VIII

No person shall have, permit or allow any boat on the beach between the boardwalk and the low water mark of the Toms River, or upon the waters of the areas hereinafter described

- a. From the Wildwood Avenue Pier to the easterly side of Stone Harbor Avenue.
- b. From the Anglesea Avenue Pier eastwardly for a distance of five hundred (500) feet.
- c. From a point fifty (50) feet west of Monmouth Avenue to a point fifty (50) feet east of Monmouth Avenue.
- d. From the east borough line westwardly for a distance of three hundred (300) feet.
- e. Unloading and loading from the Borough piers shall be limited to one-half hour on the westerly side of each pier.

SECTION IX

Boat operation compliance. All Federal, State, Coast Guard, and local laws and regulations shall be complied with.

All boats/watercrafts/inflatables must be moored at least one hundred (100) feet from the low water mark on the beach to allow for the safety of the public and the use of the beach.

SECTION X

Abandoned boats. Every boat in a waterway which is abandoned or becomes a menace to navigation or is unseaworthy, or sinks, goes aground or becomes otherwise disabled is hereby declared to be a nuisance and the person in charge thereof shall abate such nuisance within forty-eight (48) hours after notice from the Boro. If the owner or person in charge cannot be located after reasonable inquiry then any boat constituting a nuisance aforesaid may be removed or destroyed by the Boro and the owner shall pay the reasonable cost thereof to the Boro.

SECTION XI

Authority to Board: The Code Enforcement Office and the Police Department shall have the authority to board any boat moored, drifting, or abandoned in violation of this ordinance and more or cause it to be moved to another location and the Boro shall have the right to charge the owner for the reasonable payment of costs incurred in its removal or storage and to hold it as security therefor. Any boat unclaimed within thirty (30) days after removal may be sold at public auction or destroyed.

SECTION XII

Mooring without permission. No person shall moor a boat to a private seawall or dock or mooring or beach it upon private property within the Boro without the permission of the owner thereof or to or upon public facilities or lands unless same are authorized for said purpose.

SECTION XIII

Garbage Disposal: No person in charge of or occupying a boat shall dump or throw garbage, paper, bottles, cans, refuse or debris into waterways. The above shall be disposed of in compliance with local regulations.

SECTION XIV

Violations and penalties; removal of boats in violation

- a. Any person who violates any one (1) or more of the provisions of this ordinance shall be subject to a fine of not more than five hundred (\$500.00) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days. In the case of a continuing violation or violations, a fine of not more than five hundred (\$500.00) dollars may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- b. Authority to remove. The Borough, under the direction of the Code Enforcement Officer, is hereby authorized and empowered to take possession of and remove any boat or watercraft which has been placed upon or stored on the beach or jurisdictional waters of the Boro during the months of October, November, December, January and February of any year. Additionally, if any boat or watercraft is stored in violation of this ordinance for more than seven (7) consecutive days, then the Boro, under the

- direction of the Code Enforcement Officer, may take possession of and remove any such boat or watercraft from the beach area to a storage facility of the Boro's choice.
- c. Costs and charges: Any boat or watercraft which has been removed as hereinabove set forth shall not be returned until such time as the owner thereof has satisfactorily established said ownership and paid a storage and removal fee of fifty (\$50.00) dollars to defray the costs absorbed by the Borough for said removal and storage. If said boat or watercraft is claimed after the Boro has stored said craft for forty-eight (48) hours then an additional charge of three (\$3.00) dollars per day or fraction thereof shall be paid by the owner prior to release of the boat or watercraft by the Boro. These charges shall be in addition to any fine or penalty imposed as a result of violation of the within ordinance. Boats or watercraft so impounded shall be considered abandoned if not claimed within six (6) months of the date of said removal. The Borough shall thereafter have the right to sell said boat or watercraft to the highest bidder at public auction. If the Boro receives no bids on said boat or watercraft it may thereafter discard such boat or watercraft.
 - d. Giving false statements on the application shall result in the loss of mooring privileges for one year. A second offense will result in permanent loss of mooring privileges.

SECTION XV

Repealer: This ordinance hereby repeals any inconsistent ordinance or ordinances, or part or parts thereof to the extent of such inconsistency.

SECTION XVI

Severability: If any section, paragraph or other part or provisions of this ordinance is for any reason held invalid by any court of competent jurisdiction, such part or provisions shall be deemed separate, distinct and independent herefrom unless the relationship of said part or provision to the meaning and intent of the remainder compels a contrary result.

SECTION XVII


This ordinance shall take effect immediately upon its final adoption, approval and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading at a Council Meeting of the Borough Council of the Borough of Ocean Gate, in the County of Ocean held on May 11, 2022 and will come on for second reading, public hearing and final passage at a Council Meeting of the Ocean Gate Borough Council to be held on May 25, 2022, at the Municipal Complex, 801 Ocean Gate Avenue, Ocean Gate, New Jersey at 7:00 p.m., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard for or against the adoption of the within Ordinance will be given a chance to be so heard.

INTRODUCED: May 11, 2022

ADOPTED: May 25, 2022


Ileana Vazquez-Gallipoli, R.M.
Municipal Clerk