

ORDINANCE 679-23

AN ORDINANCE TO REPEAL ORDINANCE 390-95, 482-04 AND 555-11 ENTITLED
“ORDINANCE OF THE BOROUGH OF OCEAN GATE PROVIDING FOR THE
ESTABLISHMENT OF A CURFEW FOR JUVENILES; REQUIRING PARENTS AND
GUARDIANS TO ALLOW UNACCOMPANIED JUVENILES TO BE ON ANY
PUBLIC STREET OR IN ANY PUBLIC PLACE AFTER A CURFEW HAS BEEN
IMPOSED AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF”

WHEREAS, from time to time and under certain occasions the presence of persons less than seventeen (17) years of age upon the public streets and in public places in the Borough of Ocean Gate has constituted and can constitute in the future the opportunity and existence for anti-social conduct and disturbances of the peace and order of the society of the Borough of Ocean Gate; and

WHEREAS, the Council of the Borough of Ocean Gate is desirous of adopting a statutorily authorized curfew ordinance that has sufficient strength, but appropriate safeguards and flexibility to provide for the institution of a curfew when its institution will enhance the safety and wellbeing of the citizens of the Borough of Ocean Gate; and

WHEREAS, the Council of the Borough of Ocean Gate believe that children who are left unsupervised during the overnight hours may be exposed to the most detrimental influences in society, that the allure of the rampant drug culture, the potential for involvement in criminal activity, and the potential threats to the physical and mental health and welfare of children justify governmental action in furtherance of the protection of one of the most fragile and easily influenced segments of our society.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Ocean Gate, in the County of Ocean, and the State of New Jersey, as follows:

SECTION 1. For the purposes of this ordinance, the following definitions shall apply:

- A. “Juvenile” means an individual who is under the age of seventeen (17) years.
- B. “Guardian” means a person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.
- C. “Knowingly” means actual knowledge or such total information which a parent has or should reasonably be expected to have pertaining to the whereabouts of the juvenile in that guardian’s legal custody. It is intended to include within the meaning of knowledge the requirement of neglectful or careless parents to maintain a reasonable community standard of parental responsibility through this objective test as to maintaining knowledge of the juvenile’s whereabouts.
- D. “Public place” means any place to which the public has access, including but not limited to public street, road, thoroughfare, sidewalk, bridge, alley plaza, park, beach, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any public building, structure or area.

SECTION 2.

- A. A juvenile is prohibited from being on any public street or in any public place between the hours of 10:00 P.M. and 6:00 A.M.
- B. The provisions of this section shall not apply to a juvenile when one of the following circumstances are present:
 - (1) When the juvenile is accompanied by a parent or guardian or other adult have the care and custody of the juvenile.
 - (2) Where the juvenile is upon a medical emergency, errand or legitimate business directed by the juvenile's parent or guardian.
 - (3) When work time of the juvenile who is gainfully employed overlaps the curfew hours.
 - (4) When the juvenile is in attendance at a function sponsored by a religious or educational organization.
 - (5) When the juvenile is in attendant as a bona fide student at an evening school of instruction.
 - (6) When the juvenile is in attendance at a civic, cultural, educational or social function.
 - (7) When the juvenile shall, as a result of the above exceptions be traveling within the Borough after the prescribed hour from the juvenile's residence in a direct manner in connection with any of the above excepted activities.

SECTION 3.

Any parent or guardian who knowingly allows an unaccompanied juvenile to be on any public street or public place during the operation of a curfew and between the hours specified herein except as allowed herein shall have been deemed to violate this ordinance.

SECTION 4.

If any juvenile shall be apprehended for violating the provisions of this ordinance, the Borough Police Department shall immediately notify the parents, guardian or other adult having care and custody of the juvenile of such arrest and upon notification such parent, guardian or other adult having care and custody of the juvenile shall immediately provide for the juvenile's placement in their custody, care and keeping.

SECTION 5.

This ordinance shall be posted in the Municipal Building, the public school of the Borough of Ocean Gate and in such public or quasi-public places as deemed appropriate so the public will be constantly informed of the existence of this order and any actions

taken thereunder. This provision shall not be interpreted to require proof of actual notice or knowledge of this ordinance, or any proclamation made pursuant to this ordinance in order to have a conviction for violation of any provision of this ordinance.

SECTION 6.

Anyone convicted of violating this ordinance shall be required to perform community service of up to two hundred forty (240) hours and may be subject in addition to a fine of up to one thousand dollars (\$1000.00). If both the juvenile and the juvenile's parent or guardian violate such an ordinance, they shall be required to perform community service together.

SECTION 7.

This ordinance is adopted pursuant to N.J.S.A 40:8-2.52. It is determined that the standards established herein are consistent with the findings of fact made by the Legislature in its legislative history in adopting said legislation. It is further determined that the language contained herein does establish clear standards and precise language adequate to apprise a juvenile and a parent or guardian of that which is unlawful as well as that which is adequate to circumscribe the discretion of police officers so as to prevent subjective and discriminatory enforcement of this ordinance. The Council does further determine that juveniles and their parents or guardians are hereby specifically apprised that both are responsible for the conduct of the juvenile and that juveniles shall not be allowed to be on public streets or in public places during the hours between 10:00 P.M. and 6:00 A.M. unless the juvenile's parent or guardian is in the physical presence of the juvenile or unless the juvenile has a particular purpose as set forth in this ordinance for his or her being in a public street or public place between the hours of 10:00 P.M. and 6:00 A.M. Police officers enforcing this ordinance shall enforce it against any and all juveniles who re in or about public streets or public places of the Borough of Ocean Gate unaccompanied by their parent or guardian or not having a specific, particular purpose as authorized by this ordinance for their movements in the absence of a parent or guardian.

SECTION 8.

It shall be no defense to any violation charged here under that a parent or guardian was completely indifferent to the activities or conduct or whereabouts of such juvenile who is charged with a violation of this ordinance.

SECTION 9.

In the event that any section, sentence or clause of this ordinance shall be declared illegal or unconstitutional by a court of competent jurisdiction, such declaration shall not, in any manner, prejudice the enforcement of the remaining provisions.

SECTION 10.

This ordinance shall take effect in the manner as prescribed by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on the first reading at a Council meeting of the Borough Council of the Borough of Ocean Gate, in the county of Ocean held on May 24, 2023 and will come on second reading, public hearing and final passage of June 14, 2023 at a Council meeting of the Borough of Ocean Gate Council to be held 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 give a chance to be so heard.

Introduced:

Adopted:

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

ORDINANCE 675-23

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY REPEALING AND REPLACING ORDINANCE NO. 671-23 ENTITLED "AN ORDINANCE ESTABLISHING BEACH, BOARDWALK, PIER AND BATHING REGULATIONS"

WHEREAS, the Borough of Ocean Gate has found and determined a need to establish and update beach, boardwalk, pier and bathing regulations originally established by Ordinance No. 671-23, which is hereby repealed and replaced as follows:

SECTION I

Badges are required for all individuals over 12 years old for use of the beach, pavilions and piers between June 15th and Labor Day.

No person shall:

- a. Have a fire on beach.
- b. Possess or consume any alcoholic beverages on any beach, boardwalk, pavilion or pier.
- c. Charge electric vehicles on piers, pavilions or at any comfort station.
- d. Pursuant to N.J.S.A. 40:48-1 and 40:48-2, the smoking and/or burning of a lighted cigar, cigarette or pipe, including any handheld electronic device which vaporizes a liquid (e.g., e-cigarettes, e-cigs, electronic nicotine delivery systems, electronic non-nicotine delivery systems, personal vaporizers, PVs), or any other matter or substance which contains tobacco, marijuana, cannabis, cannabis item, or any other matter that can be smoked, is prohibited on the Boardwalk, Beach, Piers or Pavilions.
- e. No picnicking on any beach, boardwalk, pier or pavilion.

SECTION II

No person shall use any anchor or mooring device on any part of the beach between the boardwalk and the low water line, other than flat anchors. Each and every anchor shall be completely buried in the ground.

SECTION III

No person shall ride any skateboard, roller skates, roller blades, hover board, segway, scooter, gas powered vehicle or electric vehicle on the boardwalk, beach or pier at any time. Motorized equipment for persons with disabilities is exempt. Bicycles are permitted on the boardwalk from June 15th until the day after Labor Day between the hours of 6:00 am and 10:00 am. Bicycles are allowed on the boardwalk at any time from the day after Labor Day until June 14th.

SECTION IV

No person shall have, take, permit or allow any dog or other domestic pet, either on or off the leash, on any boardwalk, beach, pier or in the water of the Toms River which is adjacent to any boardwalk, beach or pier at any time of the year.

SECTION V

No person shall engage in the playing of ball, either soft ball, hard ball or football, the throwing of stones or other hard objects on any boardwalk, beach or pier.

SECTION VI

No person shall do anything on the beach, boardwalk or pier which is annoying, objectionable or dangerous to any other person.

SECTION VII

No person shall, permit or allow any boat or personal watercraft;

- a. On the beach between the boardwalk and the low water mark of the Toms River in the area of this Borough from Ocean Gate Avenue to the easterly side of Asbury Avenue.
- b. On the beach between the boardwalk and the low water mark of the Toms River, in the area of this Borough from the Wildwood Avenue Pier to the easterly side of Stone Harbor Avenue.
- c. On the beach between the boardwalk and the low water mark of the Toms River in the area from the Anglesea Avenue Pier eastwardly for a distance of 500 feet
- d. On the beach between the boardwalk and the low water mark of the Toms River in the area of this Borough from a point fifty feet west of Monmouth Avenue to a point fifty feet east of Monmouth Avenue.
- e. On the beach between the boardwalk and the low water mark of the Toms River in the area of this Borough from the east Borough line westerly for a distance of 300 feet.

SECTION VIII

No person shall moor or anchor a boat in the Toms River, in the Borough of Ocean Gate, between the low water mark on the Borough's water front and:

- a. A line parallel therewith and 300 feet north thereof in any area now or hereafter designates and used for public bathing beach or beaches; or
- b. A line parallel therewith and 100 feet north thereof in any area not a public bathing beach; or
- c. For the safety of all residents and visitors to the Borough of Ocean gate, as well as for the safety of all boats used and moored in the waters within the Borough, no person shall moor or anchor a boat using submerged motors, flywheels, blocks or cement or concrete, tin cans or containers filled with concrete, or other such items as such anchor or mooring device. Safe and adequate mooring, such as, mushroom anchors, wishbone, stockless, plow, porter, northill or light-weight type anchors may be used.

SECTION XIX

No person shall engage in crabbing or fishing on either the Wildwood Avenue pier or the Anglesea Avenue Pier other than between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 5:00 p.m. and 11:00 p.m.

SECTION X

No person shall, at any time, tie a boat up or otherwise fasten a boat to the easterly sideline of either the Wildwood Avenue pier or the Anglesea Avenue pier.

SECTION XI

No person shall robe or disrobe in any car, truck, van or public place in the Borough. This section shall not apply to outer clothing or to children under the age of five years.

SECTION XII

All items (beach chairs, towels, umbrellas, floats etc.), except properly registered boats, shall be removed from the beach no later than midnight of each day.

SECTION XIII

No person shall race or drive a boat at any excessive and unreasonable speed within 300 feet of the beach or within 100 feet of the public piers.

SECTION XIV

No person shall engage in aquaplaning or water skiing within 300 feet of the beach or within 100 feet of the public piers.

SECTION XV

All littering of any nature or kind by any person, firm or corporation upon any portions of the beaches, boardwalk, piers, bathing areas and municipal parking lots located in the beach areas of the Borough is prohibited.

SECTION XVI

Any person convicted of a violation of any of the provisions of this ordinance shall, upon conviction, be subject to a penalty of a fine not exceeding \$200.00, at the discretion of the Magistrate before whom such conviction is had

SECTION XVII

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION XVIII


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 10, 2023 and will come on second reading, public hearing and final passage at a Council Meeting of the Ocean Gate Borough Council to be held on May 24, 2023 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: 5/10/23

ADOPTED: 5/24/23


Ileana Vazquez-Gallipoli, R.M.C.
Municipal Clerk