

Borough of Wildwood Crest **Municipal Public Access Plan**



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Prepared By:
Hatch Mott MacDonald
833 Route 9 North
Cape May Court House, NJ 08210
609.465.9377

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Introduction

The intent of this document is to provide a comprehensive public access plan for the Borough of Wildwood Crest which lays out a vision for providing access to tidal waters and shorelines within the municipal boundary. This Municipal Public Access Plan (MPAP) was developed in accordance with the Coastal Zone Management Rules at N.J.A.C. 7:7-16.9. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility.

Public rights of access to and use of the tidal shorelines and waters, including the ocean, bays, and tidal rivers, in New Jersey are founded in the Public Trust Doctrine. First set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, the Public Trust Doctrine establishes the public's right to full use of the seashore as declared in the following quotation from Book II of the Institutes of Justinian: *"By the law of nature these things are common to all mankind – the air, running water, the sea, and consequently the shores of the sea. No one, therefore, is forbidden to approach the seashore, provided that he respects habitations, monuments, and the buildings, which are not, like the sea, subject only to the law of nations."*

Influenced by Roman civil law, the tenets of public trust were maintained through English common Law and adopted by the original 13 colonies. Following the American Revolution, the royal right to tidelands was vested to the 13 new states, then to each subsequent state, and has remained a part of public policy into the present time. Through various judicial decisions, the right of use upheld by the Public Trust Doctrine has been incorporated into many state constitutions and statutes, allowing the public the right to all lands, water and resources held in the public trust by the state, including those in New Jersey. In the past two centuries, State and Federal courts in New Jersey have recognized that public uses guaranteed by the Public Trust Doctrine also include public recreational uses such as swimming, sunbathing, fishing, surfing, sport diving, bird watching, walking and boating along the various tidal shores.

The New Jersey Department of Environmental Protection (NJDEP) adopted new rules governing public access on November 5, 2012 that enable municipalities to develop and adopt MPAPs to govern public access within their municipality. This MPAP consists of an inventory of public access locations and plans to preserve and enhance access based on community needs and State standards.

This plan has been developed in collaboration with the NJDEP, the planning board and Borough Commissioners and presented to the Borough Commissioners and approved for submission to the NJDEP on 3/23/2016. Upon receiving approval from the NJDEP on date, the MPAP was incorporated into the Land Use Plan Element of the Master Plan by resolution on date, see Appendix 1. All public access decisions made within Wildwood Crest after this date will be consistent with this plan.

Authority for Municipal Public Access Plans

Public access rights have historically been enforced through litigation, through New Jersey Department of Environmental Protection (NJDEP) permitting actions or through conditions on State Aid for shore protection. In 2012, NJDEP amended its former Public Access Rule (N.J.A.C. 7:7E-8.11) to encourage the preparation of "Municipal Public Access Plans" (MPAPs). The Rule as amended on July 6, 2015 under N.J.A.C. 7:7-16.9 provides the following with respect to MPAPs:

- Once a municipality has a NJDEP approved MPAP, public access requirements for property owners needing coastal permits shall be met in accordance with the provisions of the MPAP.
- The municipality will remain eligible for the NJDEP Coastal General Permit for Beach and Dune Maintenance Activities (N.J.A.C. 7:7-6.2).

The premise of the authorization of MPAPs is that public access to tidal waters is fundamentally linked to local conditions. The development of a MPAP enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitor. Also, it informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

The Borough of Wildwood Crest is responsible for ensuring that public access to the tidal waters within the municipality is in accordance with this plan as approved by NJDEP and adopted as part of the municipal Master Plan. For each new project that is required to provide public access through a Department issued Coastal Area Review Act or Waterfront Development permit, Wildwood Crest will provide NJDEP with a letter confirming its consistency with this MPAP. Upon adoption of this MPAP into the municipal Master Plan, NJDEP public access requirement shall be satisfied in accordance with this plan. The Borough of Wildwood Crest will submit a progress report documenting plan implementation to NJDEP every five (5) years after the date of plan adoption.

I. Municipal Public Access Vision

A. Overview of Municipality

Wildwood Crest is a South Jersey barrier island beach resort town that was incorporated as a borough in 1910 from portions of Lower Township. The land boundaries of Wildwood Crest border the Diamond Beach section of Lower Township to the south and the City of Wildwood to the north. The Atlantic Ocean forms the eastern shoreline. The borough's westerly shoreline is formed by Sunset Lake, part of a tidal estuary that was once connected to the Atlantic Ocean by Turtle Gut Inlet that was later filled in 1922. According to the 2010 Census, the borough has a total area of 1.309 square miles with over 38 percent of its area being comprised of beach and dunes, estuarine lagoon (Sunset Lake), and coastal wetlands.

Wildwood Crest and its neighboring towns of Wildwood, North Wildwood, and West Wildwood make up "The Greater Wildwoods", a 5 mile long barrier island resort, that is a

historically popular vacation destination for those living in all parts of New Jersey as well as the Philadelphia and New York City metropolitan areas. Beginning in the mid-twentieth century large numbers of summer vacationers began arriving from as far away as Canada. The resort island has been further expanded with the most recent development of the Diamond Beach community south of Wildwood Crest in neighboring Lower Township, historically referred to as two mile island from having been separated from the five mile island to its north by Turtle Gut Inlet until its filling. Unlike its sister communities that make up the present resort island Wildwood Crest is a dry town generally set apart from the all-hours excitement that the resort area is known for.

The Borough's 2010 US Census resident population was 3,270. In recent years, condominium development has replaced many of the 1950s and 1960s era motels that housed summer vacationers. These changes in housing have significantly changed the demographics of this area, from being a more family oriented one-vacation-per-summer place (for the middle class) to being a weekend retreat for wealthier families. The Cape May County Planning Department 2013 Summer Population estimate indicates that the Borough's 5,614 dwelling units and 4,464 hotel/motel units house an estimated summer population of 39,230 overnight vacationers with an additional estimated 16,340 day trippers growing the summer daily population to 56,700. The Crest Lifeguard Association indicates that it is common for the Crest beaches to entertain immense crowds of up to 90,000 per day on a busy summer weekend. The borough was ranked the second-best beach in New Jersey in the 2008 Top 10 Beaches Contest sponsored by the New Jersey Marine Sciences Consortium.

Map 1 Wildwood Crest Tidal Waterways and Adjacent Lands provided in **Appendix 1** depicts all the tidal waterways within the municipality and all adjacent lands fronting along the Atlantic Ocean and the Sunset Lake waterfront held by the municipality.

B. Municipal Public Access Goals and Objectives

1. Goals & Objectives

The goals of the Borough of Wildwood Crest Municipal Public Access Plan and the administrative mechanisms that are in place, or shall be put in place by the Borough, is to ensure that the Borough of Wildwood Crest will provide permanently protected access to the water and, water-dependent and water-oriented activities along all of the tidal waters and their shores within its municipal boundaries in accordance with the Public Trust Doctrine and NJDEP mandated standards. In pursuit of these goals the Borough proposes the following objectives:

- To maintain an accessible waterfront for the enjoyment of its residents and seasonal visitors.
- To seek to maintain, enhance, and create public opportunities for access to tidal waters and their shores, on a non-discriminatory basis, for recreation and commerce.
- To strive to improve public waterfront areas and recreational facilities with additional water-dependent or water-oriented amenities.

- To the maximum extent practicable continue to maintain all current public access to and along the edge of waters flowed by the tide.
- Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
- Provide clear informative signage for access locations.
- The Borough will ensure that new development in Wildwood Crest shall provide opportunity for public access to tidal waters and their shores on site, or in coordination with this Municipal Public Access Plan.

The Borough of Wildwood Crest Municipal Public Access Plan embraces and reflects these goals and will help preserve, protect, and enhance the public's ability to access the Public Trust lands which surround the Borough. The previous goals are compliant with the New Jersey Coastal Zone Management Rules broad set of coastal protection goals under N.J.A.C. 7:7-1.1(c).

2. Municipal Master Plan Consistency

The goals and objectives provided in this Municipal Public Access Plan have been reviewed and are consistent with the overall intent of the Borough of Wildwood Crest Land Use Plan, last updated September 2005. In general, the Land Use Plan promotes the preservation and enhancement of the character of Wildwood Crest by protecting its single-family residential areas and promoting resort tourism opportunities in appropriate locations within the Borough. It is the vision of the Land Use Plan that by 2020 view corridors to the water have been maintained and public access to the beach and open space has been enhanced. The bike/pedestrian path along the water has been completed to the southern end of the Borough. A more pedestrian friendly environment has been enhanced through traffic calming techniques. The improvements to Sunset Lake have been completed. The Borough's residents and visitors continue to benefit from a high level of municipal services, and the parks and recreation network in the Borough is one of the best in the County.

Section II below demonstrates the Borough's many successes towards meeting the vision of the Borough's master plan. Since the preparation of the 2005 plan update many existing street-ends have been re-constructed on the Sunset Lake and ocean sides that have enhanced both physical and visual access. The bike path has been extended to the southern end of the Borough. The Sunset Lake shoreline was stabilized and the entire waterfront from Rambler Road to St. Paul Avenue has been re-developed and enhanced for the general public's enjoyment of the Borough's signature waterfront. The Fishing Club ocean pier has been refurbished and opened to the public offering a special opportunity to enjoy enhanced views of the oceanfront. The oceanfront pedestrian/bike path was widened to satisfy the growth in use since its original construction. Other planned upgrades and new facilities are being planned by the Borough that will further enhance the public's ability to access and enjoy the Borough's extensive publicly owned waterfront properties.

II. Public Access

A. Public Access Description

Public Access to both the ocean front and the Sunset Lake waterfront in Wildwood Crest consists of either physical or visual access points at each of the Borough's municipal street-ends, a number of Municipal parks include Sunset Lake waterfront, Turtle Gut Park, Veteran's Park, Centennial Park, Rambler Road Gazebo, Scoop Taylor Park, Rambler Road/Cresse Avenue Pedestrian and Bike Path, Fishing Club Ocean Pier, along with restrooms, convenient off-street and on-street parking, bike paths, bike racks, kayak launches, food vending, beachfront bike rentals, first aid stations, and guarded beaches. **Table 1 in Appendix 2** identifies existing public access locations, type of access (i.e. Utilized, Un-utilized, or Restricted) and their amenities.



Wildwood Crest Pedestrian / Bicycle Path

B. Public Access Locations

Map 2 Wildwood Crest Public Access Locations provided as **Appendix 3** identifies and depicts the locations of all public access points and facilities within the Borough by number designation that coincides with the list of access locations in **Table 1**, provided in the **Appendix 2**.

C. Limitations to Public Access

The following limitations to public access currently exist:

1. Temporary Restrictions

The following rules and regulations apply limitations to public access and beach activities in Wildwood Crest under Borough Code § 8-6. Establishment of rules and regulations established, adopted for, and apply to, the government, supervision, use and policing of the Wildwood Crest Beach. Therefore it is unlawful to violate any of said rules and regulations,

or those subsequently adopted by resolution, during the bathing season or at other times if specifically provided:

A. No person shall conduct or participate in any activity on the beaches of Wildwood Crest that is either a prohibited activity or any activity that may endanger the health, safety or welfare of others. [Amended 7-20-87 by Ord. No. 655; 2-27-13 by Ord. No. 1159]

B. No person shall swim or bathe beyond a safe depth in the ocean, as from time to time is indicated, determined or regulated by the borough lifeguards in consideration of conditions then existing.

C. No person shall use any type of water rafts, surf boards, kayak, canoe or floatation or inflated objects of any kind or description in the bathing area on the beach except as permitted in designated areas as authorized by the Wildwood Crest Beach Patrol. [Amended 2-27-13 by Ord. No. 1159]

D. No person shall place, deposit or throw or leave any refuse, trash, debris or recyclable material including, but not limited to, cigarette butts, cigar and other smoking-related materials, on the beaches. All trash, refuse, debris or recyclable materials shall be deposited in the appropriate receptacles as designated and provided therefor. [Amended 2-27-13 by Ord. No. 1159]

E. No person shall, at any time during the entire year, refuse to immediately obey and comply with all orders, directions, whistles or other signals used by the borough lifeguards and police.

F. No person shall, at any time during the entire year, climb upon or stand on railings, fences, benches, lifeboats, lifeguard equipment and paraphernalia, or mar or deface or otherwise attempt to damage any public facility.

G. No person shall, at any time during the entire year, revel, disport or behave in a noisy and boisterous manner so as to annoy and inconvenience others, or otherwise disrupt and disturb the public peace and dignity within said area.

H. No person shall, at any time during the entire year, act in a loud, indecent, obscene, offensive or lascivious manner within said defined area.

I. No person shall hawk or peddle any articles, goods, wares or merchandise, except as may be permitted by resolution or ordinance or as permitted by vendor/concession contracts publicly bid and properly authorized by the Board of Commissioners of the Borough of Wildwood Crest. [Amended 7-20-87 by Ord. No. 655; 2-27-13 by Ord. No. 1159]

J. No person shall, at any time during the entire year, consume or possess any alcoholic beverage in any form whatsoever within said defined area.

K. No person shall engage in surf fishing in the bathing areas during bathing hours.

L. No person shall, at any time during the entire year, change clothes, dress, undress or otherwise disrobe, except outer wraps.

M. No person shall fly or attempt to fly a kite or kites of any size, shape or description, or propel or cause the movement of any object through the air, whether manually,

mechanically or electrically, during the hours that the beach is made available for bathing.

N. No person shall be permitted to start or to maintain a fire on the beach, except as may be permitted and authorized by the Board of Commissioners. [Amended 2-27-13 by Ord. No. 1159]

O. No person shall be permitted to be on the beaches within the territorial limits of the Borough of Wildwood Crest as defined in Section 8-2 of this ordinance between the hours of 11:00 p.m. to 6:00 a.m. the following day, except borough employees for the performance of municipal duties, borough employees of the Department of Public Safety and Wildwood Crest Police Department, unless otherwise authorized by the Chief of Police or his designee or as authorized by the Board of Commissioners. [Amended 2-27-13 by Ord. No. 1159]

P. No person who harbors a domestic animal shall, during the months of May, June, July, August and September of each year, permit such animal access to or on the beaches of the Borough of Wildwood Crest. At no time shall horses be permitted access to or on the beaches of the Borough of Wildwood Crest. [Amended 2-27-13 by Ord. 1159]

Q. [Amended 7-20-87 by Ord. No. 655; 5-10-89 by Ord. No. 695; 9-29-99 by Ord. No. 862; 2-27-13 by Ord. No. 1159] Except as hereinafter provided, it shall be unlawful to operate any motor vehicle of any type or description including, but not limited to, automobiles, trucks, buses, motorcycles, motorbikes, motor cross bikes, minibikes, motor scooters, go-carts and all-terrain vehicles on the beaches of Wildwood Crest unless authorized by the Board of Commissioners for borough-sponsored events/concessions.

It shall be lawful to operate a motor vehicle on the beaches of Wildwood Crest in accordance with the provisions herein:

- (1) Purpose. Vehicles shall be permitted to operate on the beaches of Wildwood Crest for sport fishing by permit and in accordance with this section, the following other vehicles shall be permitted to operate on the beaches of Wildwood Crest:

Any and all Borough of Wildwood Crest vehicles, service vehicles contracted by the Borough of Wildwood Crest or vehicles as authorized by the Borough of Wildwood Crest for Borough of Wildwood Crest event and emergency vehicles or oversized vehicles of any governmental agency shall not be required to obtain a permit. [Amended 2-27-13 by Ord. No. 1159]

- (2) Months of operation. Sport fishing shall be permitted from October 1st through April 30th only.
- (3) Hours of operation. Hours of operation of motor vehicles shall be restricted to 6:00 a.m. to 8:00 p.m.
- (4) License and fee required. No motor vehicle shall be operated on the beaches without a license for sport fishing. Any person desiring to obtain said license shall complete an application for a license at the Wildwood Crest Police Department during regular business hours of 9:00 a.m. to 4:00 p.m., Monday through Friday.

Applicant must present motor vehicle to be licensed for sport fishing and said vehicle must have a current approved vehicle inspection sticker issued by the state

in which the vehicle is registered. Applicants must also submit proof of current driver's license and insurance certificate and vehicle registration.

No application shall be issued to any person under the age of seventeen (17) or to any person who does not possess a valid driver's license in good standing for the operation of a motor vehicle, and if any applicant is under the age of eighteen (18), a parent or legal guardian must sign the application consenting to the issuance of the license.

- (5) [Amended 1-27-10 by Ord. No. 1090; 2-27-13 by Ord. No. 1159; 2-4-15 by Ord. No. 1206] The fee for a license for sport fishing vehicles shall be twenty-five dollars (\$25.) per year, per vehicle.

Borough-sponsored concession rental operators shall be required to obtain a permit for vehicles on the beach. The permit fee for each vehicle shall be twenty-five dollars (\$25.) per year.

The fee for oversized commercial vehicles for Borough-sponsored activities or events shall be fifty dollars (\$50.) per day, per vehicle; two hundred fifty dollars (\$250.) per month, per vehicle, and five hundred dollars (\$500.) per year, per vehicle.

The fee for non-Borough sponsored special event vehicles shall be two hundred fifty dollars (\$250.) per event.

Oversized vehicle permits shall be limited to only those vehicles for which access can only be obtained by Heather or Washington Avenue. The route of access for said vehicles shall be as designated by the Chief of Police/Director of Public Safety of the Borough of Wildwood Crest or his designee.

The Chief of Police/Director of Public Safety of the Borough of Wildwood Crest or his designee is authorized to limit or restrict the number of permits issued for support and/or event vehicles and oversized vehicles for purposes of public safety.

All vehicles for which a permit is issued must have a current approved vehicle inspection sticker issued by the State in which the vehicle is registered. Applicant must submit proof of current driver's license and current insurance certificate and current vehicle registration. All applicants must execute an indemnification and hold harmless agreement with the Borough of Wildwood Crest at the time of issuance of permit.

- (6) The license must be displayed on the motor vehicle in the rear window driver's side of vehicle. Licenses are not transferrable to other vehicles.
- (7) All sport fishing vehicles operated on the beaches of Wildwood Crest must contain the following equipment: tow rope, jack with board, inflated spare tire, shovel, fire extinguisher, flashlight, first-aid kit and tools needed for changing tires of said vehicle. [Amended 2-27-13 by Ord. No. 1159]
- (8) Vehicles with sleeping or eating accommodations are prohibited. No motor vehicle with either sleeping or eating accommodations or both shall be permitted to obtain a permit to operate on the beaches of Wildwood Crest. No motor vehicle issued a permit or otherwise permitted access to or to operate on the beaches of

Wildwood Crest shall be permitted to be utilized for changing of clothes, sleeping or eating. [Amended 2-27-13 by Ord. No. 1159]

(9) Speed limits. No motor vehicle licensed to operate on the beaches of Wildwood Crest shall be operated in excess of ten (10) miles per hour.

(10)[Amended 2-27-13 by Ord. No. 1159; 2-4-15 by Ord. No. 1206] Access to and from the beaches of the Borough of Wildwood Crest shall be made only at Heather Road and Washington Avenue. Access at Rambler Road shall be only by authorization from the Chief of Police or his designee or by the Board of Commissioners.

Access for sport fishing, concessions and service vehicles, support vehicles and other municipal vehicles or as permitted by permit shall be at Heather Road or Washington Avenue unless otherwise authorized by the Chief of Police/Director of Public Safety.

Nothing contained herein shall be construed to limit beach access by emergency vehicles in a bona fide emergency as defined in Section 8-2 above.

(11)Area of access. Except during actual entrance to and exit from the beach at the appropriate access points, no vehicle shall operate at a distance of more than fifty (50) feet from the then exiting high tide line and no closer than fifty (50) feet to any sand dune or outfall pipe. Operation through the Fishing Club pier shall be through the designated marked area and the speed shall not exceed five (5) miles per hour. Care shall be taken not to operate across or cause damage to any sand dunes. Operation across or on the pedestrian/bicycle path to enter or exit the beaches shall not be permitted.

(12)Exclusions. The provisions of this ordinance shall not apply to emergency vehicles, vehicles operated by the Wildwood Crest Police Department or vehicles operated by Borough of Wildwood Crest employees in performance of their municipal duties or for municipal-sponsored functions or events.

(13)Alcoholic beverage use. The use of alcoholic beverages in any motor vehicles licensed hereunder while operating on the beaches of the Borough of Wildwood Crest is expressly prohibited and violations hereof will result in revocation of license, in addition to other penalties as provided for herein.

(14)Violations and penalties; suspension or revocation of license or permit. Any person violating any provision of this subsection shall, upon conviction, be punishable by a fine of not less than two hundred fifty dollars (\$250.) and not to exceed one thousand dollars (\$1,000.) or imprisonment for a term not to exceed ninety (90) days, or both, or to revocation or suspension of his or her license or permit with respect to any or all of his or her licensed registered motor vehicle, or to all or any of said penalties within the sole discretion of the Municipal Judge. The Chief of Police shall have the authority, in his discretion, to suspend the permit, license or the right of the offender to use the beaches pending a hearing before the Municipal Judge upon charges made. No license or permit holder shall be permitted to obtain a new license or permit for any motor vehicle during the period of suspension nor, upon revocation, shall the permit holder or license

holder obtain a new permit or license for a period of one (1) year after his or her conviction.

In-season the entire length of the Wildwood Crest beach is guarded. The Wildwood Crest Beach Patrol (WCBP) operates on a basic philosophy of "Preventive Lifeguarding". This system is necessitated by the dangerous and constantly changing nature of the surf, shoreline, and immense crowds of up to 90,000 beachgoers on a busy weekend.

The following are not permitted on the Beaches of Wildwood Crest:

1. No ball playing or games that can endanger the health and safety of others will be permitted on the front beach or along the water line. These activities will be restricted to the back of the beach with the approval of beach supervisors.
2. No animals of any kind are permitted on the beach.
3. Kite flying is restricted to back the beach area at the discretion of the beach patrol.
4. No alcoholic beverages of any kind.
5. No surf fishing in bathing areas during bathing hours.
6. No fires, barbeques or picnicking.
7. No littering. Use trash receptacles designated for trash and recyclables.
8. No person shall act in a loud, indecent, obscene or offensive manner.
9. No person shall be on the beach between 11:00 p.m. and 6:00 a.m.

Rules for the Bather:

1. Lifeguards are on duty from 10:00 A.M. to 5:30 P.M.
2. Bathe in front of lifeguard stands.
3. Never bathe alone.
4. Do not sit in front of lifeguard stand, boat or equipment.
5. Before going swimming, if you have any medical problems, inform your lifeguard.
6. If you find yourself in trouble in the water, do not hesitate to call for help.

7. When a lifeguard gives a long blast by a whistle, he will be giving you instructions for your safety, please heed his directions.
8. Short blasts of the lifeguard whistle indicate a rescue in progress.
9. Do not wear false teeth, glasses, or jewelry in the water.
10. Do not take valuables to the beach.
11. Report at once any injury to the nearest lifeguard. He will call for immediate assistance.
12. Rafts, Boogie Boards, Floats are permitted with the discretion of the lifeguard.
13. Don't dive into unknown water or into shallow breaking waves.
14. Ask a Lifeguard about beach and surf conditions before swimming.
15. If you are unable to swim out of a strong current, signal for help.
16. Rely on your swimming ability rather than a flotation device.
17. Look for, read and obey all beach safety signs and symbols.

The WCBP provides a courtesy service to assist those in need requesting access to the beaches of Wildwood Crest. The service operates from 12:00 pm to 4:00 pm contingent upon staff availability.

- a. Anyone requesting assistance must call 609-522-3825 (WCBP HQ)
- b. Calls should be made approximately 5-10 minutes before arriving at designated location
- c. Those in need of assistance must need to be able to meet the "transport vehicle" at the designated location (street) where the walkway meets the beach as "transport vehicle" are not permitted to go onto the street
- d. Only the designated individual in need of assistance is permitted on the "transport vehicle" unless required assistance by another individual is necessary. Ambulatory individuals accompanying the individual in need are not permitted on the "transport vehicle"
- e. Only items needed by the designated individual in need are permitted to be transported on the "transport vehicle"

f. The transport vehicle will make every effort to accommodate placement on the beach of the individual in need. The transport vehicle is not permitted to negotiate through the crowds and will only use the safest route.

g. When leaving the beach at end of day's stay, the individual in need or accompanying person must call 609-522-3825 to request a pick up prior to 4:00 pm. Please give location on beach and any identifying landmarks if possible and allow for 5-10 minutes for the transport vehicle to meet at designated area.

h. All Return requests are to be made via phone call. Please do not request pick up from lifeguard on duty.

2. Permanent Restrictions

In the Wildwood Crest Borough Code under Chapter 81- WATERS AND WATERWAYS, ARTICLE I, General Regulations the following restrictions apply.

§ 81-1. Dumping of waste prohibited.

In the interests of the public health, the prevention of disease, the elimination of pollution and the exclusion of contamination of the water and in order to protect and safeguard the sanitation of bathing, as well as the general health of the citizens, residents and visitors of the Borough of Wildwood Crest, certain rules and regulations are hereby found to be required concerning the use of all waters within the territorial limits of the Borough of Wildwood Crest.

A. No person shall dump or discard garbage, food, waste, offal or other waste refuse or sewerage materials into any of said waters.

B. No person shall live upon, cook upon or discharge toilet wastes from any boat docked, moored or operated in said waters.

§ 81-4. Launching, docking and mooring of boats.

A. No person shall launch or beach any boat over or across any bulkhead at any street end within the Borough of Wildwood Crest or over or across any other public land, except at such place or places as may have been designated for that purpose.

B. No person shall dock or moor any boat so that any part thereof may protrude into or extend over or into those areas of the tidal waters lying between the bulkhead on the easterly side and the two (2) curblines of any street, as extended westwardly to the pierline heretofore established on the westerly side; nor shall any person dock or moor any boat therein so that the same or any part thereof protrudes into or extends over or into the waters abutting the lands of an owner of adjacent property against the will or over the objection of such adjacent property owner.

C. No person shall moor any boat or fasten the same to any bulkhead or float provided for that purpose at any street end within the Borough of Wildwood Crest.

III. Community Needs Assessment

During the preparation of the latest Land Use Plan Element update the Borough pursued an aggressive public participation process involving numerous stakeholder groups. Issues relating to open space, recreation and public access were as follows:

- Need for visual connections to the water (e.g. height can negatively impact views
- Extent of building height permitted along beach and Ocean Avenue.
- Lack of parking associated with motels.
- Need to maintain and improve existing parks and open space.
- Extension of bike/pedestrian path to southern end of the Borough.
- Need to make improvements to Sunset Lake (e.g. fencing, lighting, shore stabilization.
- Borough acquisition and improvements to the Fishing Club Pier
- Address pedestrian safety through traffic calming techniques (e.g. seasonal traffic signs).

IV. Implementation Plan

Wildwood Crest has created an Implementation Plan composed of Priorities, Preservation of Public Access Locations, Signage, Proposed Access Improvements and Facilities, and Municipal Tools for Implementation as described in the following section:

A. Priorities

Wildwood Crest has developed the following priorities.

1. Maintain Existing Public Access

Existing public access locations and facilities are maintained by the Borough of Wildwood Crest Department of Public Works.

a. Tools

Maintenance schedules and routines are determined by the Department of Public Works.

b. Cost and Funding

Funding for public access maintenance will be included in the Department of Public Works annual operating and capital budgets.

2. Preserving Public Access

Public access to the Borough's beach and Sunset Lake waterfront are situated on Borough properties that are maintained and will be preserved by the Borough as recreation and open space in accordance with Borough Code.

a. Tools

Chapter 8 of the Borough Code cited as the "Beach and Dunes Ordinance of the Borough of Wildwood Crest" contains the following standards for management and maintenance of public access along the Borough's beachfront as contained in its "Protection of Beaches and Dunes, Oceanfront Management Plan and Standards". [Adopted 8-7-13 by Ord. No. 1173] under Section F. Access Ways and Temporary Structure Maintenance Standards as follows;

(1) Maintenance of access ways.

(a) The borough provides access to the beach via street end ramps at the terminus of every street, except Cresse Avenue. In addition to the public access ways, approximately eighteen (18) private motels provide access to the beach via stairs or ramps. Any and all stairs and ramps shall be constructed of temporary and not permanent construction materials. Vehicular access to the beach is provided for emergency/maintenance vehicles on Washington Avenue, Rambler Road, and Heather Road, as authorized by the borough. An eight (8) foot wide public access pathway is proposed between the proposed dunes and the existing public and private bulkheads along the landward extent of the beachfront. This public access path is proposed to connect to the existing oceanfront pedestrian promenade/bikeway north of Rambler Road, and will continue south to the municipal boundary parallel to the bulkhead. [2-4-15 by Ord. No.1206]

(b) The areas between the existing bulkheads and public access way may be utilized as passive or active recreation areas or as a vegetated park setting. The use for each specific area will require approval and supervision by the borough and will be improved and managed by each adjacent private property owners. None of these areas will be used for commercial activities without approval.

(c) At the beginning of each season and periodically throughout the season all timber ramps and other access ways will be inspected as to their structural integrity and overall condition. Deteriorated or rotten wood will be replaced and protruding nail and screw heads will be secured for the safety and welfare of all who utilize the beach.

(d) After significant coastal storms and flood events, timber ramps and walkways will be inspected to make certain that they are properly secured and safe.

(e) Public access ways will be kept free of trash and other miscellaneous debris. Collected trash will be collected and disposed of consistent with waste disposal standards, described herein.

(f) Public access stairs and ramps should be maintained to eliminate sand collection. Wind deposited sand should be cleared from public ramps and stairs on a routine basis.

(g) Temporary walkways can be utilized on the beach between May 1 and October 31.

(h) Walkways must be angled southeast at the waterward extent of the dunes to minimize the impact of storm winds and to reduce direct overwash through the gaps of the dunes. This configuration will reduce wind and water damage to the walkways.

(i) The dunes will be protected from human intrusion and damage through the use of split rail fencing and signage.

(j) Temporary storage of seasonal walkways during the off-season should occur immediately waterward of the municipal bulkheads at each of the street end public access ways. The walkways must be properly secured and promptly removed upon threat of severe weather or securely anchored.

(k) Public ramps proposed for reconstruction will be designed and constructed consistent with the Borough Engineer's recommendations. From Jefferson Avenue to Rambler Road, ADA compliant "switch back" beach access ramps are approved at the street end locations where the dune access ways are a maximum twelve (12) feet in width. At the alternating street ends from Jefferson Avenue to Rambler Road where the dune access ways are a maximum of eight (8) feet in width, the proposed beach access ramps shall be constructed perpendicular to the bulkhead and in compliance with ADA requirements. From Primrose Road to Morning Glory Road the beach access ramps shall be constructed perpendicular to the bulkhead at a maximum width of eight (8) feet and shall be ADA compliant. Street end access ways through the dunes will be provided by the maintenance of maximum sixteen (16) foot wide access ways at Heather Road, Rambler Road, and Washington Avenue; by the construction of maximum twelve (12) foot wide access ways at every 2nd street end from Jefferson Avenue to Rambler Road; and by the construction of maximum eight (8) foot wide access ways at the remaining street ends.

(l) Future construction of elevated dune walkover structures shall be in accordance with the standards and specifications (or similar specifications) described in Beach Dune Walkover Structures (Florida Sea Grant 1981).

(m) Authorized private vehicles for fishing access are permitted from the fall through the spring, in accordance with the borough ordinance for vehicular beach access.

b. Cost and Funding

Funding in support of the maintenance of existing public access is determined annually in the Department of Public Works budget.

3. Proposed Locations and Facilities

The Borough is in the process of applying to the NJDEP for a Beach and Dune Maintenance permit which will include physical improvements in the Borough's Beach Recreation Zone. Proposed improvements include a new pedestrian / bike path on the beach connecting at Heather Road and Washington Avenue, and improvements to the Fishing Club Ocean Pier clubhouse. Future extension of the fishing pier in response to on-going beach accretion is being discussed.

At Sunset Lake Park additional shoreline stabilization activities are proposed which may include kayak launch improvements. The Borough is currently exploring options to dredge Sunset Lake to improve its navigability and recreational use.

a. Tools

Within the Borough Code, ARTICLE XII - W-1 BEACH FRONT RECREATION ZONE Wildwood Crest has created a beach front recreation zone for the purpose of promoting recreational activities along the Atlantic Ocean beach front. Within this district no lot or building shall be used and no building shall be erected or altered to be used, in whole or in part, unless it complies with the regulations set forth in this article. The following principal uses are permitted in this district:

A. Open space, beach and water recreation.

B. Protective sand dunes and related improvements, such as sand/snow fencing and plantings to stabilize dunes.

C. Stairs, pathways, walk-throughs, and walkovers to protect dunes and provide access to the beach and ocean.

D. Buildings and structures necessary for public safety and convenience, including first aid stations, lifeguard stations, comfort stations, piers, and related facilities.

E. Shore protection projects, both structural and nonstructural, including groins, jetties, sea walls, revetments, bulkheads, beach nourishment, and dune creation.

F. All other uses are prohibited.

b. Cost and Funding

The cost and funding mechanism for proposed capital improvements has yet to be determined.

B. Signage

The public access locations along the beach and Sunset Lake waterfront are clearly marked with signage. Wildwood Crest has provided signage at each of its beach accesses in accordance with the "Special Conditions in Addition to the Standard Conditions" of its NJDEP CAFRA permit #0515-09-0003.1, CAF100001. Any future beach, dune or waterfront development will contain signage in accordance with NJDEP permit conditions.

C. Municipal Public Access Fund

The Borough of Wildwood Crest has chosen not to create a Municipal Public Access Fund.

D. Army Corps of Engineers Requirements for Shore Protection Projects

The Borough of Wildwood Crest will meet the USACE Requirements as described in Appendix H – Public Access of the USACE Feasibility Study Hereford Inlet to Cape May Inlet - Volume- 3 as follows; the beach access plan includes pedestrian, handicap, and vehicle access over the project dune. Pedestrian access will consist of modular walkway accesses extending up and over the dune at skewed angles and bordered with sand fencing. Access will be provided at existing access points with spacing of ½ mile or less between each access point, at a minimum. Handicap access will be provided at regular intervals and will consist of timber deck ramps with handrails. Vehicle access will be provided and will consist of a geogrid ramps filled with densified sand. Final locations of access points will be coordinated with the sponsor and local communities during preparation of plans and specifications.

Wildwood Crest may have special, site-specific requirements for beach access appurtenances that may require construction of additional access paths or modification of proposed access paths. This is conditionally acceptable to the Corps of Engineers so long as the access plans are fully coordinated with the Corps of Engineers to ensure no loss of project integrity and satisfy minimum access requirements, and coordinated with the Non-Federal Sponsor, the New Jersey Department of Environmental Protection, for adherence to State coastal zone regulations.

V. Resolution of Incorporation

The Borough of Wildwood Crest has approved a draft resolution for the incorporation of the MPAP. See Appendix 4 for the draft resolution.

Approval of this plan does not eliminate the need for any Federal, State, County or municipal permits, certifications, authorizations or other approvals that may be required by the Applicant, nor shall the approval of this plan obligate the Department to issue any permits, certifications, authorizations or other approvals required for any project described in this plan.

APPENDIX 4
Model Resolution for Incorporating MPAP into Master Plan
(upon adoption the final resolution will replace this model)

Resolution # _____

Title: A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the Borough of Wildwood Crest Municipal Public Access Plan (MPAP) was submitted to the Borough Commissioners and reviewed at the regular meeting of {date}, and

WHEREAS, the governing body has approved the plan as submitted, and

WHEREAS, the governing body recognizes the need to make the MPAP an authorized component of municipal decision-making by incorporating it into the municipal master plan,

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of Wildwood Crest, the "*Wildwood Crest Municipal Public Access Plan*," a copy of which is attached, is hereby approved.

FURTHER RESOLVED, the MPAP shall be incorporated into the municipal master plan within the land use plan element.

FURTHER RESOLVED a copy of the plan shall be sent to the New Jersey Department of Environmental Protection for review and approval in accordance with N.J.A.C.7.7.

I hereby certify the foregoing to be a resolution adopted by the Borough Commissioners at a meeting held on {date}.

Municipal Clerk