



REMINGTON
& VERNICK
ENGINEERS

9 Allen Street
Toms River, NJ 08753
O: (732) 286-9220
F: (732) 505-8416

January 28, 2020

Jill Aspinwall
NJDEP Division of Land Use Regulation
501 E. State Street
Station Plaza Five, 2nd Floor
Trenton, NJ 08609
(Sent via email to Jill.Aspinwall@dep.nj.gov)

Re: Borough of Ocean Gate
Municipal Public Access Plan - Final Approved
Response Letter
Our File: 1522-T-050

Dear Mrs. Aspinwall:

On behalf of the applicant, the Borough of Ocean Gate, our office is resubmitting the Borough's Final Approved Municipal Public Access Plan in response to the Approval Letter dated April 20, 2019.

A. ITEMS SUBMITTED

1. One (1) copy of the Municipal Public Access Plan, adopted by the Borough of Ocean Gate Land Use Board on January 1st, 2020.

B. COMMENTS

The following changes were made as part of the Adoption of the Municipal Public Access Plan into the Borough's Master Plan:

1. Cover Page

The date of adoption by the Borough of Ocean Gate of January 1, 2020 has been added.

2. Page 7

Goal Vi. Which says "To review the traffic circulation of existing roadways for consideration of modifying traffic patterns which may allow parking on both sides of the street" was added.

Page 2

3. Page 9

The Borough of Ocean Gate, NJ – Public Access Parking Map was updated to include East Chelsea Avenue as on-street paid parking.

4. Page 14

The permanent restrictions were updated to include the following wording:

“Per ordinance 627-19 “An Ordinance of the Borough of Ocean Gate, County of Ocean, State of New Jersey Prohibiting Smoking on All Public Boardwalks, Piers, and Pavilions”, the following actions are prohibited on all public boardwalks, piers, and pavilions:

- **Smoking of Tobacco Products**
- **The use of electronic smoking devices”**

5. Page 15

The bullet point stating that Smoking is still allowed has been removed.

6. Page 18

The resolution for incorporating the MPAP into the Master Plan was added.

We thank you in advance for your time and cooperation in this matter and if you should have any questions regarding this matter please do not hesitate to contact our Toms River Office.

God Bless America
REMINGTON & VERNICK ENGINEERS


Alan B. Dittenhofer, PE, PP, CME

ARD/ABD:rd

cc : Mr. Paul Kennedy, Mayor
Ms. Ileana Vazquez-Gallipoli, Borough Clerk
Mr. Daniel G. Leone, Esq.
Ms. Rosa K. Torres
Ms. Pamela Hilla, PE, CFM

Borough of Ocean Gate **Municipal Public Access Plan**

Submitted by: Borough of Ocean Gate

Date of Current Submittal: March 19, 2019

Approved by the New Jersey Department of Environmental Protection:

4/20/2019

Adoption by the Borough:

1/1/2020

Prepared By:

Remington & Vernick Engineers
9 Allen Street
Toms River, New Jersey 08753
732-286-9220



Alan B. Dittenhofer, P.E., P.P., C.M.E.
NJ License No. 37672

Index	Page
Introduction	4
I. Municipal Public Access Vision	5
II. Existing Public Access	7
III. Community Needs Assessment	14
IV. Implementation Plan	15
V. Resolution of Incorporation	17
Appendix 1 Resolution for Incorporating MPAP into Master Plan	18
Appendix 2 Tables	19
Appendix 3 On-Street Parking Ordinance	21
Appendix 4 Conservation Easement	24
Appendix 5 Sign Ordinance	35
Appendix 6 Chapter XI Boardwalk, Beaches and Waterways	39
Appendix 7 Official Listing of Ocean County ROADS	49

Introduction

This document is intended to provide a comprehensive public access plan for the Borough of Ocean Gate 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.

The Public Trust Doctrine, first set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, establishes the public's right to full use of the seashore. The Public Trust Doctrine states that natural resources, including, but not limited to, tidal waterways and their shores, air and wildlife in the State of New Jersey are held by the State in trust for the benefit of all of the people. Further, the Public Trust Doctrine establishes the right of the public to fully utilize these natural resources for a variety of public uses.

The original purpose of the doctrine was to assure public access to waters for navigation, commerce and fishing. 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.

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. The New Jersey Department of Environmental Protection (DEP) 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 DEP, the Mayor of Ocean Gate, consultants, community members, and presented to the Planning Board on 12/17/2019 and approved for submission to the DEP on 1/1/2020. Upon receiving approval from the DEP on 4/20/2019, the MPAP was incorporated into the Land Use Element of the Master Plan by resolution on 1/1/2020, (see Appendix 1). All public access decisions made within Ocean Gate after this date will be consistent with this plan.

Importance of Municipal Public Access Plans

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 visitors. It also informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

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

I. Municipal Public Access Vision

A. Overview of Municipality



Ocean Gate's Dune System and Beach

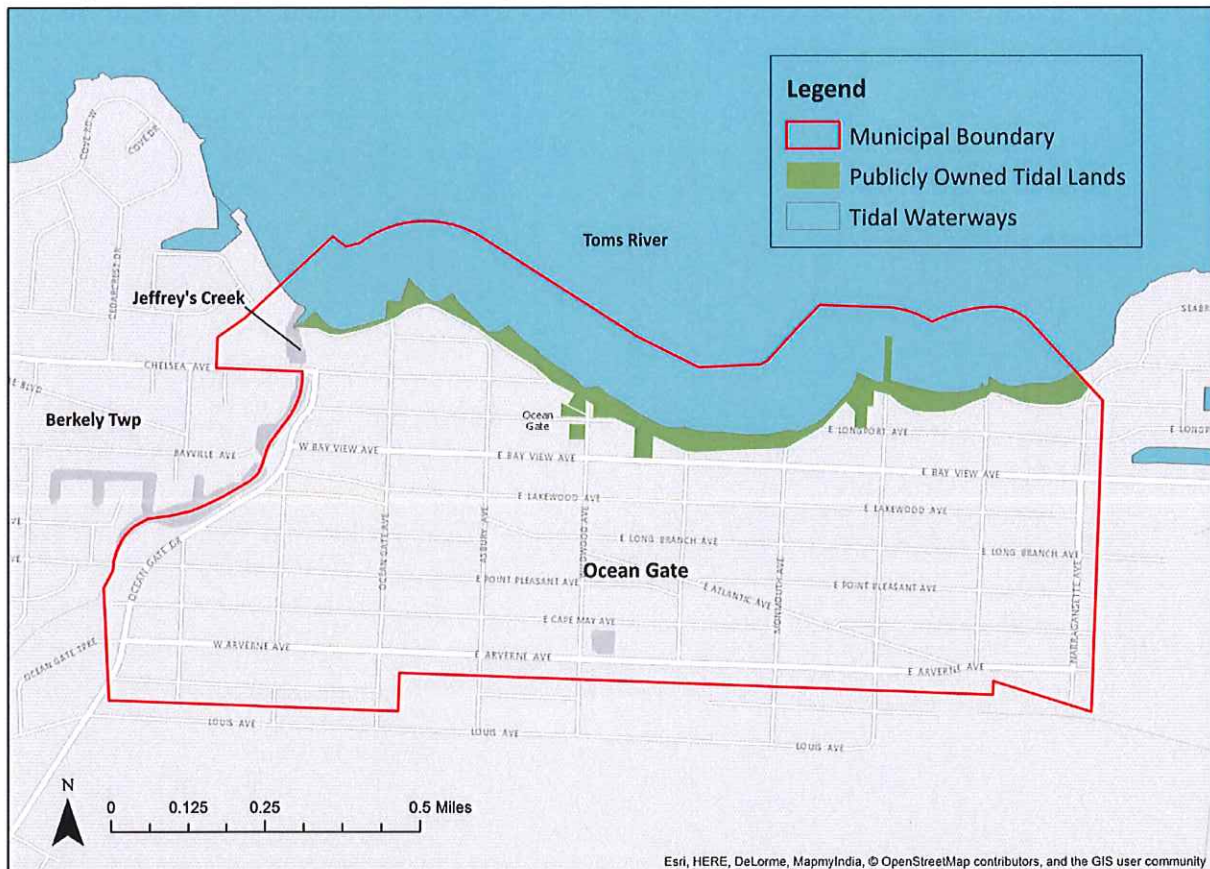
The Borough of Ocean Gate is a small but lively river town located in Ocean County, New Jersey. Ocean Gate is encompassed by a total area of 0.454 square miles and is bordered by Berkeley Township. The borough is the third smallest municipality in the County, larger than only Mantoloking and Seaside Heights Boroughs. The Borough of Ocean Gate was incorporated by an act of the New Jersey Legislature on February 28, 1918, from portions of Berkeley Township. As of the 2010 Census, the population of the town was 2,011. Ocean Gate lies entirely within the CAFRA region therefore the borough is defined by its coastal attributes. Ocean Gate is well known for their beach and boardwalk which attracts a high volume of visitors during the summer months. Due to the popularity of these amenities, public access is a significant aspect of the borough.

1. Map 1. Borough of Ocean Gate Tidal Waterways and Lands

Map 1 shows all the tidal waterways within the municipality and all lands held by the municipality.

Map 1: Ocean Gate Tidal Waterways and Lands

Borough of Ocean Gate, NJ - Tidal Waterways and Lands



B. Municipal Public Access Goals and Objectives

1. Goals & Objectives

- i. To promote safe usage of the Borough's beach and boardwalk.
- ii. To continue maintaining and improving amenities along the waterfront. In particular, stabilizing the shoreline is a primary goal of Ocean Gate.

In addition to those goals outlined within the Master Plan, the Borough of Ocean Gate affirms the following State required goals specifically for public access:

- iii. All existing public access shall be maintained to the maximum extent practicable.

- iv. Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
- v. Provide clear informative signage for access locations.
- vi. To review the traffic circulation of existing roadways for consideration of modifying traffic patterns which may allow parking on both sides of the street.

Ocean Gate's 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 municipality. The previous goals are compliant with the New Jersey Coastal Zone Management Rules broad set of coastal protection goals (see 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 Ocean Gate's Master Plan.

- Salient Goals in the Land Use Element:
 - To promote a desirable visual environment through conservation and preservation of natural features, encouraged by CAFRA and wetlands legislation.
 - Preserving waterfront areas for recreation and conservation with views of the Toms River and Jeffrey's Creek.
 - To provide adequate open space, active recreation and community facilities to enhance the quality of life and recreational amenities afforded to the current population.
- Salient Goals in the Parks and Open Space Element:
 - Preservation of open space areas is an important issue for the Borough, which is located within the Coastal Area Facilities Review Act (CAFRA).

II. Public Access

Public Access in Ocean Gate is provided by the municipality and consists of a variety of access points and facilities discussed below including waterfront walkways, fishing access, piers, life guarded beaches, a spray park, restrooms, parking facilities, and concessions. Ocean Gate currently provides access to the Toms River and Jeffrey's Creek.

A. Public Access Locations

Map 2 Borough of Ocean Gate Public Access Locations, identifies an inventory of all public access locations within Ocean Gate, whether they are currently Utilized, Un-utilized, or Restricted to the public, along with their attributes of improvements and activities. All green points on the map indicate a location currently utilized by the public. See Table 1, located in the Appendix, for detailed information for each location.

Map 2: Ocean Gate's Public Access Locations
Borough of Ocean Gate, NJ - Public Access Locations



B. Improved Public Access Locations

Maps 3a – 3d Borough of Ocean Gate's Improved Public Access Locations, provides an inventory of the existing public access locations that currently provide access to public trust lands and waters. Maps 3a – 3d provide an inventory of parking, handicap accessibility, public restrooms, and other amenities along the waterfront. See Table 1, located in the Appendix, for detailed information for this location.

Legend

- Street, Free
- Lot, Free
- Lot, Pay
- No Parking
- Municipal Boundary
- Street, Pay

Ocean Gate

Berkeley

Toms River

Scale: 0 0.125 0.25 0.5 Miles

Data Sources:
 State of New Jersey Department of Environmental Protection Bureau of GIS,
 New Jersey Geographic Information Network, National Hydrography Dataset,
 Borough of Ocean Gate

Borough of Ocean Gate, NJ - Handicap Accessibility



Borough of Ocean Gate, NJ - Public Restrooms



Borough of Ocean Gate, NJ - Other Amenities





Wildwood Ave Pavilion and Pier



Anglesea Ave Pier



Splash Pad Water Feature Park, Wildwood Ave

C. Limitations to Public Access

The following limitations to public access currently exist:

1. Temporary Restrictions

- Swimming in the Toms River is only permitted along guarded beaches. These areas are found between Wildwood Avenue and Stone Harbor Avenue in addition to the beach area between Anglesea Avenue and Newport Avenue. Swimming season begins June 15th and ends Labor Day Weekend.
- Fishing is permitted at all access points with the following exceptions:
 - No fishing is permitted on guarded beaches until after 5:00 PM
 - Fishing on piers is allowed until 11:00 PM
 - Exceptions apply from June 15th – Labor Day
- Beachgoers are allowed to rack kayaks on beaches but not allowed to launch on lifeguarded beaches
- Dogs are not permitted on the beaches or the boardwalk

2. Permanent Restrictions

- Currently there are no locations being restricted from public use, but if one of the following situations arise, access will be restricted:
 - Conditions that endanger public health and safety
 - Access that will damage the environment
 - Access that will create significant vulnerability to homeland security
- Per Ordinance 627-19, “An Ordinance of the Borough of Ocean Gate, County of Ocean, State of New Jersey Prohibiting Smoking on All Public Boardwalks, Piers, and Pavilions”, the following actions are prohibited on all public boardwalks, piers, and pavilions:
 - Smoking of tobacco products
 - The use of electronic smoking devices

III. Community Needs Assessment

Ocean Gate has performed a community needs assessment. The methods and results are described in the following section:

Based on conversations with residents and requests expressed during council meetings and public events, the following public access needs have been identified.

- Residents have expressed concerns over the parking availability during peak summer months. To alleviate concerns, Ocean Gate will provide every individual with the opportunity to purchase a Seasonal Parking Decal for a small fee. For detailed information regarding the Seasonal Parking Decals, see the ordinance in Appendix 3. Also, there is a pay station toward the end of E Longport Avenue. To lessen the need for parking, biking is encouraged and there are bike racks at most access points. Ocean Gate has recently made improvements to their

borough bike routes to meet this need. Since the existing bike racks in the borough are older, providing new bike racks could encourage more residents and visitors to bike to the beach.

- Currently there are only two restrooms along the waterfront, but since the boardwalk spans the entire waterfront and restroom locations are near guarded beaches, beachgoers can easily access nearby restrooms. Due to this ease of accessibility and the small nature of the town, this need is met.
- There is still a need to provide beach wheels for physical access to the beach for those who require a wheel chair. To meet the need of handicap access, ramps are provided at almost every public access location, and several locations have designated handicap parking. This information can be visualized in Map 3b in Section B of this document.
- Since swimming is limited to guarded beaches, Ocean Gate recently opened a Splash Pad water feature park for those aged 12 and under to utilize. A badge is required and all children must be accompanied by an adult.
- The eroding shoreline is an ever-present concern for the borough. Consistent sand moving to stabilize the shoreline is how Ocean Gate currently addresses this problem. The purchase of a beach sweeper and the installation of a sea wall are solutions being discussed by borough officials.
- The increasing presence of stinging sea nettles in the Toms River is a concern of Ocean Gate's residents and visitors. Due to this concern, the borough constructed a Splash Pad water feature park for children to use. Fishing and kayaking are other activities enjoyed by beachgoers.
- Currently Ocean Gate does not provide a boat launch for residents and visitors. Despite this, there is a boat launch 0.5 miles away in Berkeley Township to the West of Ocean Gate. Also, beachgoers are able to launch small water-crafts such as kayaks from non-guarded beaches during the summer months. Outside of the summer months, residents and visitors can launch kayaks at appropriate locations. Storage for kayaks is provided on the beaches.
- Residents have expressed interest in designating areas in which dogs are allowed. Due to the small nature of the town, careful planning as to the most appropriate location for this activity is needed.

IV. Implementation Plan

Ocean Gate 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

Ocean Gate developed the following priorities:

- Continue to provide parking permits, bike paths, and a stable boardwalk for residents and visitors to ensure access to the waterfront.
- Maintain ADA access, restrooms, lifeguard facilities, piers, parks, pavilions, kayak storage, bike racks, and other amenities along the waterfront.

- The stabilization of the shoreline to maintain public access and safety is a priority for Ocean Gate.

1. Maintain Existing Public Access

- Public access is currently maintained by the Borough's Public Works Department.
- Maintaining stable dunes, cleaning the beaches, clearing the boardwalk of an over-abundance of sand, and regular repairs are all tasks public works undergo to maintain safe and accessible beaches.

a. Tools

- Currently there is not an ordinance in place for beach access. A subcommittee is working on this ordinance and it is to be proposed in the near future.
- Partnerships with neighboring towns such as Berkeley Township and Seaside Heights allows for collaboration when there is a need.
- The County Department of Corrections helps maintain access in Ocean Gate by means of assisting with maintenance. This maintenance includes moving sand for preservation and ease of access to the boardwalk.

b. Cost and Funding

- Any maintenance of public access is funded through the Public Works budget or partnerships with other towns and local entities.

2. Preserving Public Access

- Preserving public access is a priority for Ocean Gate.

a. Tools

- Ocean Gate currently does not have a Recreation and Open Space Inventory (ROSI).
- With the exception of public access points 5A, 6, 7, 8, 10, 12, and 13, all other public access points are county-owned. Therefore, the Borough only has jurisdiction to provide conservation easements for 5A, 6, 7, 8, 10, 12, and 13. For reference, the Boroughs conservation easement has been attached under Appendix 4.

b. Cost and Funding

- If Ocean Gate decides to place lands on a ROSI, Green Acres funding would be available. Until this time, public works is a main funding source for any preservation measures.

3. Proposed Locations and Facilities

- Ocean Gate has been consulting with engineers to construct a sea wall along the waterfront. This project aims to stabilize the shoreline to prevent the town's beaches from eroding and will have no effect on current public access. This project is still in its planning phase.
- Replacing the existing bathroom facilities at the end of Ocean Gate Avenue (access point #2) to provide a more visually pleasing area for beachgoers to recreate has been proposed by the town.
- Modifying the town's bikeway system was declared in their master Plan.

a. Tools

- The utilization of private and public consultants will allow for the planning of a sea wall and other shore stabilization and access projects.

b. Cost and Funding

- Utilization of public works funding would fund any minor structures or updates.
- Larger projects such as a sea wall may need outside funding through the state or a federal agency.
- Continuing to apply for grant money to be used for bicycle and pedestrian improvements is cited in the Master Plan.

B. Signage

Ocean Gate has provided the following signage:

- Signage is currently provided at some access points along the boardwalk. The signs outline permitted activities at each point.
- A signage ordinance has been proposed in a Land Use Ordinance Draft dated April 9th, 2018 and attached under Appendix 5. Upon adoption of the attached signage ordinance, the municipality will provide public access signage at all public access areas to clearly identify where public access is permitted and where public access is not permitted.

V. Resolution of Incorporation

Ocean Gate has approved a resolution for the incorporation of the MPAP. See Appendix 1 for the 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 1

Resolution for Incorporating MPAP into Master Plan

RESOLUTION 2020-46

A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, The Borough of Ocean Gate Municipal Public Access Plan (MPAP) was submitted to the Borough Council and reviewed at the regular meeting of January 1, 2020 and

WHEREAS, the governing body of the Borough of Ocean Gate has approved the plan as submitted, and

WHEREAS, the governing body of the Borough of Ocean Gate recognizes the Planning Board approved the MPAP as a new element within the Master Plan on December 17, 2019 by Resolution.

WHEREAS, the governing body of the Borough of Ocean Gate further 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 of Ocean Gate, the "Borough of Ocean Gate's Municipal Public Access Plan," a copy of which is attached, is hereby approved.

BE IT FURTHER RESOLVED, the MPAP shall be incorporated into the municipal master plan within a new element "Borough of Ocean Gate's Municipal Public Access Plan".

BE IT 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.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at the Reorganization meeting held on January 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

Appendix 2

Public Access Table

Table 1 Borough of Ocean Gate Public Access Location Amenities

ID	Sign	Parking	St	Cross St	Badge	Swim	Fish	Surf	Play-grd	Park	Pier	Boat Launch	Marina	Food/Drink	Rest-room	H/C	Shore	Type	Review
1	Y	Lot, Free	Ocean Gate Dr	W Atlantic Ave	N	N	Y	NA	N	Y	N	N	N	N	N	N	River	Fish	Public
2	Y	Street, Free	Ocean Gate Ave	W Riviera Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
3	Y	Street, Free	Asbury Ave	E Riviera Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
4	Y	Street, Free	E Chelsea Ave	E Riviera Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
5A	Y	No Parking	Wildwood Ave	E Riviera Ave	Y	N	Y	NA	N	Y	Y	N	N	Y	Y	N	Bay/River	Beach/Fish	Public
5B	Y	Street, Free	East Longport Ave	E Riviera Ave	Y	N	Y	NA	N	N	N	N	N	Y	Y	N	Bay/River	Beach/Fish	Public
6	Y	Lot, Free	E Bayview Ave	E Riviera Ave	Y	Y	Y	NA	N	Y	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
7	Y	Street, Free	Stone Harbor Ave	E Bayview Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
8	Y	Street, Free	Monmouth Ave	E Riviera Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
9	Y	Street, Free	E Longport Ave	E Riviera Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
10	Y	No Parking	E Riviera Ave	Anglesea Ave	Y	N	Y	NA	N	N	N	N	N	Y	N	N	Bay/River	Beach/Fish	Public
11	Y	Street, Free	Anglesea Ave	E Riviera Ave	Y	Y	Y	NA	N	N	Y	N	N	N	N	N	Bay/River	Beach/Fish	Public
12	Y	Street, Free	Newport Ave	E Riviera Ave	Y	Y	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public
13	Y	Street, Free	Narragansett Ave	E Riviera Ave	Y	N	Y	NA	N	N	N	N	N	N	N	N	Bay/River	Beach/Fish	Public

Explanation of table:

SIGNS: Does the location provide signage identifying the location as a point of public access? Yes or No

PARKING: Is parking for the location/facility provided on the street or in a lot and is it free or do you have to pay? Street, free; Street, pay; Lot, free, Lot, pay

STREET: On what street is the public access located?

CROSS STREET: What is the cross street where this location is located?

BADGE: Are there times when a badge is required to use this location? Yes or No

SWIMMING: Is swimming permitted at this location? Yes or No (Limitations on swimming, such as hours, lifeguards, etc., are discussed in Section II.B and C)
FISHING and SURFING: Is fishing/surfing permitted at this location? Yes or No (Limitations/restrictions are discussed in the Section II.B and C)
PLAYGRD, PARK, PIER, BOATLNCH, MARINA, RESTRMS: Does this location include these amenities? Yes or No
H/C: What amenities are handicap accessible at this location/facility? (Not necessarily ADA Compliant) None, Parking reserved, Ramp provided, and/or Restrooms accessible
SHORELINE: What shoreline does this location inhabit? Ocean, Bay, River and/or inlet
ACCESS TYPE: Describe the type of access: Beach, Fishing, Boat, and/or Visual

[This imbedded Excel spread sheet should be used for the table described in Section II (Public Access). The title of each column should not be changed. The information about each public access location should be filled in using one of the options listed. This table will also be used to populate the information for each public access location in GIS. Additional information about each public access location can be included in the narrative portion of Section II. Please contact DEP with any questions or concerns about these options.]

APPENDIX 3
On-Street Parking Ordinance
[include here if applicable]

ORDINANCE No. 621-19

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ORDINANCES #531-
08, #457-01, AND #421-98, ENTITLED "ORDINANCE OF THE BOROUGH OF OCEAN
GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY REGULATING PARKING
WITHIN THE BOROUGH OF OCEAN GATE."

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

SECTION I

ARTICLE IV entitled "Seasonal Parking Decals" of Ordinance No. 421-98 as amended and supplemented by Ordinance No. 457-01 and Ordinance No. 531-08, be and hereby is amended and supplemented as follows:

A. From May 15 to September 15 of each year, no person shall park a vehicle without a Seasonal Parking Decal on Borough Property or on the streets or parts thereof, as follows:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
East Chelsea Avenue	Both	From Asbury Avenue to East Riviera Avenue
East Longport Avenue	Both	From Asbury Avenue to East Riviera Avenue; from East Riviera to Anglesea Avenue
Stone Harbor Avenue	Both	From East Bayview Avenue to East Riviera Avenue
Monmouth Avenue	Both	From East Bayview Avenue to East Riviera Avenue
Newport Avenue	Both	From East Longport Avenue to the East Riviera Avenue
Narragansette Avenue	Both	From East Longport Avenue to a point 100 feet from the Boardwalk southwest Corner.
Wildwood Avenue Parking Lot		Southwest corner of East Longport Avenue and Wildwood Avenue
East Bayview Parking Lot or "Volunteer's Park Parking Lot"		Approximately 300 feet east of Wildwood Avenue adjacent to East Riviera parking lot; approximately 200 feet west of Stone Harbor adjacent to East Riviera parking lot
Anglesea Avenue Parking Lot		Approximately 100 feet west of the northwest corner of the intersection of East Longport Avenue and Anglesea Avenue

B. Seasonal Parking Decals shall be issued by the Finance Department Clerk or an agent designated by the Borough Council of the Borough of Ocean Gate.

C. Seasonal Parking Decals shall be available to residents and non-residents in accordance with the following rules and limitations:

1. From January 1st to June 14th each year, individuals may purchase up to four (4) Seasonal Parking Decals per household at a cost of \$2.00 per Decal. Additional Seasonal Parking Decals will be available for a cost of \$5.00 per Decal.

2. From June 15th to September 15th each year, the cost of Seasonal Parking Decals shall be \$10.00 per Decal.

SECTION II

All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

SECTION III

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

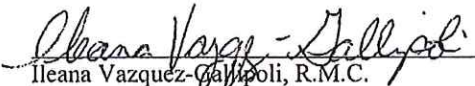
SECTION IV

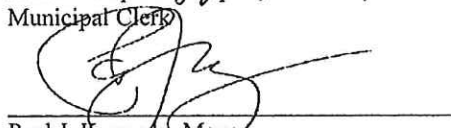
This Ordinance shall take effect immediately upon its final adoption, approval and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on February 6, 2019, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on February 27, 2019, at Borough Council Chambers, 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 either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

INTRODUCED: February 6, 2019
ADOPTED: February 27, 2019


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


Paul J. Kennedy, Mayor

APPENDIX 4
Conservation Easement
[include here if applicable]

DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

THIS DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT is made this
_____ day of _____ BY AND

BETWEEN

THE Borough of Ocean Gate, a Municipal Corporation whose address is 801 Ocean Gate Ave,
Ocean Gate, NJ 08740, referred to herein as Grantor,

AND

THE Borough of Ocean Gate, a Municipal Corporation of the State of New Jersey whose address
is 801 Ocean Gate Ave, Ocean Gate, NJ 08740, AND THE STATE OF NEW JERSEY both of
whom are referred to herein collectively as the "Grantees."

WITNESSETH

WHEREAS, Grantor is the owner of that certain tract of land, located in the Borough of Ocean Gate, County of Ocean, State of New Jersey, and/or identified as public street ends located at Narragansette Avenue, Newport Avenue, Monmouth Avenue, Stone Harbor Avenue, Wildwood Ave, and the public coastline located in the right-of-way on Riviera Ave. East and West and the East Bayview Avenue and Anglesea Avenue Parking Lots as identified in Addendum A (Approximate Street End and Tract of Land Descriptions) and as identified in Addendum B on the official tax map of the Borough of Ocean Gate, hereinafter the "Property(s)," and Grantor holds the requisite interest to grant this Deed of Easement; and

WHEREAS, the Grantees recognize that tidal waterways and their coastlines at Borough of Ocean Gate, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

WHEREAS, access to tidal waterways at Borough of Ocean Gate, New Jersey is a right provided to the public under the Public Trust Doctrine; and

WHEREAS, in order for the public to access tidal waterways, perpendicular access to these areas must be secured for public use; and

WHEREAS, in order to ensure public access, Grantees need a Perpetual Public Access Easement on portions of said Property(s) herein described; and

WHEREAS, the Borough of Ocean Gate shall consider this Deed of Easement in establishing the assessed value of any lands subject to such restrictions; and

WHEREAS, this Deed of Dedication and Perpetual Public Access Easement shall be subject to and consistent with any existing public access agreement or easement entered into by the Municipality with the United States Army Corps of Engineers; and

WHEREAS, this Deed of Easement will also serve to implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of tidal waterways and their shores.

NOW, THEREFORE, the Grantor grants and conveys to Grantee an irrevocable, assignable, perpetual and permanent easement as set forth herein:

GRANT OF EASEMENT: A perpetual and assignable easement and right-of-way across that land of the Property(s) described as public street ends located at Newport Ave, Stone Harbor Ave, Monmouth Ave, and Riviera Ave East and West and the East Bayview Avenue and Anglesea Avenue Parking Lots as identified in Addendum A (Approximate Street End and Tract of Land Descriptions) and as identified in Addendum B on the official 2018 tax map of the Borough of Ocean Gate, hereinafter the "Property(s)," and Grantor holds the requisite interest to grant this Deed of Easement listed above for use by the State of New Jersey and the Borough of Ocean Gate, their representatives, agents, contractors and assigns to:

- Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public access area to allow the public access to tidal waterways;
- Post signs;

The easement reserves to the Grantor, the Grantor's, successors and assigns the right and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantees, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets.

Duration of Easement: The easement granted hereby shall be in perpetuity, and in the event that the Borough of Ocean Gate or the State of New Jersey shall become merged with any other geopolitical entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective representatives, successors and assigns and shall continue as a servitude running in perpetuity with the land.

Municipality to Maintain Public Access: The Municipality agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to preserve, cause and ensure the public access areas to be maintained, consistent with all applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey.

Character of Property(s): Notwithstanding the foregoing, nothing herein is intended or shall be deemed to grant the Grantees or otherwise permit the Grantee to any other person to cross over or use any part of the Property(s) which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property(s).

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Property(s) burdened by the easement herein described shall not be excluded from the calculations of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

Miscellaneous:

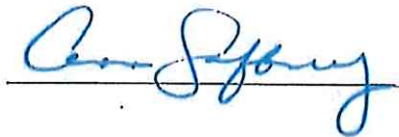
- The enforcement of the terms of this Easement shall be at the discretion of the Grantees and any forbearance by Grantees to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent violation or of any of Grantees rights under this Easement. No delay or omission by Grantees in the

exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.

- The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
- If any provisions of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Easement or the application of such provisions to person or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
- Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first-class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocation party shall notify the other, in writing.
- The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.
- Structures no part of the project are not authorized.

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signature on the date at the top of the first page.

Witnessed by:



Borough of Ocean Gate, Grantor


Paul Kennedy, Mayor

STATE OF NEW JERSEY

SS:

COUNTY OF OCEAN

I certify that on Feb. 8, 2019 Paul Kennedy, Mayor of the Borough of Ocean Gate, personally appeared before me and acknowledged under oath, to my satisfaction, that this person:

- Was the Grantor of this Deed;
- Was authorized to and did execute this Deed as Authorized Signatory of the entity named in this Deed;
- Made this Deed for the full and actual consideration as set forth herein;
- Executed this Deed as the act of the entity.



NOTARY PUBLIC OF NEW JERSEY

ANNA GAFFNEY
NOTARY PUBLIC OF NEW JERSEY
ID #: 2410669
My Commission Expires 1/25/20 22.

Easement Accepted by:

State of New Jersey

STATE OF NEW JERSEY

SS:

COUNTY OF _____

I certify that on _____, 2019 _____,
_____ of the State of New Jersey, personally appeared before me and
acknowledged under oath, to my satisfaction, that this person:

- Was the Grantee of this Deed;
- Was authorized to and did execute this Deed as Authorized Signatory of the entity named in this Deed;
- Made this Deed for the full and actual consideration as set forth herein;
- Executed this Deed as the act of the entity.

NOTARY PUBLIC OF NEW JERSEY

ADDENDUM A
Approximate Street End and Tract of Land Descriptions

Narragansette Avenue

Beginning from the intersection of Narragansette Ave and E. Longport Ave. (30' wide) extending approximately 280 feet north to the terminus of Narragansette Ave.

Newport Avenue

Beginning from the intersection of Newport Ave. and E. Longport Ave. (30' wide) extending approximately 250 feet north to the terminus of Newport Ave.

Monmouth Avenue

Beginning from the intersection of Monmouth Ave. and E. Bayview Ave. (30' wide) extending approximately 130 feet north to the terminus of Monmouth Ave.

Stone Harbor Avenue

Beginning from the intersection of Stone Harbor Ave. and E. Bayview Ave (30' wide) extending approximately 80 feet north to the terminus of Stone Harbor Ave.

Wildwood Avenue

Beginning from the intersection of Wildwood Ave. and E. Longport Ave. (30' wide) extending approximately 110 feet north to the terminus of Wildwood Ave.

Beach Front

Beginning from the terminus of W. Riviera and following E. Riviera approximately 5,550 feet east to the East Borough Line.

East Bayview Avenue Parking Lot

The tract of land known as Block 43 and Lot 7 on the official tax map of the Borough of Ocean Gate.

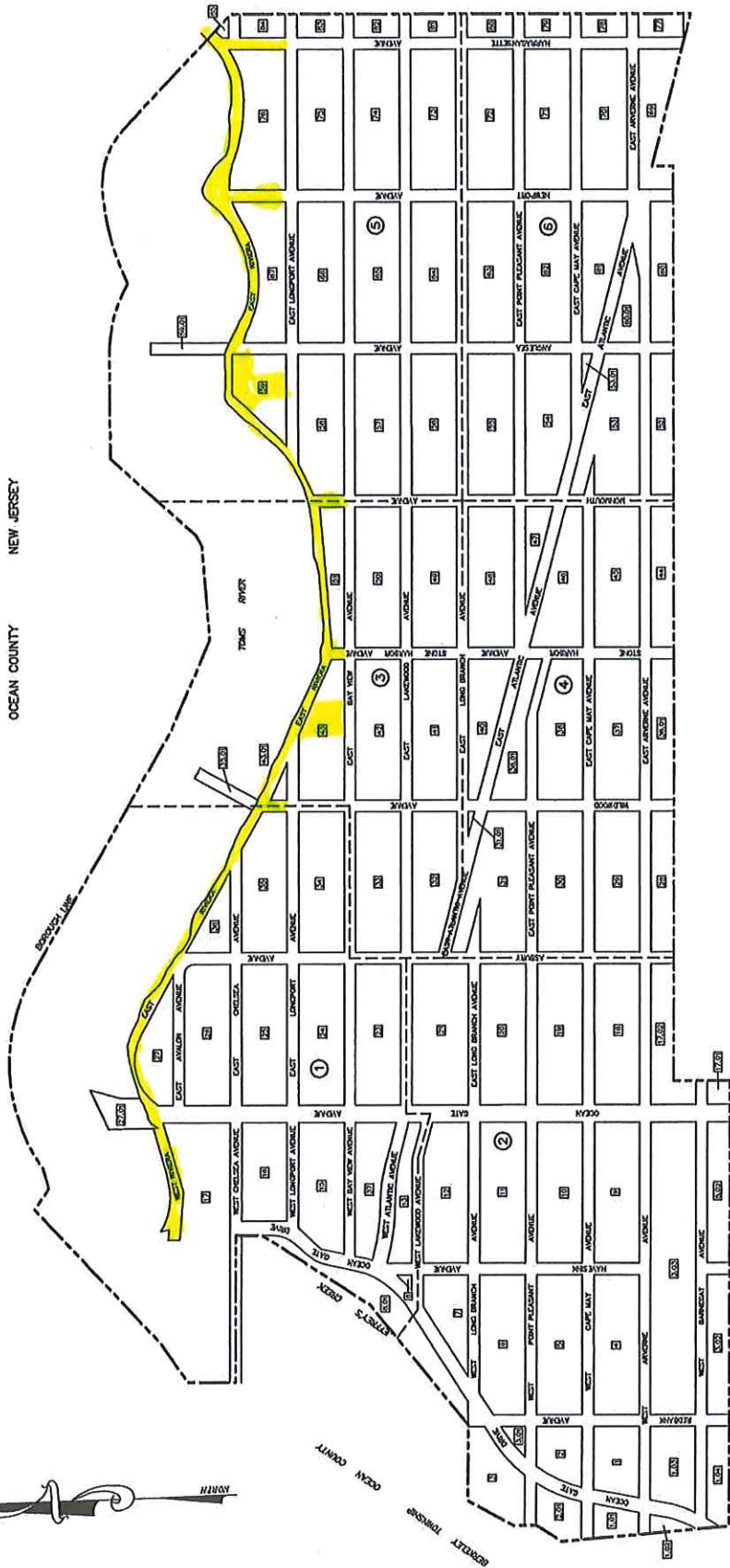
Anglesea Avenue Parking Lot

The tract of land known as Block 59 and Lot 5 on the official tax map of the Borough of Ocean Gate.

ADDENDUM B
Borough of Ocean Gate

MAP OF
BOROUGH OF OCEAN GATE
OCEAN COUNTY
NEW JERSEY

REVISIONS			DATE	NAME	USE THIS
			MAR 2000	THOMAS CRANDER	2000
			DEC 2000	CHANG S. H. JOHNSON	2000



DEKLEY TOWNSHIP LOCAL COUNTY

PRECEDENCE	TOWNSHIP	OCEAN	COUNTY
1	13	1	1
2	14	2	2
3	15	3	3
4	16	4	4
5	17	5	5
6	18	6	6
7	19	7	7
8	20	8	8
9	21	9	9
10	22	10	10
11	23	11	11
12	24	12	12
13	25	13	13
14	26	14	14
15	27	15	15
16	28	16	16
17	29	17	17
18	30	18	18
19	31	19	19
20	32	20	20
21	33	21	21
22	34	22	22
23	35	23	23
24	36	24	24
25	37	25	25
26	38	26	26
27	39	27	27
28	40	28	28
29	41	29	29
30	42	30	30
31	43	31	31
32	44	32	32
33	45	33	33
34	46	34	34
35	47	35	35
36	48	36	36
37	49	37	37
38	50	38	38
39	51	39	39
40	52	40	40
41	53	41	41
42	54	42	42
43	55	43	43
44	56	44	44
45	57	45	45
46	58	46	46
47	59	47	47
48	60	48	48
49	61	49	49
50	62	50	50
51	63	51	51
52	64	52	52
53	65	53	53
54	66	54	54
55	67	55	55
56	68	56	56
57	69	57	57
58	70	58	58
59	71	59	59
60	72	60	60
61	73	61	61
62	74	62	62
63	75	63	63
64	76	64	64
65	77	65	65
66	78	66	66
67	79	67	67
68	80	68	68
69	81	69	69
70	82	70	70
71	83	71	71
72	84	72	72
73	85	73	73
74	86	74	74
75	87	75	75
76	88	76	76
77	89	77	77
78	90	78	78
79	91	79	79
80	92	80	80
81	93	81	81
82	94	82	82
83	95	83	83
84	96	84	84
85	97	85	85
86	98	86	86
87	99	87	87
88	100	88	88
89	101	89	89
90	102	90	90
91	103	91	91
92	104	92	92
93	105	93	93
94	106	94	94
95	107	95	95
96	108	96	96
97	109	97	97
98	110	98	98
99	111	99	99
100	112	100	100
101	113	101	101
102	114	102	102
103	115	103	103
104	116		

② DETAIL SHEET NUMBER
BLOCK NUMBER
-- -- SHEET LIMIT
3 LOT NUMBER (DETAILS)

THE AREAS, BOUNDARIES AND DIMENSIONS SHOWN ON THIS TAX MAP ARE DERIVED FROM GROUND SURVEYS, RECORDED PLANS, MAPS, DEEDS, AND WELLS AND ARE TO BE USED FOR ASSESSMENT PURPOSES ONLY.

TO SHOW CONDITIONS AS OF MARCH, 2005: I HEREBY CERTIFY THAT THIS MAP HAS BEEN MADE AND REVISED UNDER MY IMMEDIATE SUPERVISION, AND COMPLIES WITH THE LAWS OF THE STATE OF NEW JERSEY.

THOMAS CRADER
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LICENSE NO. 21782

I HEREBY CERTIFY THAT THIS MAP WAS BEEN
REVIEWED UNDER MY IMMEDIATE SUPERVISION
AND COMPLES WITH THE LAWS OF THE STATE
OF NEW JERSEY.

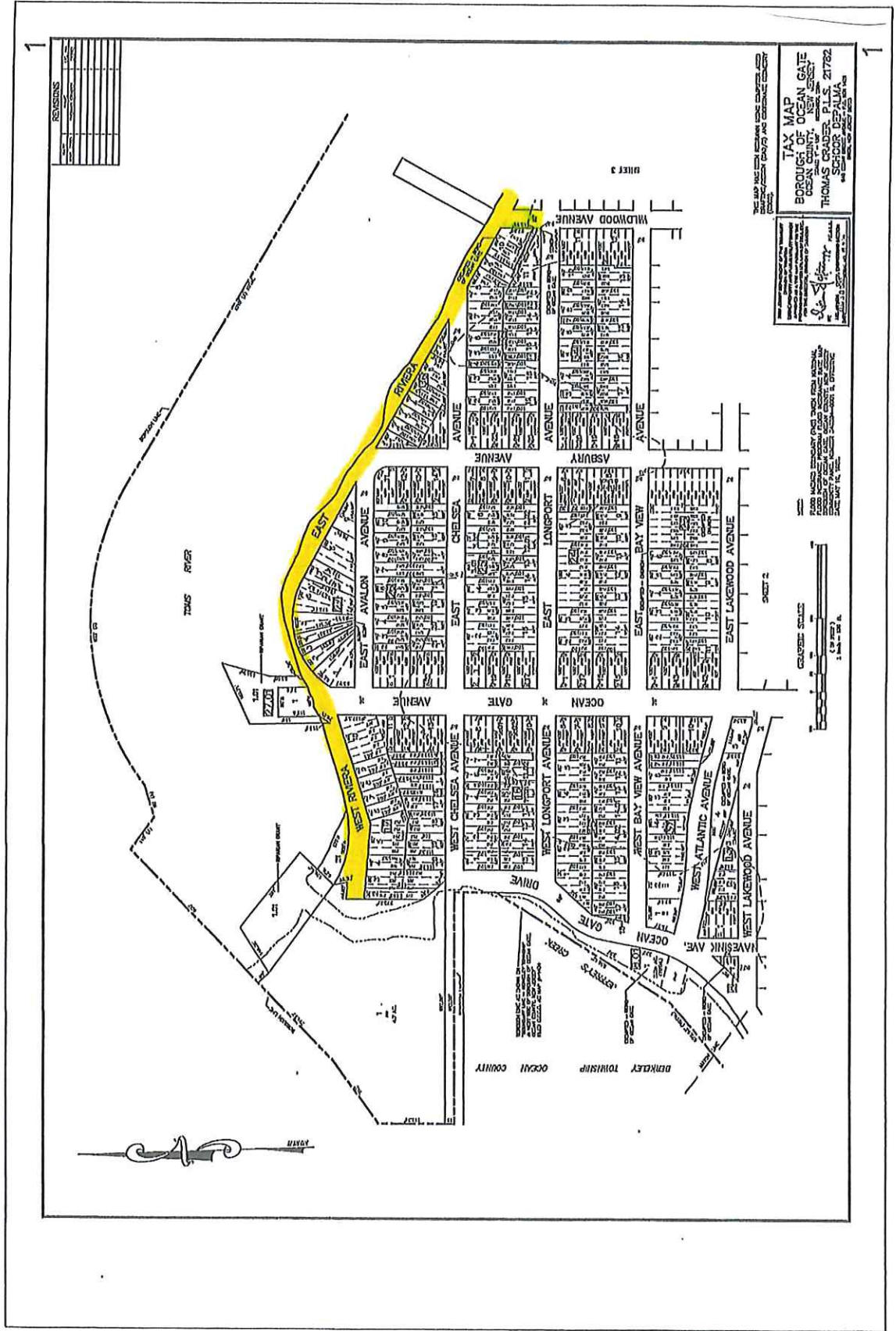
CRAIG F. ROYINGTON PLS 23924
TO SHOW CONDITIONS AS OF DECEMBER, 2009

THIS MAP HAS BEEN REDRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY (CARTO).

[illegible]

TAX MAP
BOROUGH OF OCEAN GATE
OCEAN COUNTY, NEW JERSEY
SCALE: 1" = 233' DECEMBER, 2004
THOMAS CRADER, P.L.S. 217822
SCHOOER DEPALMA
940 CEDAR BRIDGE AVENUE - P.O. BOX 142

KEY MAP



3

REVISIONS	



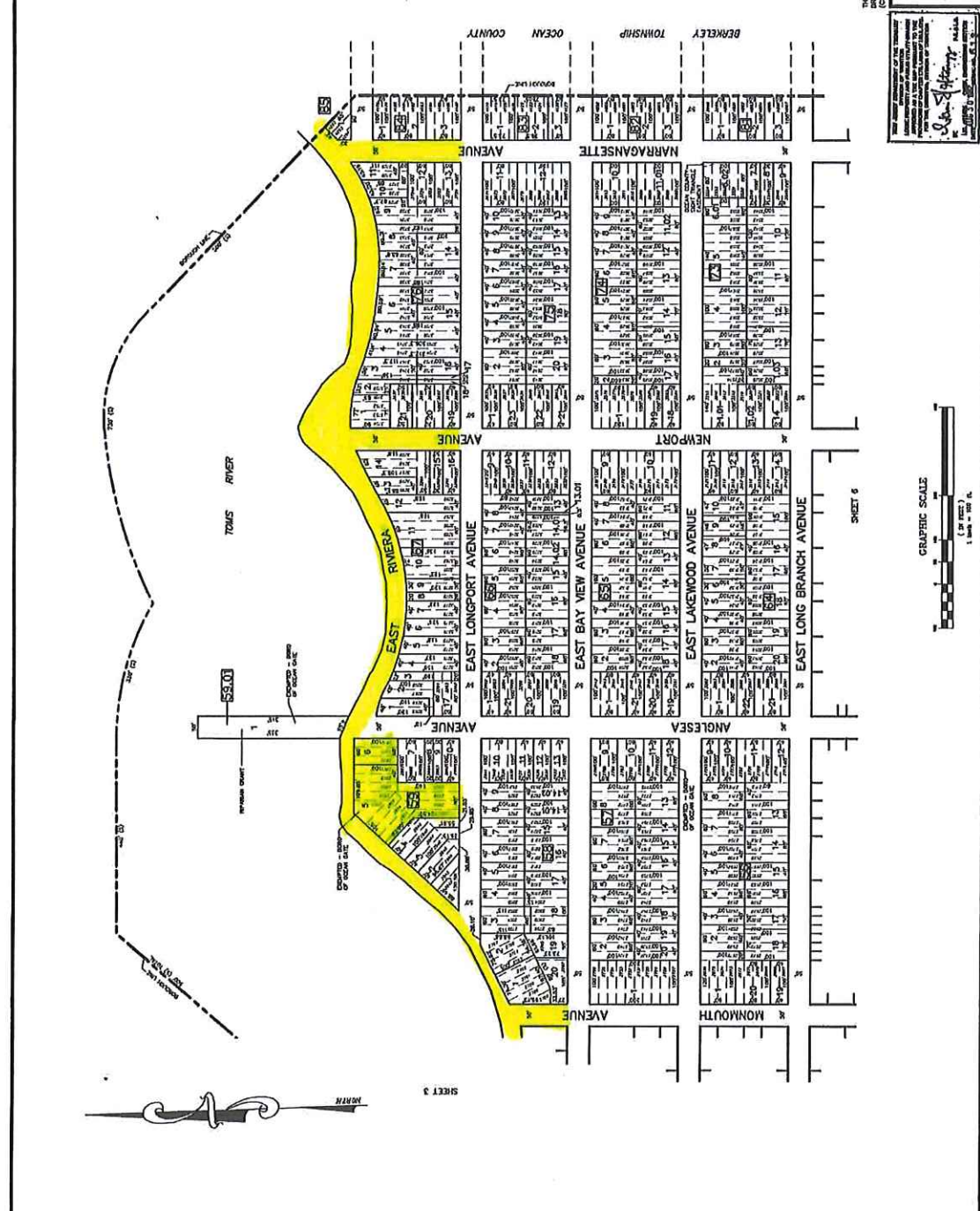
TAX MAP
BOROUGH OF OCEAN GATE
OCEAN COUNTY, NEW JERSEY
THOMAS CRABER, P.L.S. 27782
SCHOOL DEPT. ALMA
DATE: 10/1/82

3

[illegible]

THIS MAP HAS BEEN REDRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY (COCO).

TAX MAP
BOROUGH OF OCEAN GATE
OCEAN COUNTY, NEW JERSEY
SCALE: 1" = 150'
SECTIONED, 2004
THOMAS CRADER, P.L.S. 21782
SCHOOL DEPT.
400 CEDAR BRIDGE AVE. 2ND FL. NEW YORK



APPENDIX 5
Sign Ordinance
[include here if applicable]

Article VIII

Sign Regulations

8.1. General.

- a. The graphic systems consists of a sign or a combination of signs, awnings, window graphics and banners to be permitted within a set of criteria designed to provide a unifying visual theme to capture the character of the particular Land Use District. The identification graphics system for specific areas of the Borough follows the procedural requirements listed below.

8.2. Types of Signs.

a. Prohibited Signs.

1. Outdoor advertising signs and billboards of any kind;
2. Any sign which does not pertain to the occupant, service, or product actually occupying or provided on the premises where such sign is located;
3. Roof signs and signs extending above the wall to which they are attached;
4. Signs posted on fences, posts, utility poles, or trees;
5. Signs posted on municipal property without the consent of the Governing Body;
6. Signs painted directly on buildings, sidewalks, boardwalks, or curbs;
7. Signs on accessory buildings; and
8. Signs which flash make noise, imitate official traffic signs or signals or which otherwise constitute a hazard to the traveling public.

b. Exempt Signs.

1. Real Estate Signs. One non-illuminated temporary ground sign pertaining to a lease, rental, or sale of the same lot or building upon which it is placed and not exceeding nine square feet (9 sq. ft.) in area on any one side provided such sign is erected or displayed not less than five feet (5') inside the property line and shall not be mounted on or attached to trees.
2. Window Lettering and Signs. Window lettering and signs shall be permitted in non-residential zones subject to the following restrictions.
 - i. Permanent window lettering and signs shall be permitted only if the space confining such lettering and signs, or the background, upon which it appears, does not exceed twenty percent (20%) of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.

- ii. Window lettering or signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
 3. Temporary Signs. Temporary signs advertising special sales or events are permitted provided such signs do not cover more than thirty percent (30%) of the window area and, in conjunction with permanent window signs, do not cover, in aggregate, more than fifty percent (50%) of the window area. Temporary shall mean thirty (30) days.
 4. Official Signs. Official signs of the State, County, or Borough.
 5. Political Signs. Political signs, provided they are not erected more than thirty (30) days prior to an election and are removed no later than five (5) days after an election.
 6. Exception. Signs, banners or devices for which special permission may be granted by resolution of the Governing Body.
- c. Signs Requiring Permit.
1. Prior to the erection of any sign, awning, or banner in the Borough, a permit must be obtained from the Zoning Officer certifying the proposed sign, awning, or banner complies with the requirements of this Article.
 2. The Applicant shall submit an elevation sketch, drawn to scale, indicating
 - i. The proposed location of the sign, awning, or banner;
 - ii. The size of each;
 - iii. The dimensions of the building façade; and
 - iv. A detail drawing of the sign, awning, or banner as it would appear when erected.
 3. Size Requirements. Any sign for a commercial establishment shall not exceed twenty percent (20%) of the floor area of the business. This size requirement shall not apply to home occupations and home professional offices.
 4. Quantity Requirement. Each commercial establishment shall be permitted one (1) sign per business. Also, there shall be one (1) sign per side of frontage.
 5. Storefront window graphics shall also be permitted through the issuance of a Zoning Permit by the Zoning Officer. Window graphics may be included as part of an application for sign, awning, or banner.

d. Public Access Signs

1. Public Access Signage shall mean signs provided at public area to clearly direct the public to points of access to tidally flowed waterways.
2. The Municipality shall provide public access signage at all public access areas to clearly identify where public access is permitted and where public access is prohibited.
3. The Borough's Public Works Department will be responsible for the maintenance of all public access signage

DRAFT

APPENDIX 6

Chapter XI BOARDWALK, BEACHES, AND WATERWAYS

[include here if applicable]

CHAPTER XI

BOARDWALK, BEACHES AND WATERWAYS

11-1 SEASONAL REGULATIONS FOR BEACHES, BOARDWALK AND WATERWAYS.

11-1.1 Time Period Established.

a. *Municipal Bathing Beach.* The municipal bathing beach along the waterfront in this municipality shall be open and regulated on weekends only from the Saturday before the day on which Memorial Day is observed, and then will be open on a full-time basis beginning the fourth Saturday in June, and will close on Labor Day, in such a manner and form that it shall be used only by:

b. *Beach, Boardwalk, Pier and Bathing.* The beach, boardwalk, pier and bathing regulations of the Borough of Ocean Gate shall be in full force and effect in this municipality on weekends only from the Saturday before the day on which Memorial Day is observed, and then on a full-time basis beginning the fourth Saturday in June through and including the date of Labor Day.
(Ord. No. 125 § 1; Ord. No. 454-01; Ord. No. 467-02)

11-1.2 Food, Beverages, Alcoholic Beverages and Picnics Prohibited on Beaches, Piers and Boardwalks.

No person shall conduct, be a party to, or engage in picnics; eat any food or other substance which shall result in the leaving of any paper, glass, container or other debris on any beach, pier or boardwalk; have, possess or consume any alcoholic beverage on any beach, boardwalk or pier; sell, purchase, consume or otherwise have any soft drinks on any beach, boardwalk or pier. (Ord. No. 125 § 1)

11-1.3 Bicycles.

No person shall ride any bicycle on any boardwalk or pier in this municipality except between the hours of 6:00 a.m. and 10:00 a.m. (Ord. No. 125 § 3; Ord. No. 159 § 1; Ord. No. 536-09)

11-1.4 Dogs.

No person shall have, take, permit or allow any dog, either on or off a leash, on any boardwalk, beach, pier or in the water of the Toms River adjacent to any boardwalk, beach or pier. (Ord. No. 125 § 4)

11-1.5 Ball Playing.

No person shall engage in the playing of ball, either softball or hardball, the throwing of stones or other hard objects on any boardwalk, beach or pier unless otherwise permitted in a designated area of the beach as authorized by the Governing Body, in which case signs shall be posted in public view to advise the general public of the acts which are permitted in said designated area. Volleyball, horseshoes and frisbees are permissible "ball activities" so long as they are conducted at the court located on East Riviera Avenue by the Yacht Club and/or the court located on East Narragansette Avenue between the hours of 10:00 a.m. and dusk. (Ord. No. 125 § 5; Ord. No. 529-08)

11-1.6 Objectionable or Dangerous Acts.

No person shall do anything on the beach, boardwalk or pier which is annoying or objectionable or dangerous to any other person. (Ord. No. 125 § 6)

11-1.7 Crabbing and Fishing.

a. *Wildwood Avenue Pier; Anglesen Avenue Pier.* No person shall engage in crabbing or fishing on either the Wildwood Avenue Pier or the Anglesen Avenue Pier other than between the hours of 6:00 a.m. and 10:00 a.m. in the morning and between the hours of 6:00 p.m. and 10:00 p.m., in the evening, other than the Saturdays, Sundays and legal holidays, when all crabbing and fishing on both piers shall be and is hereby prohibited at all times. (Ord. No. 125 § 13)

11-1.8 Fastening Boats to Piers.

a. *Wildwood Avenue Pier; Anglesen Avenue Pier.* No person shall, at any time, tie a boat up to or otherwise fasten a boat in the easterly sideline of either the Wildwood Avenue Pier or the Anglesen Avenue Pier. (Ord. No. 125 § 14)

11-1.9 Robing and Disrobing Prohibited.

No person shall robe or disrobe in any car, truck or public place in this municipality. (Ord. No. 125 § 15)

11-1.10 Beach Parties; Permit Required.

Beach parties may be permitted in designated areas of the municipality subject to the following rules and regulations:

- a. The person or persons desiring to engage in a beach party, or their representative shall make application for a beach party permit from the Police Department and shall acquire the permit before the beach party shall begin.
- b. No beach party, at which a fire shall be lighted shall be held when the weather conditions make the lighting of a fire hazardous.
- c. The Police Department shall grant a permit for beach parties only to responsible person or persons of good character and reputation.
- d. The permittee shall be responsible for cleaning up any debris caused or made by the beach party.
- e. Any applicant for a beach party permit, upon being refused such permit by the Police Department, shall have recourse to making a similar application to the Governing Body in an open meeting.
- f. No fee shall be charged for any beach party permit.
(Ord. No. 125 § 16)

11-1.11 Speed of Boats Near Beach or Piers.

No person shall race or drive a boat at any excessive and unreasonable speed within three hundred (300) feet of the beach, or within one hundred (100) feet of the Public Piers. (Ord. No. 125 § 17)

11-1.12 Waterskiing Near Beach or Piers.

No person shall engage in aquaplaning or water skiing within three hundred (300) feet of the beach or within one hundred (100) feet of the Public Piers. (Ord. No. 125 § 18)

11-1.13 Children Under Twelve (12) Years Old to Be Supervised on Beaches or Piers.

No child under the age of twelve (12) shall remain on the beach or pier unsupervised at any time. All children under the age of twelve (12) must be supervised at all times by an adult age eighteen (18) or older while on the beach or pier located within the Borough. (Ord. No. 512-06 § 2)

11-1.14 Littering.

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. (Ord. 125 § 22; Ord. No. 159 § 10)

11-1.15—11-1.23 Reserved.**11-1.24 Violations and Penalties.**

Any person who violates any provision of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. (Ord. 125 § 19; Ord. No. 333-90 § 8; New)

11-2 BOATS.**11-2.1 Definitions.**

As used in this section:

Boardwalk shall mean the wood and/or concrete walkway along the beachfront.

Boat shall mean any watercraft, including seaplanes when not airborne, in or upon, docked, or moored at any place on the jurisdictional waters of the Borough.

Mooring shall mean 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.

Riparian Grant shall mean the area from the high water mark to and including five hundred (500) feet offshore.
(Ord. No. 345-91 § 1)

11-2.2 Mooring; Permit Required.

a. *Required; Application.* Anyone desiring to moor a boat upon the jurisdictional waters of the Borough shall be required to apply for a permit. Applications to be submitted with payment to the Tax Office and will then be reviewed and approved by the Code Enforcement Officer. Upon registering the boat with the Borough, the individual so registering shall receive a number to be placed on the buoy of the mooring. The number shall be a minimum of three (3) inches high. The aforesaid permit shall be

valid for the period of March 1 through October 31 of each year. All mooring buoys shall be removed by October 31. Any mooring buoys remaining after October 31 may be removed by the Borough at a charge of one hundred (\$100.00) dollars per mooring, which will be assessed to the licensee.

b. *Additional Requirements.*

1. *Proof of Proper Mooring.* Proof will consist of either a visual inspection by the Code Enforcement Officer, or a photograph of the anchor. Inspection will only consist of verifying compliance with this section. It shall be the mooring owner's responsibility to insure adequate mooring size.

2. *Proof of Valid Registration.* Proof shall consist of presentation of registration at the time of application.

3. *Proof of Liability Insurance.* Proof of insurance shall consist of a certificate of insurance verifying liability insurance issued by the mooring owner's insurance company to the Borough.

c. *Exemption.* Boats mooring for a period of less than twenty-four (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.

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

1. Permits issued prior to May 1: Minimum \$10.00. Boats over 10 feet—\$1.00 per foot.

2. Permits issued after May 1: Minimum \$20.00. Boats over 10 feet—\$2.00 per foot.

3. All fees shall be payable to the Borough.
(Ord. No. 345-91 §§ 3,4; Ord. No. 373-94 § 1)

11-2.3 Boat Storage on the Beach; Permit Required.

a. *Storage Regulations.* Anyone wishing to store a boat upon the beach is required to comply with the following requirements:

1. *Size Limit.* No boat in excess of nineteen (19) feet shall be stored upon the beach within the Borough.

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

3. Location. Boats may only be stored within areas that shall be posted and which may be periodically changed from year to year. No boat shall be stored closer than eight (8) feet to the boardwalk, nor closer than four (4) feet to the high-water line on the beach.

4. Security of Boat. It shall be unlawful to secure any boat stored on the aforesaid designated areas to any bench, sign post, or other Borough property.

5. 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.

b. *Permit Required; Fees.*

1. Permit Registration. Anyone desiring to store a boat upon the beach shall be required to apply to the Code Enforcement Officer for a permit. Upon registering the boat with the Borough, 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 a period of March 1 through October 31 of each year.

2. Fee. The fees for obtaining a permit to store a boat on the beach shall be as outlined in subsection 11-2.2d.

(Ord. 125 § 12; Ord. No. 159 § 7; Ord. No. 345 §§ 5,6,8; Ord. No. 373-94 § 1)

11-2.4 Boats Prohibited in Certain Areas; Unloading at Piers.

a. *Boats on the Beach.* 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:

1. From the Wildwood Avenue Pier to the easterly side of Stone Harbor Avenue.

2. From the Anglesea Avenue Pier eastwardly for a distance of five hundred (500) feet.

3. From Ocean Gate Avenue to the easterly side of Asbury Avenue.

4. From a point fifty (50) feet west of Monmouth Avenue to a point fifty (50) feet east of Monmouth Avenue.

5. From the east Borough line westwardly for a distance of three hundred (300) feet.

b. *Loading and Unloading.* Unloading and loading from the Borough piers shall be limited to one-half (1/2) hour on the westerly side of each pier.
(Ord. 125 §§ 7,9,10,11; Ord. No. 159 § 2, 4, 5, 6; Ord. No. 345-91 § 10)

11-2.5 Boating Regulations.

a. *Boat Operation Compliance.* All Federal, State, Coast Guard, and local laws and regulations shall be complied with.

b. *Abandoned Boats.* Every boat in a waterway which is abandoned or becomes a menace to navigation or is unseaworthy, or sinks, goes around 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 Borough. 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 Borough and the owner shall pay the reasonable cost thereof to the Borough.

c. *Authority to Board Boats.* The Code Enforcement Office and the Police Department shall have the authority to board any boat moored, drifting, or abandoned in violation of this section and move or cause it to be moved to another location and the Borough 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.

d. *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 Borough without the permission of the owner thereof or to or upon public facilities or lands unless same are authorized for the purpose.

e. *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.

f. *Violations and Penalties; Removal of Boats in Violation.*

1. Any person who violates any provision of this subsection shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5.

2. *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 Borough during the months of November,

December, January and February of any year. Additionally, if any boat or watercraft is stored in violation of this section for more than seven (7) consecutive days, then the Borough, 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 Borough's choice.

3. 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 the ownership and paid a storage and removal fee of fifty (\$50.00) dollars to defray the costs absorbed by the Borough for the removal and storage. If the boat or watercraft is claimed after the Borough has stored the 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 Borough. These charges shall be in addition to any fine or penalty imposed as a result of violation of the within section. Boats or watercraft so impounded shall be considered abandoned if not claimed within six (6) months of the date of the removal. The Borough shall thereafter have the right to sell the boat or watercraft to the highest bidder at public auction. If the Borough receives no bids on the boat or watercraft it may thereafter discard such boat or watercraft.

4. False Information on Applications. Giving false statements on the application shall result in the loss of mooring privileges for one (1) year. A second offense will result in permanent loss of mooring privileges.
(Ord. No. 333-90; Ord. No. 345-91 § 16; Ord. No. 373-94 § 1; New)

11-3 VEHICLES PROHIBITED.

11-3.1 Vehicles Prohibited on Beach, Piers and Boardwalk.

The use of any motor driven vehicle on the beach, piers or boardwalk, in the Borough of Ocean Gate, at any time, shall be prohibited. (Ord. No. 186)

11-3.2 Violation and Penalties.

Any person who violates any provision of this section shall be liable, upon conviction, to the penalty as set forth in Chapter I, Section 1-5. (Ord. No. 186; New)

11-4 BEACH BADGES.**11-4.1 Fees.**

a. Badges shall be worn at all times and badges shall be produced to any officer or person designated as a badge checker upon request.

b. For seasonal badges there shall be a fee of ten (\$10.00) dollars per season per badge for each resident, nonresident, tenant or guest if purchased on or before June 15 of the current year. For seasonal beach badges purchased after June 15, the fee shall be fifteen (\$15.00) dollars per season per badge for each resident, nonresident, tenant or guest. There shall be no fee required for any person under the age of twelve (12) years. For mailing of beach badges, a fee of two (\$2.00) dollars handling charge shall be imposed. For daily badges there shall be a fee of two (\$2.00) dollars per day per badge for each resident, nonresident, tenant or guest.
(Ord. No. 143; Ord. No. 465-02; New)

APPENDIX 7
OFFICIAL LISTING OF COUNTY ROADS
[include here if applicable]

**2017
Official Listing
of
Ocean County
ROADS**

**Ocean County
Board of Chosen Freeholders**



JOHN P. KELLY
Freeholder Liaison to the
Office of the Ocean County Engineer

GERRY P. LITTLE
Freeholder Liaison to the
Ocean County Roads Department

JOHN N. ERNST
Ocean County Engineer

J. THOMAS CURCIO
County Road Supervisor

Prepared and Printed by the

ROAD NO.	NAME OF ROAD	LENGTH MILES
12	Parkertown Dr. (Route 539 to S.H. 9) Fern St. (S.H. 9 to Dock Rd.) and Dock Rd. (Fern St. to Little Egg Harbor Bay)	3.76
25	Radio Rd. - <i>Route 601</i> (Tuckerton Boro. Line to Great Bay)	4.64
29	Thomas Ave. - <i>Route 602</i> (Eagleswood Twp. Line to Route 539)	2.10
35	Railroad Dr. & Portion of Wood St. (Old RR & Ocean County Sewer Line Right-of-Way from Tuckerton Boro Line to Eagleswood Twp. Line)	1.69
99	Stafford Forge Rd. - <i>Route 606</i> (Route 539 to Eagleswood Twp. Line)	1.00
103	Center St. (Tuckerton Boro. Line to 3,726.29 ft. So. of Mathistown Rd.)	2.29
TOTAL		30.18

LONG BEACH TOWNSHIP (18)

7	Long Beach Blvd. - <i>Route 607</i> (Barnegat Light Boro Line to Harvey Cedars Boro Line; Harvey Cedars Boro Line to Surf City Boro Line; Ship Bottom Boro Line to North Beach Haven Boro Line; to South Beach Haven Boro Line to the southerly line of McKinley Ave.)	9.67
43	Beach Ave. (E. MacEvoy Ln. to Beach Haven Boro Line)	1.48
107	20th St. & Arnold Blvd. (High Bar Harbor) (Barnegat Light Boro Line to High Bar Channel)	.77
TOTAL		11.92

MANCHESTER TOWNSHIP (19)

1	Route 539 (Jackson Twp. Line to Lacey Twp. Line)	7.50
2	Beckerville Rd. and Manchester Blvd. (Horicon Ave. - Beckerville Rd. to Lacey Rd.)	3.65
3	South Hope Chapel Rd. - <i>Route 547</i> (Lakehurst Boro Line to Jackson Twp. Line)	2.30
4	Part of Old Browns Mill Rd. (Horicon Ave. to S.H. 70)	.45

*Revised since last publication.

ROAD NO.	NAME OF ROAD	LENGTH MILES
6	Ridgeway Blvd. (South Hope Chapel Rd. thru Ridgeway to South Hope Chapel Rd.)	2.30
8	Commonwealth Blvd. (S.H. 37 to Toms River-Cassville-Trenton Rd.)	2.44
10	Beacon St. (Toms River-Cassville- Trenton Rd. to Commonwealth Blvd.)	.40
12	Cherry St. and Lakewood Ave. (Manchester Blvd. to Route 539)	1.38
14	Horicon Ave. - Beckerville Rd. (Route 539 to S.H. 70)	4.30
18	Pasadena Rd. (Rt. 539 to Burlington Co. Line)	4.70
22	School House Rd. (C.R. 33 to C.R. 55)	1.43
24	Roosevelt City Rd. (from Route 539/Warren Grove Whiting Rd; North)	.25
27	Ridgeway Rd. (Route 571) (TR Twp. Line to Jackson Twp. Line)	4.44
33	Lacey Rd. (Lacey Twp. Line to Pinewald- Keswick Rd/Route 530 thence from Pinewald-Keswick Road to Route 539) <i>Route 614 (Lacey Twp. Line to Pinewald-Keswick Rd.)</i> <i>Route 530 (from Lacey Rd. to Route 539)</i>	2.03
55	Pinewald-Keswick Rd. - <i>Route 530</i> (Lacey Road to Berkeley Twp. Line)	3.60
TOTAL		41.17

MANTOLOKING BOROUGH (20)

5	Herbert St. - <i>Route 528</i> (Brick Twp. Line to S.H. 35)	.14
TOTAL		.14

OCEAN GATE BOROUGH (21)

600 Routes Not Posted

2	Ocean Gate Ave. (Barnegat Ave. to Boardwalk)	.46
4	Long Branch Ave. East & West (Ocean Gate Dr. to Narragansett Ave.)	1.07
6	Cape May Ave. (Red Bank Ave. to Asbury-Atlantic to Narragansett Ave.)	.75
8	Red Bank, Arverne (East & West) & Narragansett Ave. (Barnegat Ave. to Bayview Ave.)	1.45
10	Avalon Ave. (Ocean Gate Ave. to Asbury Ave.)	.12
12	Asbury Ave. (Avalon Ave. to Long Branch Ave.)	.23

*Revised since last publication.

ROAD NO.	NAME OF ROAD	LENGTH MILES
13	Bayview Ave. (East and West) (Ocean Gate Dr. to the E. Boro Line) and Chelsea Ave. (W. Boro Line to the Toms River) <i>Route 617 (Berkeley Twp. Line to Ocean Gate Ave.)</i> <i>(Ocean Gate Ave. to Berkeley Twp Line)</i>	1.27
14	Longport Ave. (East Boro Line to T.R. to West Boro Line)	.75
16	Atlantic Ave. (East and West) (West Boro Line to Ocean Gate Ave.- Wildwood Ave. to Anglesea Ave.)	.55
18	Point Pleasant Ave. (East and West) (East Boro Line to West Boro Line)	1.20
20	Barnegat Ave. (West Boro Line to Ocean Gate Ave.)	.32
21	Ocean Gate Dr. - <i>Route 625</i> (Berkeley Twp. Line to Chelsea Ave.)	.50
22	Anglesea Ave. (South Boro Line to Toms River)	.36
24	Lakewood Ave. (Ocean Gate Dr. to Narragansett Ave.)	1.05

TOTAL

10.08

OCEAN TOWNSHIP (22)

600 Routes Not Posted

10	Barnegat Beach Dr. (S.H. 9 to Hightide Drive)	1.00
12	Bay Parkway (S.H. 9 to Barnegat Bay)	1.53
16	Clearwater Dr. (S.H. 9 to Barnegat Bay)	.40
18	Lighthouse Dr. (S.H. 9 to Barnegat Bay)	1.12
23	Main St. - <i>Route 613</i> (.10 Mile North of S.H. 9 South thru Waretown to S.H. 9)	1.63
95	Wells Mills Rd. & Bryant Rd. (Barnegat Bay to Barnegat Twp. Line) <i>Route 532 (Route 9 to Barnegat Twp. Line)</i> <i>Route 612 (Route 9 to Barnegat Bay)</i>	7.35
97	Brookville Rd. - <i>Route 611</i> (Barnegat Twp. Line to Warren Grove/Wells Mills Rd.)	1.45
101	Seventh St. (Seneca Blvd. to Main St.)	1.26

TOTAL

15.74

PINE BEACH BOROUGH (23)

2	Prospect Ave. (Motor Rd. to Station Ave.)	.93
4	Motor Rd. (S.H. 9 to Prospect Ave)	.49
6	Pennsylvania & Station Aves. (Motor Rd. to Springfield Ave.)	.85

8	Washington Ave. (S.H. 9 to Motor Rd.)	.29
10	Grant Ave. (S.H. 9 to Motor Rd.)	.06
13	Springfield Ave. - Station Ave. - Prospect Ave. (Beachwood Boro Line to Berkeley Twp. Line) <i>Route 617 (Berkeley Twp. Line to Station Rd. to Springfield Ave. thence along Springfield Ave. to Beachwood Boro Line)</i>	1.12
TOTAL		<u>3.74</u>

PLUMSTED TOWNSHIP (24)

600 Routes Not Posted

1	Pinehurst Rd. - <i>Route 539</i> (Monmouth Co. Line to Jackson Twp. Line)	8.35
2	Front St., Magnolia Ave. Archertown-Colliers Mills Rd. - <i>Route 640</i> (Brindletown Rd. to Hawkins Rd.)	4.70
4	Brindletown Rd. & Long Swamp Rd. (Main St. to Pinehurst Rd.)	5.80
5	Maple Ave. - N. Main Street - Lakewood Rd. (Burlington Co. Line to Jackson Twp. Line) <i>Route 616 (Rt. 528) to Burlington Co. Line)</i> <i>Route 528 (Maple Ave. to Jackson Twp. Line)</i>	5.00
6	Archertown Rd. (C.R. 4 to C.R. 2)	1.10
8	Evergreen Rd. (Main St. to Monmouth Rd.)	1.50
10	No. Main St. & High Bridge Rd. (C.R. 5 to Monmouth Rd.)	2.00
12	New Egypt-Jacobstown Rd. - <i>Route 528</i> (Main St. to Burlington Co. Line)	1.00
14	Monmouth Rd. - <i>Route 537</i> (Burlington Co. Line towards Prospertown Rd.)	4.70
18	Bunting Bridge Rd. (Brindletown Rd. to Burlington Co. Line)	.12
20	Millstream Rd. (East & West) (Monmouth Rd. to Monmouth Rd.)	2.38
22	Brown Lane (No. Main St. to Moorehouse Rd.)	.30
24	Fischer Rd. (C.R. 5 to C.R. 2)	.95
26	Hornerstown Rd. (C.R. 1 to C.R. 14)	.50
28	Bright Rd. (Evergreen Rd. to No. Main St.)	.47
61	Hawkin Rd. - <i>Route 640</i> (Dividing Line between Plumsted & Jackson Twps.) (Monmouth Rd. to Colliers Mills Rd.)	2.19
TOTAL		<u>41.06</u>

*Revised since last publication.

*Revised since last publication.