
Borough of Seaside Heights **Municipal Public Access Plan**

Submitted by: Borough of Seaside Heights

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Approved by the New Jersey Department of Environmental Protection:

TBD

Adoption by the Borough of Seaside Heights:

TBD

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Introduction

This document is intended to provide a comprehensive public access plan for the Borough of Seaside Heights (Borough) 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, last amended February 20, 2020. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory provisions.

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 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 Public Trust 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, including the State of New Jersey, allowing the public the right to all lands, water and resources held in the public trust. The New Jersey Department of Environmental Protection (NJDEP) encourages municipalities to develop and adopt MPAP 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.

Importance of Municipal Public Access Plans

The concept of MPAP is derived from the notion that public access to tidal waters is fundamentally linked to local conditions. The development of a MPAP enables a municipality to plan, implement, maintain, and improve the provision of public access for its residents and visitors based on its own unique conditions and needs. It also informs decision making for public access requirements associated with future development projects.

The Borough 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 NJDEP issued Coastal Area Facility Review Act (CAFRA) or Waterfront Development permit, the Borough will provide NJDEP with a letter confirming its consistency with this MPAP. Upon adoption of this MPAP into the municipal Master Plan, the NJDEP public access requirement shall be satisfied in accordance with this plan.

I. Municipal Public Access Vision

A. Overview of Municipality

The Borough of Seaside Heights (Borough) is a barrier island community located between Barnegat Bay and the Atlantic Ocean in northeastern Ocean County, New Jersey.



Map 1: Proximity to Tidal Waterways

The Borough's year-round population of just under 3,000 increases to 30,000 or more in the summer months.¹ As such, the community is heavily impacted by and reliant upon tourism and access to its waterfront amenities.

With coastlines along the Atlantic Ocean and Barnegat Bay, extensive opportunities are available for public access to the bayfront and oceanfront. Much of the oceanfront and bayfront property is publicly owned by the Borough, allowing for significant areas of shoreline with unobstructed public access. The oceanfront boardwalk and its restaurants and amusements draw many visitors to the Borough in the summer months.

Hurricane Sandy in 2012 and a subsequent fire in 2013 were particularly damaging to the oceanfront boardwalk, beach, amusement pier and associated physical infrastructure. Reconstruction efforts to preserve the oceanfront boardwalk and amusement pier known as Casino Pier located at the center of the boardwalk reinforce the high value of these amenities to the Borough and its commitment in maintaining access to them.

Access to the Borough from the mainland is via the Route 37-Mathis Bridge; Toms River Township is located at the west side of Barnegat Bay. To the north is the barrier island portion of Toms River Township, to the south is Seaside Park Borough, and directly abutting to the west is Berkeley Township.

B. Municipal Public Access Goals and Objectives

i. Goals & Objectives

The Borough affirms the following State required goals specifically for public access:

- a.** Maintain existing public access to the maximum extent practicable.
- b.** Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
- c.** Provide clear informative signage for access locations.
- d.** Preserve public access through conservation restrictions or similar means.

The Borough MPAP 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 set forth at N.J.A.C. 7:7-1.1 (c).

ii. Municipal Master Plan Consistency

The goals and objectives of this MPAP have been reviewed and are consistent with the Municipal Master Plan (Master Plan). The Master Plan, adopted in 1978 and most recently reexamined in 2005, includes the following goal:²

¹ The 2010 census identifies the total population as 2,887. The *Seaside Heights Vision Plan* dated October 2009 notes that the year-round population increases by approximately 10 times in the summer months.

² An updated Master Plan Reexamination is currently in process.

- a. Areas of unique natural beauty should be preserved for the benefit of not only the residents of the Borough but of the county and state as well. ***The Borough will encourage preservation of key areas for future park and recreational development*** in order to maintain the present character of the Borough.

As discussed in the Master Plan, waterfront amenities are recognized as a major recreational and economic asset for the Borough. Water-related recreation is identified as a key function of the Borough and maximizing recreational opportunities on Borough-owned property is a noted priority. The Master Plan specifically notes that the Borough-owned bayfront facilities should be maintained and upgraded when feasible to continue to allow for fishing and crabbing. The stated goals of the Master Plan are thereby consistent with the goals of this MPAP to preserve and maintain public access and make provision for fishing.

II. Existing Public Access

A. Public Access Locations

Public access is available along nearly the entirety of the Borough's oceanfront and bayfront as illustrated below in Map 2.



Map 2: Existing Public Access Locations

Most waterfront parcels in the municipality are under Borough ownership and provide public access. The Borough leases some of its parcels to private operators, which allows for provision of amenities including food sales, watercraft rentals, bait/tackle sales, fishing equipment rentals, and other recreation opportunities that would not otherwise be available. Existing public access points and associated amenities are described in the following section. In addition, Borough-sponsored programs that highlight and utilize waterfront public amenities are noted. For additional details regarding all access points and associated recreation types, amenities and facilities, refer to Appendix 1.

i. **Bayfront Access and Amenities**

Access to the bayfront beach and recreation areas is free and does not require a beach badge.

- **North Pier (Map ID 13):** North Pier is a fishing and crabbing pier located just south of Cranberry Inlet Marina and accessible from Route 35 South. Pedestrian access across Route 35 is via crosswalk located between Fremont Avenue and Kearney Avenue. Stewart’s Restaurant is a private operator that leases a portion of land area from the Borough and is required to provide a public restroom as part of its lease agreement. Additional amenities include free parking, boat rentals, and a bait and tackle shop.



North Pier

- **Sunset Beach (Map ID 13/14).** Sunset Beach extends along the bayfront to the south of North Pier and includes shallow water areas for swimming.



Boardwalk at Sunset Beach

Sunset Beach offers numerous amenities, including:

- Playground
 - Swimming (lifeguard)
 - Crabbing and fishing pier (additional to North Pier)
 - Boardwalk³
 - Gazebo and benches
 - Free parking, including ADA accessible
 - Dog-friendly beach (pilot program)
- **Pedals N Paddles (Map ID 14).** The southern portion of Sunset Beach is leased by Pedals N Paddles, a private operator offering paddleboard, pedal boat, electric boat and kayak rentals.
 - **Public Boat Ramp (Map ID 14).** A public boat ramp is located near the southern end of the Sunset Beach parking area, next to Pedals N Paddles. The water area next to the boat ramp is relatively shallow and suited for small watercraft and kayaks. The ramp may be utilized daily for a fee administered by Pedals N Paddles. Free parking is available at Sunset Beach.

³ An accessible ramp is located at the north end of the boardwalk near the ADA accessible parking spaces.



Public Boat Ramp at Sunset Beach

- **South Pier (Map ID 15).** South Pier is located on the bayfront, just south of the Route 37 bridge. An ADA accessible, striped crosswalk allows for pedestrian access across Route 35. A private operator, Dock Outfitters, leases the north portion of this parcel from the Borough and provides watercraft rentals, bait and tackle sales and equipment rentals. A fishing and crabbing pier and fish cleaning station are available for public use and free parking is available.

ii. **Oceanfront Access and Amenities**

A public boardwalk traverses the entire oceanfront of the Borough. Access to the boardwalk is from the eastern end of each street starting at Dupont Avenue at the south and extending to Hering Avenue at the north.

Ocean beach access is via ADA accessible dune crossovers from the boardwalk in the following locations:

- Between Dupont Avenue and Lincoln Avenue
- Franklin Avenue
- Between Franklin Avenue and Hamilton Avenue
- Between Webster Avenue and Sumner Avenue
- Between Sumner Avenue and Blaine Avenue
- Between Sheridan Avenue and Hancock Avenue
- Between Hancock Avenue and Fremont Avenue
- Between Kearney Avenue and Carteret Avenue
- Between Carteret and Sampson Avenue
- Between Sampson Avenue and Hering Avenue

A beach badge is required for use of the ocean beach and facilities during the operating season as determined by the Borough. Daily beach badges are available for purchase at kiosks on the boardwalk. Seasonal beach badges may be purchased at Borough Hall, located at 901 Boulevard. A beach badge schedule is provided as Appendix 2. The ordinance amending the Borough Code to be consistent with N.J.A.C. 7:7-16.9(v)5 was adopted October 7, 2020 (Ordinance 2020-07) and is provided as Appendix 3.

Specific types of amenities and their locations are discussed in the following section. Refer to Map 2 for public access locations and to Appendix 1 for a summary of amenities at each mapped public access location.

- **Vehicle Parking.** On-street metered parking is available at every street end east of Ocean Terrace with the exception of Hiering Avenue and Porter Avenue. On-street metered parking is also available along the east and west sides of Ocean Terrace. Privately operated surface parking lots are available in numerous locations along Ocean Terrace.
- **Bicycle parking.** Bicycle racks are located at the following street ends east of Ocean Terrace: Dupont Avenue, Lincoln Avenue, Franklin Avenue, Hamilton Avenue, Webster Avenue, Sumner Avenue, Blaine Avenue, Sheridan Avenue, Hancock Avenue, Fremont Avenue, Kearney Avenue, Carteret Avenue, Sampson Avenue.
- **Public Restrooms.** Public restrooms are housed on the boardwalk in two buildings: the lifeguard station building between Webster Avenue and Hamilton Avenue and the lifeguard station between Fremont Avenue and Kearney Avenue.
- **Showers.** Shower pedestals are provided at numerous locations along the boardwalk.
- **Restaurants.** Numerous restaurants are located along the boardwalk and include fast-casual and sit-down establishments. The restaurants are generally between Dupont Avenue and Sherman Avenue.
- **Amusements.** Arcades and games are located along the boardwalk, primarily between Dupont Avenue and Sherman Avenue. The most concentrated area of amusements, including rides and games, is located at Casino Pier between Grant Avenue and Sherman Avenue.
- **Swimming.** As set forth in Borough Code Chapter 33 (Appendix 4), swimming is permitted during beach operating hours when lifeguards are on duty. Lifeguards are generally on duty from 9 am to 7 pm on Friday, Saturday, Sunday, and holidays and from 9 am to 4 pm on Monday through Thursday.
- **Fishing.** Fishing is permitted from all municipal beaches after operating hours, until 5 am. Fishing may be permitted during operating hours, but it is recommended that anyone wishing to fish during operating hours first check with the lifeguard on duty.
- **Surfing.** The designated surfing beaches are at Hiering Avenue and Grant Avenue when lifeguards are on duty during regular beach operating hours. Surfing may be permitted in other areas during operating hours, but it is recommended that anyone wishing to surf outside of the designated surfing beaches first check with the lifeguard on duty.
- **ADA Ramps.** All of the dune crossovers from the boardwalk to the beach are ADA accessible. ADA accessible ramps to the boardwalk are available at the following street ends east of Ocean Terrace: Dupont Avenue, Lincoln Avenue, Franklin Avenue, Webster Avenue, Sumner Avenue, Blaine

Avenue, Sheridan Avenue, Hancock Avenue, Fremont Avenue, Kearney Avenue, Carteret Avenue, Sampson Avenue, and Hirling Avenue.

iii. **ADA Amenities**

In addition to ADA facilities referenced above at bayfront and oceanfront locations, the Borough provides free beach surf chairs and wheelchairs for use by visitors with physical disabilities. Beach surf chairs are available at the lifeguard headquarters between Webster Avenue and Hamilton Avenue. Wheelchairs are available at the visitor center on the boardwalk at Blaine Avenue.

iv. **Special Events and Programs**

The Borough sponsors numerous free events and activities during the summer and fall months that expand public access and utilize the waterfront amenities. Stages used for special events are located on the oceanfront boardwalk at Hirling Avenue, Carteret Avenue, Franklin Avenue and at the south side of Casino Pier.⁴

- **Summer Concert Series.** In July and August, free concerts are held at oceanfront boardwalk stages.
- **Bonfires on the Beach.** Bonfires are held on the oceanfront beach between Hancock Avenue and Fremont Avenue on selected evenings in July and August.
- **Fireworks.** In July and August, fireworks displays are conducted on Wednesday evenings (weather permitting) and may be viewed from the oceanfront boardwalk.
- **Camping on the Beach.** On selected summer evenings, camping is permitted on the oceanfront beach at Hirling Avenue. Pre-registration is required and space is limited.
- **Movies on the Beach.** In July and August, movies are shown at the Carteret Avenue stage with seating on the beach.

B. Limitations to Public Access

i. **Permanent Restrictions**

The only permanent restrictions to public access are along areas of the bayfront that are under private ownership. This includes the residential neighborhood along Hirling Avenue and Bayside Terrace with bay and lagoon frontage.

ii. **Temporary Restrictions**

As detailed in Chapter 33 of the Borough Code, oceanfront beach access is generally prohibited after 10 pm except in the case of special events. Oceanfront boardwalk access is restricted between the hours of 3 am and 6 am; this Code provision is enforced as needed. Dogs are not permitted on the oceanfront beach except certain times during the off-season. Refer to the Borough Code for specific restrictions on beach and boardwalk access as this may be updated periodically.

⁴ For a complete list of special events and to confirm dates and times, refer to the official Borough of Seaside Heights website (<http://www.seaside-heightsnj.org/>) or to its privately managed tourism website (<http://www.exit82.com/>).

III. Community Needs Assessment

Perpendicular public access is available to and along nearly the entirety of the bayfront. The northern portion of the bayfront is developed with single family homes and with Cranberry Inlet Marina; in these areas, public access is unavailable or limited. North Pier, Sunset Beach and South Pier all provide significant opportunities for public access to and along the bayfront and recreational opportunities for boating, fishing and swimming. Free parking, including ADA accessible spaces, is available in surface lots to the north and south of Stewart's Restaurant. Restrooms are available for public use within Stewart's Restaurant as required by its lease agreement with the Borough.

Perpendicular public access to and along the oceanfront is virtually unobstructed. Access to the boardwalk is from ADA accessible ramps and stairs leading from the public rights of way/street ends just east of Ocean Terrace. Access from the boardwalk to the beach is by dune walkovers, all of which are ADA accessible. Numerous opportunities for recreation and amusement as well as physical and visual access to the oceanfront are provided along the boardwalk. Metered parking is widely available along Ocean Terrace as well as the street ends that abut the boardwalk. Private surface parking lots are also available in numerous locations along Ocean Terrace. Public restrooms are available in two buildings on the boardwalk located near Webster Avenue and Kearney Avenue. Additional restrooms are available to patrons of restaurants and businesses located on the boardwalk.

This community needs assessment concludes that unobstructed public access for swimming, boating and fishing, including ADA access, as well as supportive amenities such as restrooms and parking are widely available in the Borough. Borough-sponsored events on the oceanfront and boardwalk maximize the waterfront resources for the good and enjoyment of the community and its visitors. Preservation and maintenance of existing facilities and access points are the greatest community needs.

IV. Implementation Plan

The Borough of Seaside Heights has created an Implementation Plan as described in the following section.

A. Priorities

The Borough of Seaside Heights developed the following priorities:

i. Maintain Existing Public Access

The Borough Public Works Department is responsible for maintenance of the Borough's beaches, public lands, and access thereto. Additionally, the Borough was included in the U.S. Army Corps of Engineers Beachfill and Dune Reconstruction Project as part of long-term coastal infrastructure maintenance to ensure long term viability of oceanfront public access.

a. US Army Corps of Engineers Beachfill and Dune Reconstruction

Hurricane Sandy significantly damaged the oceanfront beach, boardwalk, and associated physical infrastructure. As part of future storm mitigation efforts and long-term maintenance of waterfront amenities, the Borough is part of a large-scale storm mitigation project extending along the oceanfront in Ocean County known as the Beachfill and Dune Reconstruction project. This included construction of

dunes to Elevation 18 (NAVD 88) so that the ocean remains visible from the boardwalk located at Elevation 16, as well as construction of vehicular and ADA accessible pedestrian dune crossovers.

ii. Preserve Public Access

The Borough owns bayfront and oceanfront parcels that facilitate physical and visual public access.

a. Publicly Owned Parcels

Public ownership of waterfront land facilitates preservation of public access in accordance with the Public Access Rule at N.J.A.C. 7:7-16.9 and this MPAP. The following parcels are under Borough, fee simple ownership and are included in the Borough’s Recreation and Open Space Inventory (ROSI) and the NJDEP Green Acres Open Space Database:

Block	Lot	Description/Location	Map ID ⁵
1.02	1	North Pier and Sunset Beach	13, 14
1.01	1	South Pier	15
55	9	Hiering Avenue beach/boardwalk access	11
99.01	1	Oceanfront boardwalk/beach: Dupont Avenue to Blaine Avenue	1-5
99.01	1.01	Oceanfront beach/water: Dupont Avenue to Blaine Avenue	1-5
99.02	1.06	Oceanfront boardwalk/beach: Sherman Avenue to Hiering Avenue	7-11
99.02	1.07	Oceanfront beach/water: Sherman Avenue to Hiering Avenue	7-11

Parcels included in the ROSI are subject to preservation requirements of the Green Acres Program and will therefore be preserved for public use. An excerpt of the Green Acres Open Space Database showing parcels included in the ROSI is enclosed as Appendix 5.

iii. Plan for Future Projects

Future planning and priorities include improvements to existing facilities or parcels rather than land acquisition because the Borough currently owns much of waterfront land in the municipality. The following future projects are contemplated:

- **Oceanfront:** A public restroom building destroyed in Hurricane Sandy may be reconstructed. The restroom building was located west of the boardwalk at Hiering Avenue and would be reconstructed in the same footprint.
- **Sunset Beach:** Dredging and reconstruction of boat ramp
- **Sunset Beach:** Boardwalk improvements to increase ADA accessibility

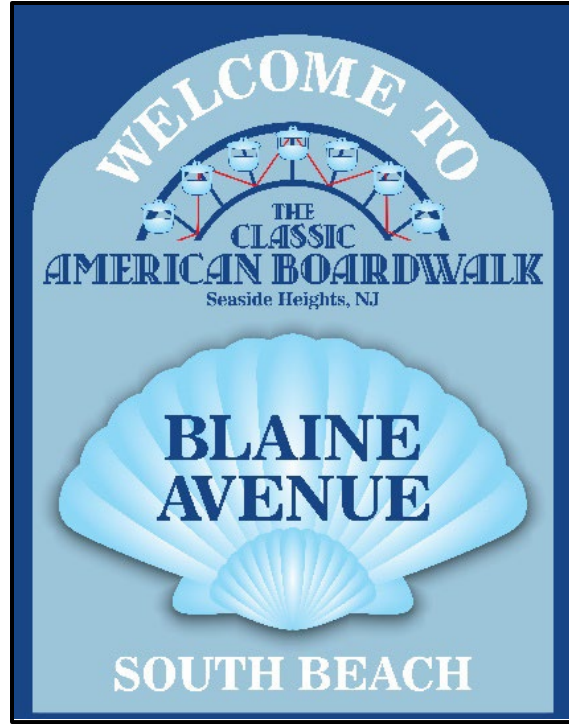
B. Signage

Public access signage is prevalent in the Borough. Examples of existing signage include:

⁵ Refer to Map 2, Public Access Locations.



North Pier Signage



Beach and Boardwalk Signage

Beach and boardwalk signage is located at every street end east of Ocean Terrace. Every effort is made to alert the public to opportunities for public access through appropriate signage.

The Borough's draft Public Access Signage Ordinance is attached as Appendix 6.

V. Relationship to the Other Regional and State Plans

This MPAP has been reviewed for consistency with and has the following relationship to other Regional and State Plans:

A. Ocean County Master Plan

The Ocean County Master Plan (County Master Plan), last updated in December of 2011, sets forth the guiding principles for physical development of Ocean County. As described in Chapter 7 (Land Use) of the County Master Plan, tourism related to the beaches, marinas and other waterfront amenities is vital to the economy in Ocean County and its municipalities. The Barnegat Bay Estuary as well as the Atlantic Ocean are important commercial and recreational resources. The County Master Plan notes that Ocean County has been supportive of efforts by NJDEP and the US Army Corps of Engineers to protect and preserve the shoreline through beach and dune replenishment. The Borough MPAP, which serves to protect and preserve its shoreline amenities and public access thereto, is consistent with the County Master Plan which identifies similar goals for preservation of recreational and economic assets.

B. State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (State Plan) guides planning decisions and priorities throughout the State of New Jersey. Included among the State Plan statewide policies related to open lands and natural systems is the policy to *maintain and improve public access to coastal and waterfront areas of recreational, aesthetic, cultural or ecological value, provided such access does not degrade the function or value of the natural resource system*. As it seeks to preserve and maintain public access and waterfront amenities, the Borough MPAP is consistent with the State Plan.

VI. Resolution of Incorporation

The Borough of Seaside Heights has prepared a draft resolution for the incorporation of the MPAP into its Master Plan. See Appendix 7 for the draft resolution.

Appendix 2: Borough of Seaside Heights Public Access Locations Table

Map ID*	SIGNS	PARKING	STREET	CROSS_STREET	BADGE	SWIMMING	FISHING	SURFING	PLAYGRD	PARK	PIER	BOATLNCH	MARINA	RESTRM**	H/C	SHORE-LINE	ACCESS_TYPE
1	Yes	pay, street	Dupont/Lincoln Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
2	Yes	pay, street	Franklin Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
3	Yes	pay, street	Franklin/Hamilton Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
4	Yes	pay, street	Webster/Sumner Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
5	Yes	pay, street	Sumner/Blaine Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
6	Yes	pay, street	Sheridan to Grant	Ocean Terrace	No	No	No	No	No	No	Yes	No	No	Yes	boardwalk	Ocean	Visual
7	Yes	pay, street	Sheridan/Hancock Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
8	Yes	pay, street	Hancock/Fremont Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
9	Yes	pay, street	Kearney/Carteret Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
10	Yes	pay, street	Carteret/Sampson Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach, boardwalk	Ocean	Beach
11	Yes	pay, street	Hiering Ave	Ocean Terrace	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	beach/boardwalk	Ocean	Beach
12	No	free, street	Bayside Terrace	Hiering Ave	No	No	Yes	No	No	No	No	No	No	No	N/A	Canal	Visual
13	Yes	free, lot	Route 35	Kearney - Sherman Ave	No	Yes	Yes	No	Yes	No	Yes	No	No	Yes	pier, parking	Bay	Fishing, beach
14	Yes	free, lot	Route 35	Sherman - Blaine Ave	No	Yes	Yes	No	No	No	No	Yes	No	Yes	boardwalk, parking	Bay	beach
15	Yes	free, lot	Route 35	Dupont - Porter Ave	No	No	Yes	No	No	No	Yes	Yes	No	Yes	pier	Bay	Fishing, beach

*See Map 2: Public Access Locations.

** Public restrooms on the oceanfront boardwalk are in the lifeguard station buildings.

ORDINANCE 2020-07

AN ORDINANCE OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF SEASIDE HEIGHTS, SO AS TO AMEND CHAPTER 33, ENTITLED "BOARDWALK AND BEACHES"

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

SECTION 1. The Borough Code of the Borough of Seaside Heights is hereby amended and supplemented so as to amend Chapter 33 entitled "Boardwalk and Beaches," so as to amend § 33-7 entitled "Fee for use" so as to amend subsections G. and H. in their entirety so that they shall read as follows:

G. Daily wristbands/beach badges and senior badges shall be for the exclusive use of the purchaser and shall not be assigned, transferred, loaned, given, sold, rented or leased to any person.

H. Weekly and season beach badges shall be transferable at the discretion of the badge or pass holder.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Seaside Heights held on the 2nd day of September, 2020, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 7th day of October, 2020 at 5:00 p.m., in the Council Chambers located in the George E. Tompkins Municipal Complex, 116 Sherman Avenue, Seaside Heights, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



DIANE B. STABLEY, RMC

Borough Clerk, Borough of Seaside Heights

§ 33-1. Establishment of oceanfront resort area.

There is hereby established a place of resort for public health, recreation, bathing and entertainment, including construction and maintenance of boardwalk, bathing and recreational facilities, safeguards and equipment in this Borough at the oceanfront, upon all of the lands owned by this municipality or leased by it fronting upon the Atlantic Ocean.

§ 33-2. Maintenance by Borough.

Said place of resort for public health, recreation, bathing and entertainment shall be maintained by the Borough of Seaside Heights.

§ 33-3. Safeguards, equipment and facilities.

The municipality shall acquire, construct, use and maintain such safeguards, equipment and facilities as shall be necessary in the proper establishment and maintenance of said place of resort for public health, recreation, bathing and entertainment. The municipality shall have the right and authority to purchase, rent or otherwise acquire lifeboats, ropes, poles and other safeguards, recreational facilities and equipment for the recreation, protection and safeguard of human beings at said place of resort, while bathing or otherwise, at said place of resort.

§ 33-4. Lifeguards and other seasonal employees. [Amended 5-19-1999 by Ord. No. 99-15]

The municipality shall employ such lifeguard or lifeguards and other seasonal employees as may be required for the proper supervision of public bathing at designated public beaches within the Borough of Seaside Heights.

§ 33-5. Policing.

The municipality shall have the right to police said place of resort and to hire, engage and pay such police officers as shall be necessary for the proper policing of said place of resort.

§ 33-6. Protection, construction and maintenance.

The municipality shall have the right to:

- A. Protect said place of resort and the lands thereof from erosion, encroachment and damage by sea, or otherwise.

- B. Construct and maintain public boardwalks and walks and approaches thereto.

§ 33-7. Fee for use. [Amended 2-4-1998 by Ord. No. 98-5; 12-15-1999 by Ord. No. 99-34; 3-1-2000 by Ord. No. 2000-5; 3-2-2005 by Ord. No. 05-09; 4-19-2006 by Ord. No. 06-05; 12-2-2009 by Ord. No. 09-11; 2-6-2013 by Ord. No. 13-05; 7-16-2014 by Ord. No. 14-15; 1-20-2016 by Ord. No. 16-04; 2-15-2017 by Ord. No. 17-02; 12-6-2017 by Ord. No. 17-20]

In order to provide funds to improve, maintain and police the said place of resort and to protect the same from erosion, encroachment and damage by sea. or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged to the person using said lands and bathing facilities for access to the beach and bathing and recreational facilities. provided that such fees shall not be charged or collected from children under the age of 12 years. nor from active and retired military personnel and their dependents upon presentation of proper identification confirming such status:

- A. During normal bathing season: \$8 per day per person during the usual bathing season from May 15 to September 15.
- B. The Borough Administrator, by resolution adopted annually by the Borough Council, may be authorized to develop and approve promotions consisting of free or discounted daily, weekly, and season beach badges, including, but not limited to, the Lakewood Blue Claws free daily beach pass promotion (approximately 200,000 beach pass awards); Mom and Me Day; Dad and Me Day; Bring a Friend to the Beach Day; Val Pak mailer promotion; AAA magazine promotion; radio promotions; social media promotions; and prizes that are part of nonprofit organization fundraisers (e.g., gift basket prizes). Likewise, the Borough Council reserves the right to waive or reduce the beach fees for certain days in the event the Borough is successful in obtaining sponsorship for those days. In the event the governing body is successful in obtaining the necessary sponsorship for a beach day or days, the Borough shall designate the beach day or days by resolution.
- C. Individuals desiring to purchase a weekly beach badge running from Saturday through Friday of any given week shall be required to pay a fee of \$35 per week.

- D. Individuals desiring to purchase a season beach badge shall be required to pay a fee of \$45 per season if said badge is purchased on or before May 15. If the season beach badge is purchased after May 15, the price shall be \$60 per season.
- E. Individuals desiring to purchase a weekly beach badge, season beach badge, or senior beach badge, shall make application to the Borough of Seaside Heights on a form approved by the Borough Administrator.
- F. No person may purchase more than five weekly beach badges per week and five season beach badges per season.
- G. All daily wristbands, weekly beach badges, season beach badges, and senior beach badges shall be for the exclusive use of the registrant or purchaser and shall not be assigned, transferred, loaned, given, sold, rented, or leased to any other person.
- H. Nothing in Subsection G above shall prevent the use of any weekly beach badge or season beach badge, excluding senior beach badges, by the registrant's or purchaser's immediate family. "Immediate family" is defined as the registrant's or purchaser's spouse, child, brother, sister, mother, father, grandparent, grandchild, son-in-law, and daughter-in-law.
- I. Senior citizen season beach badge fee. Any person 65 years of age or older shall be entitled to purchase a season beach badge for a fee of \$10 upon presentation of a copy of a birth certificate, or other valid proof of age, together with a photo identification. Any "lifetime" or "VIP" senior beach badge issued by the Borough of Seaside Heights prior to December 31, 2015, shall remain in full force and effect.
- J. Beach badges shall not be resold, bartered, or redeemed for cash.
- K. The counterfeiting, copying, duplication or other reproduction of any daily wristband, weekly beach badge, or season beach badge issued by the Borough by anyone other than the Borough or its authorized representatives is hereby prohibited.
- L. Each daily, weekly, and season beach badge constitutes a license to use the beach, which license may be revoked by the Borough Administrator or his designee in the event that the licensee misuses the beach badge or otherwise violates any section of this chapter.

- M. The Borough shall not be responsible for misplaced, lost, stolen, and forgotten beach wristbands and badges, including, but not limited to, "lifetime" and "VIP" senior beach badges.

§ 33-8. Prohibited acts. [Amended 3-2-2005 by Ord. No. 05-09]

Unless 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, no person shall do any of the following things at or upon the place of resort for public health, recreation, bathing and entertainment:

- A. Throw, drop, discard or leave any wastepaper, garbage or other refuse on the beach or in the water or anywhere which is not a designated trash or recycling receptacle; or in any way litter, make unsightly, damage, destroy or disfigure the said beach or any public or private property thereat.
- B. Sell, peddle or hawk any food, drink or confections upon the public beach.
- C. Noise: **[Amended 5-17-2017 by Ord. No. 17-14]**
- (1) Bring onto the beach or Boardwalk Promenade amplified music of any kind without having been issued a permit. Boom boxes, speakers, speaker systems, radios, and other amplification devices are not permitted on the beach;
 - (2) Make any loud noise, sound or music to the annoyance of any other person; or
 - (3) Use loud or obscene language.
- D. Play ball or any other game, ride or operate a surfboard or engage in any activity which will endanger another person or interfere with the enjoyment of the quiet use of the beach or public boardwalk or said place of public resort by another person or do anything which shall endanger the life, health or safety of oneself or any other person.
- E. Take any intoxicating liquor upon any public beach or public boardwalk.
- F. Take or permit his or her dog to be or go upon the beach or in the water at a public bathing beach or upon the public boardwalk except from October 1 of each year through the Sunday before

Palm Sunday of each succeeding year.¹ **[Amended 4-5-2017 by Ord. No. 17-08]**

- G. Go into or remain in the water at any beach when:
 - (1) It is unsafe to do so. This prohibition shall include swimming out from the beach so far that it is unsafe.
 - (2) Directed by a public lifeguard to come from said water.
 - (3) Intoxicated.
- H. Molest or disturb any person in the peaceful enjoyment of said beach, boardwalk or bathing facilities.
- I. Go out in the water at a bathing beach:
 - (1) Farther than directed by a public lifeguard.
 - (2) In violation of a reasonable order of a lifeguard when the safety of the bather is or may be endangered by going in the water.
- J. Refuse or neglect to obey the orders and directions of a public lifeguard as to time, place and distances for bathing, or interfere with or obstruct a police officer or lifeguard in the performance of his or her duty. Nor shall any person fail to obey the order of the captain of the lifeguards or, in his or her absence, the second-in-command of the beach patrol ordering the lowering of beach umbrellas when wind conditions require the same. Additionally, this shall apply to the captain's order to remove surf rafts from the ocean when conditions have been determined to require the same.
- K. Operate a privately owned motor vehicle on the public boardwalk at any time.
- L. Operate a privately owned beach buggy or other motor vehicle on a beach during times and hours when the beach is opened for bathers, which shall be during times when lifeguards are on duty.
- M. Enter or attempt to enter upon the public beach without having purchased a current and valid beach badge from the Borough of Seaside Heights. Upon request of any lifeguard, beach attendant, police officer or other Borough officer or employee, an individual on the public beach shall present his or her beach badge as proof that he or she entered upon the beach in a legal manner. Failure

1. **Editor's Note: See also Ch. 29, Animals.**

to produce a current and valid beach badge shall be grounds for removal from the public beach and the issuance of a complaint for violation of this section.

- N. Build or maintain bonfires or fires on the beach.
- O. Pursuant to N.J.S.A. 40:48-1 and 40:48-2, the smoking and/or burning of a lighted cigar, cigarette or pipe, including any handheld electronic device which vaporizes a liquid (e.g., e-cigarettes, e-cigs, electronic nicotine delivery systems, electronic non-nicotine delivery systems, personal vaporizers, PVs), or any other matter or substance which contains tobacco, is prohibited in those beachfront areas of the Borough as are designated, from time to time, by resolution of the governing body and posted by signs clearly identifying the area within which such activity is prohibited. **[Added 7-2-2008 by Ord. No. 08-12; amended 4-19-2017 by Ord. No. 17-11²]**
- P. Restrictions on the use of umbrellas and other fixtures on the beach. **[Added 4-19-2017 by Ord. No. 17-11; amended 5-17-2017 by Ord. No. 17-14]**
- (1) Umbrellas with a collapsible circular shade no greater than eight feet in diameter stretched over hinged ribs radiating from a center pole no greater than seven feet six inches in height, and without grounding lines, ropes, or sides are permitted on the beach.
 - (2) Devices designed or used to shade infants and small children, also known as "baby tents," no larger than 36 inches high by 36 inches wide by 36 inches deep, are permitted on the beach. Guests with infants and small children who wish to use a small sport-brella style beach shade device, one which does not exceed nine feet, may be directed to set up on the west side of the beach near the Boardwalk Promenade so that the device does not block the view of other guests.
 - (3) Canopy style sun shades 12 feet by 12 feet and less without side walls or screens are permitted on the beach westward of a line parallel to the back edge of the lifeguard stands. Canopy-style sun shades shall be placed no less than 15 feet apart from another canopy.
 - (4) Guests who wish to use a small sport-brella style beach shade device, one which does not exceed nine feet, may be directed

2. Editor's Note: This ordinance also changed the title of this chapter from "Beaches" to "Boardwalk and Beaches."

to set up on the west side of the beach near the Boardwalk Promenade so that the device does not block the view of other guests.

- (5) Umbrellas, baby tents, canopies, and small sport-brella beach shade devices shall be secured such that uncontrolled movement of the device is restricted. Baby tents, canopies, and small sport-brella beach shade devices when secured with fasteners, stakes, weights, or the like shall not endanger beach patrons. Anchoring lines, tethers, or the like shall not extend beyond the perimeter of the baby tent, canopy, or sport-brella.
 - (6) No person shall locate an umbrella, baby tent, canopy, or small sport-brella beach shade device in an area obscuring a lifeguard's view of the ocean or in an area impeding a lifeguard's egress from a lifeguard stand, as determined by a lifeguard.
 - (7) Umbrellas, baby tents, canopies, and sport-brellas shall be removed from the beach daily.
 - (8) Excluding umbrellas, baby tents, canopies, and small sport-brella beach shade devices described above in this section, other shading devices including, without limitation, tents, tarps, canopies larger than 12 feet by 12 feet, canopies with side walls and screens, cabanas, pavilions, temporary restroom facilities, and similar devices, or any materials mounted on supports are prohibited except in connection with an approved special event or ceremony.
 - (9) Ganged shade devices of any type (i.e., shade devices that are physically attached to each other) and the use of tie outs for shade devices are prohibited.
- Q. Certain devices and equipment prohibited. Except in the course of an approved special event or ceremony: **[Added 4-19-2017 by Ord. No. 17-11]**
- (1) No person shall bring onto the beach serving trays, warming trays, pots, pans, or devices utilized for the preparation or storage of food.
 - (2) No person shall bring onto the beach tables or stands or boards or other devices positioned to function as a table.

(3) No person shall bring onto the beach a cooler, barrel, or tub that exceeds 24 inches in length and/or has a capacity greater than 36 quarts.

R. No person shall feed on the beach or boardwalk any wild animals including, without limitation, seagulls, cats, dogs and foxes. **[Added 4-19-2017 by Ord. No. 17-11]**

§ 33-9. Operating season and hours. [Amended 5-19-1999 by Ord. No. 99-15; 4-19-2017 by Ord. No. 17-11; 5-17-2017 by Ord. No. 17-14]

- A. Unless determined otherwise by a resolution of the Borough Council, the general operating season shall commence on the Friday of Memorial Day weekend and continue through Labor Day. During the operating season all persons using the oceanfront and the ocean waters adjacent thereto during operating hours shall obtain and display an appropriate season beach badge, weekly beach badge, senior beach badge, or daily wristband.
- B. Friday, Saturday, Sunday and holidays: A beach badge/wristband is required to enter or remain on the beach from 9:00 a.m. to 9:00 p.m. However, the cashier booths may close at 6:00 p.m. and lifeguards may leave the beach at 7:00 p.m. notwithstanding that a beach badge/wristband will be required to enter or remain on the beach until 9:00 p.m. Monday to Thursday: A beach badge/wristband is required to enter or remain on the beach from 9:00 a.m. to 4:00 p.m.
- C. Bayfront and oceanfront bathing is permitted only when lifeguards are on duty regardless of operating hours. No person shall enter the bay or ocean when lifeguards are not on duty.
- D. All persons are restricted from remaining on the oceanfront beaches after 10:00 p.m. except during approved special events and ceremonies. Individuals actively engaged in fishing may be upon any municipal beach at any time between the applicable beach closing hour and 5:00 a.m. of any day.
- E. The public boardwalk shall be closed for public use and no person shall remain on the public boardwalk during the hours after 3:00 a.m. and before 6:00 a.m.

**§ 33-9.1. Boardwalk shower pedestal facilities regulations.
[Added 5-2-2018 by Ord. No. 2018-04]**

The Borough provides cold shower pedestals so that beachgoers may wash off sand after they exit the beach. The following regulations are established for use of the shower pedestals in the interest of the public health, safety and welfare:

- A. Shower use is limited to three minutes per person.
- B. The use of shampoo and/or soap of any kind is prohibited.
- C. All children under the age of 12 must be accompanied by an adult.
- D. Bathing suits or other suitable attire must be worn by adults and children of all ages while using the shower.
- E. Disrobing in the shower is prohibited.
- F. Spitting, spouting water, or blowing the nose in the showers is prohibited.
- G. Discharging of bodily wastes, including but not limited to, urine and fecal matter is prohibited.
- H. Use of the shower by individuals with open lesions or wounds or active diarrhea is prohibited.

§ 33-10. Enforcement.

The provisions of this chapter shall be enforced by the Police Department for the Borough of Seaside Heights, Special Police Officers, Lifeguards and Beach Attendants. It is the specific intention of the governing body of the Borough of Seaside Heights that lifeguards and beach attendants be authorized to write summonses for violations of the provisions of Chapter 33 and, in particular, § 33-8, entitled "Prohibited acts."

§ 33-11. Violations and penalties. [Amended 3-2-2005 by Ord. No. 05-09]

- A. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate

offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

- B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.



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Open Space Database

Facility Name: If followed by - DIV = parcel was entirely diverted; if followed by - P/DIV = parcel was partially diverted; and if followed by - COMP = parcel was a compensation piece for previous diversion.

Interest: CR: Conservation Restriction; Fee: Fee Simple; Lease: Leased land

Type: M - Municipal; C - County; N - Non Profit


County: OCEAN

Municipality: SEASIDE HEIGHTS BORO

Block	Lot	Facility Name	Interest	Type
1.01	1	BAY FRONT PIERS & PARK	FEE	M
1.02	1	BAY FRONT PIERS & PARK	FEE	M
13	31	HAMILTON AND CENTRAL	FEE	M
55	9	HIERING PARCEL	FEE	M
63	1	CARTERET AVENUE BALL FIELD	FEE	M
65	1	HANCOCK AVENUE	FEE	M
66	1	COMMUNITY CENTER	FEE	M
66	9	SHERIDAN AVE PARK	FEE	M
99.01	1	BEACH & BOARDWALK	FEE	M
99.01	1.01	RIPARIAN AREA	FEE	M
99.01	1.02	COMFORT STATION	FEE	M
99.01	1.07	REFRESHMENT STAND	FEE	M
99.02	1	BEACH & BOARDWALK	FEE	M
99.02	1.01	RIPARIAN AREA	FEE	M

The above information is the Recreation and Open Space Inventory (ROSI) on file with Green Acres. Please note that Green Acres relies on the accuracy of the information provided to us by the Local Unit(s) in maintaining the accuracy of our database. Since it is the responsibility of the Local Unit(s) to ensure compliance with Green Acres rules, it is strongly recommended that you confirm this information with the Local Unit(s).

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 Department of Environmental Protection
 P. O. Box 402
 Trenton, NJ 08625-0402

DRAFT ORDINANCE

FIRST READING:

ORD. NO. _____

2ND AND FINAL READING:

AN ORDINANCE DESIGNATING THE BOROUGH OF SEASIDE HEIGHTS PUBLIC WORKS DEPARTMENT TO INSTALL AND MAINTAIN ALL SIGNS ASSOCIATED WITH THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and

WHEREAS, existing and future signage for public access is required; and

WHEREAS, installation and maintenance of signage is a requirement of N.J.A.C. 7:7-16.9(r).

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEASIDE HEIGHTS IN THE COUNTY OF OCEAN, NEW JERSEY, as follows:

1. The Public Works Department is named as the entity responsible for all signage in the Borough of Seaside Heights.
2. The Public Works Department is responsible for placement and maintenance of signage for public access.
3. This Ordinance shall take effect in accordance with applicable law.

PASSED: _____
President of Council

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

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 Seaside Heights Municipal Public Access Plan (MPAP) was submitted to the Borough Planning Board and reviewed at the regular meeting of {date}, and

WHEREAS, the Planning Board has approved the plan as submitted, and

WHEREAS, the Planning Board 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 Planning Board of the Borough of Seaside Heights the "Borough of Seaside Heights 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.

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 Planning Board at a meeting held on {date}.

Municipal Clerk