

ORDINANCE #1152

AN ORDINANCE AMENDING CHAPTER VI OF
“REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982”
Beach Regulations

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL HEREBY
ORDAIN:

Section 1. That Chapter VI, Beach Regulations, of the “Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 6-6 **Public Beach** is amended to read as follows:

6-6.1 Established

For the protection of the general public and for the control of the designated beachfront of the Borough, the Board of Commissioners shall establish a municipal beach. Said facility is to include safeguards and equipment in this borough at the ocean front upon lands owned by the borough fronting on the Atlantic Ocean.

6-6.2 Municipal Beach Delineated.

The beach area lying between the easterly terminus of the street ends known as Marine Place and Neptune Avenue.

6-6.3 Pass / Bracelet Required; Transferability and Loss

- a. No person twelve (12) years of age and over shall bathe at or otherwise use or be upon the beaches or areas set forth in subsection 6-6.2 without having first acquired and then having in his or her possession a proper and effective season pass, daily bracelet or other insignia to use the beaches, which shall be worn conspicuously by such person during said use, so that it shall be visible at all times and shall be exhibited on demand to the beach inspectors, gate tenders, Police of the Borough of Deal or other duly authorized representative of the Borough.
- b. All season pass, daily bracelet or other insignia issued shall be for the exclusive use of the holder, and shall not be loaned, given, sold or transferred to any other person, and shall be used only by the person to whom originally issued.

- c. Any person losing his season pass, daily bracelet or other insignia shall lose his rights and privileges and shall apply for a new season pass, daily bracelet or other insignia, paying the necessary seasonal or daily fee as the case may be. No replacements shall be issued.
- d. All season pass, daily bracelet or other insignia from the municipal beach shall also be accepted at the W. Stanley Conover Pavilion.

6-6.4 Fees and Charges

In order to provide funds to improve, maintain and police the municipal beach and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged the person using said lands and bathing facilities for access to the beaches and bathing and recreational facilities during the normal bathing season:

a. Daily admission to the beach:

- 1. No fee shall be charged of children under the age of twelve (12).
- 2. Eight Dollars (\$8.00) per day per person on all days with the exception of Saturdays, Sundays and holidays.
- 3. Ten dollars (\$10.00) per day per person during Saturdays, Sundays, and holidays.

b. Seasonal admission to the beach:

- 1. One Hundred Fifty dollars (\$150.00) dollars for a seasonal pass ages 12 and over for admission to the beach for the entire bathing season for one year.

6-6.5 Hours

The respective beaches and other areas established by subsection 6-6.2 shall be open for such periods as the Board of Commissioners shall annually designate by resolution. Unless otherwise designated by resolution of the Board of Commissioners, beach season pass, daily bracelet or other insignia shall be required between the hours of 10:00 a.m. and 6:00 p.m. prevailing time daily. The Borough reserves the right to close beaches or other areas during inclement weather or other emergent situations.

6-6.6 Lifeguards

Lifeguards shall be maintained on duty at the protected bathing beaches herein established, between 10:00 a.m. and 6:00 p.m. daily during the beach season, except at such times when bathing or swimming shall be deemed dangerous or hazardous by the lifeguards in charge of the beach, or other official designated by the Mayor and Commissioners. When such dangerous conditions exist, a sign shall be displayed indicating that the beach is closed to bathing or swimming, and no person shall bathe or swim in waters adjacent to the beach, whether protected or not, at any time until the signs are removed. Lifeguards shall have charge and control and supervision of the bathing, swimming and surfing at the respective beaches where they are stationed.

6-6.7 Swimming Areas

No person shall bathe or swim from the beachfront except from the protected bathing beaches where lifeguards are provided by the Borough and only at such times as the lifeguards are on duty. No person shall bathe or swim in the Atlantic Ocean from the Borough of Deal beach at a distance greater than that which the lifeguards in charge shall deem safe.

Section 6-4, Bathing in Unprotected Waters, shall remain in effect for all non-protected beaches.

6-6.8 Rules and Regulations

No person shall do any of the following things at or upon all beaches within the Borough of Deal:

- a. Throw, drop, discard, dump, or leave any wastepaper, garbage, or other refuse, or in any way litter, make unsightly, damage, destroy or disfigure said beach, dune, water, or any public or private property.
- b. Sell, peddle or hawk any food, drink or confections.
- c. Make any loud noise, sound or music to the annoyance of any other person, or use loud, profane or indecent language.
- d. Consume or possess alcoholic beverages, or any glass containers or bottles.
- e. Take or permit his or her dog to be or go upon the beach or in the water at any public bathing beach; except that any dog under the

control of a leash may utilize the municipal beach pursuant to Borough Ordinance Section 9-3.

- f. Refuse or neglect to obey the orders and directions of a public lifeguard as to time, place and distance for bathing, or interfere with or obstruct a police officer or lifeguard in the performance of his or her duty.
- g. Operate, drive or park any type of vehicle except emergency vehicles which are authorized by the Borough Administrator, Chief of Police or Superintendent of Beaches to be used for policing and cleaning.
- h. No person shall start a fire or use any type of portable device used for cooking on the beachfront, except with the written permission of the Board of Commissioners or such other official as they designated.
- i. No person shall disrobe or undress or dress on the beachfront or in the water adjacent thereto, or on a public street, or in a public place, or in a vehicle on a street.
- j. No person shall engage in surfing or fishing in the bathing area during bathing hours.
- k. No hole shall be dug in the beachfront in such a manner as to leave a depression more than twelve (12) inches deep in the surface of the land
- l. No person shall enter into the designated lifeguard area without the permission of the lifeguard in charge and no person shall molest or bother or annoy the lifeguards in the performance of their duties

6-6.9 Borough Control

The Board of Commissioners is hereby authorized and empowered to:

- a. Adopt by resolution, in addition to the rules and regulations herein enumerated, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and other areas and the waters adjacent thereto.
- b. To determine and establish by resolution the period during each year when the paid bathing beaches shall be opened and closed.

6-6.10 Revocation of Season Pass or Daily Bracelet

The Borough reserves the right to revoke any beach privileges granted under this section for any violations of its provisions, or other rules and regulations, and to retake and impound any beach season pass, daily bracelet or other insignia which has been improperly used or obtained. Such revocations shall not preclude the imposition of any other penalties provided for such violation

6-6.11 Violations and Penalties

Any person violating any of the provisions of this section or any of the rules and regulations adopted hereunder shall upon conviction be liable to the penalty established in Chapter 5, Section 9.

Section 3. This Ordinance shall take effect upon passage and publication according to law.

Introduced by Commissioner Ades on May 24, 2017
Seconded by Commissioner Simhon
Roll Call: Ayes 3; Cohen, Ades & Simhon

Motion to Adopt by Commissioner Ades on June 9, 2017
Seconded by Commissioner Simhon
Roll Call: Ayes 3; Cohen, Ades & Simhon