

ORDINANCE NO.: 2020-09
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER X (BEACH REGULATIONS) OF THE
MUNICIPAL CODE OF THE BOROUGH OF
ALLENHURST.

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst (“Borough”) undertook a review of the Municipal Code to assure compliance with New Jersey State Statutes; and

WHEREAS, said review revealed that portions of Chapter X, entitled “Beach Regulations,” have been pre-empted by State Statute; and

WHEREAS, the Borough Council has determined that it is in the best interests of the community to revise those portions of Chapter X, specifically §10-1.1 entitled “Definition” and §10-2.7 entitled “No Smoking and Beach Refuse,” to be consistent with New Jersey State Statutes;

NOW THEREFORE, BE IT ORDAINED by Board of Commissioners of The Borough of Allenhurst in the County of Monmouth, New Jersey that Chapter X be and is hereby amended to read as follows:

§10-1.1 Definition.

The beach (with the exception of any portion where public access cannot be restricted pursuant to the Public Trust Doctrine), property, buildings, facilities and equipment owned by the Borough and devoted to bathing and recreational purposes shall be known and designated as the “Allenhurst Beach Club.”

§10-2.7 No Smoking and Beach Refuse.

b. Beach Refuse. No person shall throw or discard any bottles, cans, paper or other refuse, including but not limited to, cigarette butts, cigar butts, and other tobacco products, on the Beach or in the ABC, and all refuse and paper and litter shall be placed in refuse containers provided therefore. The penalty for a violation of this section shall be \$100.00. In the Judge’s discretion, the Borough may also impose up to, but no more than, 40 hours community service.

REPEALER. All other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance, shall remain in full force and effect.

INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

AND IT IS FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

APPROVED: April 28, 2020

ADOPTED: May 13, 2020

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Ordinance Introduced by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on May 13, 2020.

Donna M. Campagna_____

Donna M. Campagna
Borough Clerk/Administrator