

ORDINANCE NO. 309

AN ORDINANCE TO AMEND ORDINANCES NO. 207, 220 AND 243 OF THE VILLAGE OF LOCH ARBOUR ENTITLED "AN ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AND TO REGULATE AND PROVIDE FUNDS TO IMPROVE, MAINTAIN AND POLICE THE SAME, AND PROVIDING FOR THE CHARGING AND COLLECTING OF REASONABLE FEES FOR THE REGISTRATION OF PERSONS USING SAID LANDS AND BATHING AND RECREATIONAL GROUNDS SO PROVIDED, AND FOR THE USE OF BATHING AND RECREATIONAL FACILITIES, AND ALSO PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ORDINANCES NO. 113, 186, 249 AND 301 OF THE VILLAGE OF LOCH ARBOUR" FOR THE PURPOSES OF AMENDING AND ESTABLISHING FEES AND CHARGES FOR THE USE OF THE MUNICIPAL BEACH AND FACILITIES IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH

BE IT ORDAINED BY THE BOARD OF THE TRUSTEES OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:

**Section 1. ARTICLE II - REGISTRATION AND ADMISSION TO BEACH** is amended and supplemented to read as follows:

**Section 1.** Each and every person using the "Village Beach" and the waters adjacent thereto between the hours of 9:00 AM and 6:00 PM during the "bathing season" shall, before using the same and before entering upon the same, display his or her beach badge to the duly authorized employees or agents of the Village, giving his or her name, address and such other information as may be required by the Board of Trustees or its authorized representatives.

**Section 2.** Each and every person so registered as aforesaid shall be furnished with identification or beach badge, which shall be worn on the person, visible at all, times to authorized representatives of the Village of Loch Arbour.

**Section 3.** The fees and charges for said bathing, beach and facilities service shall be as follows:

- (a) Seasonal admittance and facilities service charge for persons 12 years of age or older - \$90.00 per person.
- (b) Seasonal admittance and facilities charge for senior citizens, 62 years of age or older - \$50.00 per person.
- (c) Daily admittance and facilities service charge for persons 12 years of age or older:  
Monday through Friday (except Legal Holidays) - \$5.00 per person per day.  
Saturday, Sunday and Legal Holidays - \$6.00 per person per day.
- (d) An individual may purchase a maximum of four (4) daily badges per day.
- (e) For replacement of lost badges for persons 12 years of age or older, the following charges will apply:  
From opening day through July 15<sup>th</sup> - \$90.00 per person  
From July 16<sup>th</sup> through August 15<sup>th</sup> - \$70.00 per person  
From August 16<sup>th</sup> through Labor Day - \$40.00 per person
- (f) For replacement of lost badges for persons 62 years of age or older, the following charges will apply:  
From opening day through July 15<sup>th</sup> - \$50.00 per person  
From July 16<sup>th</sup> through August 15<sup>th</sup> - \$35.00 per person  
From August 16<sup>th</sup> through Labor Day - \$20.00 per person
- (g) Seasonal parking permit, when available - \$125.00 per vehicle
- (h) Daily parking (Monday through Friday only, excluding holidays), when available - \$5.00 per vehicle.
- (i) Any child under 12 years of age must be accompanied by a parent or guardian to gain access to and at all time while present on the beach.
- (j) The total number of persons permitted on the beach shall be determined at the discretion of the Beach Manager based on the availability of dry sand and ocean conditions. Seasonal badge holders shall have preference over daily persons in fixing the number of persons to be admitted to the beach. The maximum

number of season badges to be sold under subsection (a) and (b) shall be 1,125 badges.

- (j) Daily badges issued under the provisions of subsection (c) shall be non-transferable. Season badges issued under subsection (a) and (b) may be transferred from person to person within each category. Permits issued under the provisions of subsection (h) and (l) are not transferable.
- (k) No sailboats shall be permitted on the Village Beach.
- (l) The Village Trustees are authorized to establish, by resolution, regulations pertaining to the mooring of kayaks on the Village Beach and limit the number of vessels to be moored. A charge of \$50.00 per season shall be paid for each kayak moored on the Village Beach in an area designated by the Trustees. Payment of the fee required by this subsection shall be in addition to the payment of any other fees required by this section. Each kayak shall bear a decal issued by the Village as evidence of registration. The decal shall be valid for the duration of the season. A maximum of twenty (20) kayak permits will be issued only to season beach badge holders, limited to one kayak permit per family upon registration and payment of the required fee on a first come, first served basis. The Village shall remove any kayak from the Village Beach because it has not been properly licensed or remains beached, stored or moored after the permitted season. Any kayak removed under this subsection shall become the property of the Village of Loch Arbour and shall be auctioned as surplus property under the provisions of N.J.S.A. 40A:11, et seq.

**Section 2. ARTICLE VII - REPEAL, SEVERABILITY** is amended as follows:

**Section 1.** Ordinances No. 113, 186, 249 and 301 of the Village of Loch Arbour are hereby repealed.

**Section 2.** All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

**Section 3.** If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and remainder of this ordinance shall be deemed valid and effective.

**Section 3 - EFFECTIVE DATE**

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

**CERTIFICATION**

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 3<sup>rd</sup> day of November, 2004.

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LORRAINE CARAFA, R.M.C.  
Village Clerk

Introduction: October 6, 2004  
First publication: October 14, 2004  
Public hearing: November 3, 2004  
Adoption: November 3, 2004  
Final publication: November 11, 2004

Attorney: Kenneth B. Fitzsimmons, Esq.