

Borough of Union Beach

ORDINANCE NO. 2024-334

MEETING OF APRIL 18, 2024

**AN ORDINANCE AMENDING CHAPTER 16 (PARKS AND RECREATION AREAS)
OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO REVISE CHAPTER 16-7
ENTITLED "UNION BEACH-SHORE PROTECTION BULKHEAD AND WALKWAY".**

WHEREAS, the Borough of Union Beach desires to remove Chapter 16-7 (Union Beach-Shore Protection Bulkhead and Walkway) in its entirety and replace it with Chapter 16-7 (Shore Protection Bulkhead, Walkway and Dune Areas).

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, State of New Jersey as follows:

Chapter 16 (Parks and Recreation Areas) of the General Ordinances of the Borough of Union Beach be amended to remove existing Chapter 16 Section 7 and replace it with the following:

16-7. Shore Protection Bulkhead, Walkway and Dune Areas

1. The Union Beach Shore Protection Bulkhead, Walkway and Dune Areas shall be considered a borough park and shall be subject to the provisions of this Chapter 16. Parks and Recreation Areas.

The borough is hereby empowered to adopt, rescind and amend by resolution, regulations relating to the Union Beach Shore Protection Bulkhead, Walkway, Dune Areas and its adjacent borough owned property, including but not limited to the following:

- a. Hours of use;
- b. Curfews;
- c. Prohibitions and/or restrictions of the use of motor vehicles, motorcycles, mopeds, bicycles, skateboards, and any other means of conveyance and the parking of same;
- d. Prohibiting or otherwise limiting the presence of domestic animals;
- e. Prohibiting the possession and or playing of any radio, boom-box, audio recording players of any type or any other similar equipment; and
- f. The erection, design and location of appropriate signs concerning any and/or all of the above prohibitions, limitations, rules, regulations or restrictions.

2. In addition to the above empowerments, the borough specifically adopts the following regulations and/or prohibitions for Dune Areas

- a. Definitions

For the purpose of this chapter, the following terms shall have the meanings given herein:

DUNE

A wind or wave deposited or man-made formation of vegetated or drifting windblown sand.

DUNE AREA

Shall mean that area between the bayward edge of the dune as exists or as established by the USACE Beachfill and Dune Project or as may advance northerly through natural accretion from that initial point and the landward edge of the dune as exists, is constructed as part of the USACE Beachfill and Dune Project or as may be created by natural migration of the dune to the south. The Dune area is generally contained completely within a sand fence.

SAND FENCE

Shall include the term "snow fence" or "dune fence" of a barricade type established in a line or a pattern to accumulate sand and aid in the formation of a dune, such as picket construction consisting of wooden lath held together by wire an affixed to wooden posts. Alternate types of "sand fence" may be utilized if approved by the Borough.

b. Regulations for Dune Areas

- 1. No person shall be in the dune area unless upon an approved, pathway, walkway, crossover or dune platform.
- 2. No person shall operate any bicycle or motor vehicle of any kind on or across the dune areas of the Borough.
- 3. No person shall remove or destroy the planted vegetation, the natural vegetation, sand fences or other types of dune protective devices in the dune areas of the Borough.

c. Exceptions. This section is not intended to prohibit the officers and employees of the Borough and other authorized personnel from entering into and upon the dune areas for the purpose of cleaning, maintenance, repair, restoration and planting in order to preserve and to protect the dune areas in the Borough.

d. Any person violating any of the provisions of this section, or any rule or regulation promulgated pursuant hereto, shall be subject to fines and penalties under this Chapter 16, Parks and Recreation Areas, section 16-6 Penalties.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that all other sections of the ordinance remain in full force and effect; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

ATTEST:

APPROVAL:

Anne Marie Friscia, Borough Clerk

Charles W. Cocuzza Mayor

INTRODUCED ON FIRST READING:

FINAL ADOPTION:
