

ORDINANCE 2025-02

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 19 ENTITLED – PARKS, RECREATION AND OTHER PUBLIC PLACES

Language in brackets [] is thus deleted, language in **bold** type is thus new language.

Chapter 19. Parks, Recreation Areas and Other Public Places

§ 19-1. PARKS AND RECREATION AREAS.

§ 19-1.1. Hours of Use.

No person shall be permitted on any park or playground [with the exception of the boardwalk areas, the public docks and the first floor of the Central Avenue Pavilion] between the hours of 10:00 p.m. and 6:00 a.m. unless attending and **participating in an activity authorized by the Mayor and Council** or as otherwise permitted in this chapter.

[§ 19-1.2. Admittance to Buildings Restricted.

No person shall be allowed in or upon any recreation building at any time unless attending or participating in a meeting or activity authorized by the Board of Recreation Commissioners.]

§ 19-1.2. Alcoholic Beverages Prohibited.

Alcoholic beverages shall not be permitted on any public grounds, except as authorized by the Mayor and Council in conformance with the Division of Alcoholic Beverage Control regulations.

§ 19-1.3. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

§ 19-2. PUBLIC DOCKS, BEACHES, FISHING AREAS AND PLAYING FIELDS.

§ 19-2.1. Naming of Beach Areas, Crabbing Areas, Fishing Areas, Public Docks and Public Lands.

The following beach areas, crabbing areas, fishing areas, public docks and public lands shall be named as follows:

a.

The public dock at the foot of Central Avenue shall be known as the "Central Avenue Dock."

b.

The beach area being that parcel of land situated in the Borough eastwardly, southeastwardly, southwardly and southwestwardly of the high land in Lot Number 17 and included in Block J as shown on the Plan of the Westrays Point Land and Improvement Company and as shown on the Official Map of the of the Borough shall be known as "Long Point Beach."

c.

The beach area lying to the east of the foot of Summit Avenue and running northwardly along the westerly shore of the Barnegat Bay to the mouth of Dillons Creek, being that parcel of land lying to the east of Lot 1 in Block 37 as shown as shown on the Official Map of the Borough shall be known as "Wanamaker Beach" as it has historically been known.

d.

The public dock at the foot of Lake Drive shall be known as the "Boat Yard Dock."

e.

The public dock at the foot of West End Avenue shall be known as the "West End Avenue Dock."

f.

The public land at the foot of Holly Avenue shall be known as "Boy Scout Island."

g.

The public land lying between River Avenue and the Toms River from Simpson Avenue westward to the end of the boardwalk shall be known as the "River Avenue Boardwalk."

h.

The public land lying north of Lake Avenue between Central Avenue and Maple Avenue containing athletic fields, a playground and sports courts shall be known as the "Betty Scammell Memorial Field."

i.

The public land lying east of East End Avenue and south of Summit Avenue to the Barnegat Bay shall be known as the "Wanamaker Complex."

j.

The public land lying south of Ocean Avenue and between East Camp Walk and West Camp Walk southwardly to the Toms River shall be known as the "Camp Meeting Ground."

k.

The public land lying south of Ocean Avenue between River Avenue and West End Avenue shall be known as "Letter Park."

l.

The public land lying north of Lake Avenue between River Avenue and West End Avenue shall be known as "Triangle Park."

m.

The pavilion situated at the south end of Central Avenue shall be known as the "Island Heights Pavilion."

§ 19-2.2. Badges Required.

No person 13 years of age or older shall be permitted to use the areas set forth in Subsection 19-2.1 for sitting upon a Borough beach, crabbing, fishing, swimming, or playing any court or field sport or using any playground or recreation equipment, unless such person shall have on his/her person and produce for inspection by a duly authorized Borough employee, a daily recreation permit or an annual recreation badge issued by the Borough for the privilege of the use of these public areas and facilities. Persons 12 years of age or under who are sitting upon a Borough beach, crabbing, fishing, swimming, or playing any court or field sport or using any playground or recreation equipment must be at all times under the supervision of a responsible adult who shall have on his/her person and produce for inspection by a duly authorized Borough employee, a daily recreation permit or an annual recreation badge issued by the Borough for the privilege of the use of these public areas and facilities. The Borough hereby exempts all active duty military personnel and military veterans from the requirement that they purchase a daily recreation permit or an annual recreation badge upon such persons providing proof of their active duty military or veteran status to a duly authorized employee of the Borough. This subsection shall not apply to clubs or organizations who have obtained prior approval from the Mayor and Council for the use of public areas or facilities on designated days.

§ 19-2.3. Fees.

a.

Borough daily recreation permits and annual recreation badges shall be priced in the following ranges:

1.

Daily recreation permits (valid for one day for persons 13 years of age and above): between \$5 and \$20 per day.

2.

Annual recreation badges (valid for one calendar year for persons 13 years of age and above): between \$10 and \$35.

b.

The Mayor and Council shall establish the fees for daily recreation permits and annual recreation badges for each calendar year by resolution.

c.

The use of public areas and facilities requiring a daily recreation permit or annual recreation badge are enumerated in Subsection 19-2.1.

d.

The fee for the use of public areas or facilities for a private event(s) shall be \$200. Said fee may be waived for nonprofit organizations upon approval by the Mayor and Council.

§ 19-2.4. (Reserved)

§ 19-2.5. Lifeguards at Bathing Beaches; Hours.

a.

The Borough establishes all beaches in the Borough as "swim at your own risk."

b.

Unless otherwise posted or informed by Borough officials, the Borough may not employ lifeguards at Borough beaches, as "swim at your own risk" constitutes the removal of lifeguards and the undedication of bathing beaches.

§ 19-2.6. Regulations.

a.

In the areas set forth in subsection 19-2.1 hereof, there will be:

1.

No disrobing, nudity is prohibited

2.

(Reserved)

3.

No fires.

4.

No pets.

5.

No Littering

6.

No business or enterprise shall be conducted without first obtaining a permit from the Mayor and Council

7.

No disobedience to the reasonable commands of lifeguards in the performance of their duties.

8.

No skateboards, bicycles, scooters or any means of conveyance shall be operated on the basketball, pickleball or tennis courts or on the boardwalk or any dock.

9.

No feeding of wildlife

10.

No one shall place any tent, umbrella or structure of any kind on the boardwalk or any dock.

11.

No one shall place any item on the boardwalk or any dock that impedes the flow of normal pedestrian traffic.

12.

No possession or consumption of alcoholic beverages.

13.

No diving or swimming from any bulkhead area or dock

14.

No commercial or group use without written permission from the Mayor and Council

15.

No hanging or climbing on fences or nets

16.

No hanging on rims or backboards at the basketball court

17.

No use of amplifiers, microphones or other noise producing devices unless authorized by the Borough

18.

No use of lewd or profane language

19.

No fires unless authorized by the Borough

20.

No peddling of goods or soliciting of any kind without written permission from the Mayor and Council

b.

1.

During daylight hours, private recreational boats, for a period not exceeding thirty (30) minutes, shall be allowed to dock at the Central Avenue and the West End Avenue Docks. All docking is at the risk of the boat owner or operator. There shall be no other temporary docking or loading or unloading or mooring at any Borough bulkhead or dock within the Borough of Island Heights.

§ 19-2.7. Swimming in Certain Areas Prohibited.

No swimming shall be permitted at any time in Holly Lake or in the channel connecting the same to the Toms River, commonly known as the mouth of Holly Lake.

§ 19-2.7A. Crabbing in Certain Areas Prohibited.

No crabbing or fishing shall be permitted at any time along the River Avenue Bulkhead from Simpson Avenue westwards to the end of the boardwalk except for those areas designated by Mayor and Council for crabbing and fishing.

§ 19-2.8. Vehicles on Public Beaches, Docks, Boardwalks and Public Recreation and Park Areas Prohibited.

No person, other than Borough Employees or a person duly authorized to operate an Emergency Vehicle, shall bring, operate or park any motor vehicle or trailer upon any public beach, dock, boardwalk area, park area or other recreation area within the Borough unless they receive prior written permission from the Mayor and Council.

§ 19-2.9. Tents, Buildings and Commercial Enterprises on Public Grounds Prohibited.

No person shall camp or erect or locate any tent or any shed or other building or structure whatsoever or engage in or conduct any trade, business or commercial activity or enterprise whatsoever on any public grounds of the Borough with express written approval from the Mayor and Council.

§ 19-2.10. (Reserved)

§ 19-2.11. Violations and Penalties.

Any person who shall violate any of the terms or provisions of this chapter shall, upon conviction, be subject to the penalty stated in Chapter I, Section 1-5.

§ 19-3. TENNIS AND PICKLEBALL COURTS.

§ 19-3.1. Hours of Use.

The hours of the use of the tennis and pickleball courts at Memorial Field shall be from 7:00 a.m. to 10:00 p.m. daily, or as authorized by resolution of the Mayor and Council.

§ 19-3.2. Recreation Badges - Daily Recreation Permits.

Recreation badges or a Daily Recreation Permit to permit the use of the tennis and pickleball courts must be obtained pursuant to subsection 19-2.2 of the Borough Code.

§ 19-3.3. (Reserved)

§ 19-3.4. (Reserved)

§ 19-3.5. Hours and Conditions of Facility and Field Usage

The hours of use of the playing field and playground area at the Wanamaker Complex and Betty Scammell Memorial Field shall be from 7:00 a.m. to 10:00 p.m. A request for group or team usage of any of these facilities or fields shall require the written approval of the Mayor and Council.

§ 19-3.6. Prohibitions on Courts.

No bicycles, skates or skateboards of any kind are permitted on Borough tennis, basketball or pickleball courts.

§ 19-4. Wanamaker Complex

§ 19-4.1. Purpose.

The Wanamaker Complex, with the exception of the Municipal Buildings is hereby declared to be of historic importance to the Borough of Island Heights. This section of the Code is intended to protect the historic nature of the property for future generations of residents of the Borough of Island Heights.

§ 19-4.2. Recreation and Open Space Area.

The Wanamaker Complex is hereby declared, deemed, and added to the Borough's recreation and open space areas.

§ 19-4.3. (Reserved)

§ 19-4.4. (Reserved)

§ 19-4.5. Violations and Penalties.

Any person, or persons, corporations, partnerships, or combinations thereof, who shall violate any of the terms or provisions of this section or who shall commit or do any act or thing which is prohibited by this section, shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5 of this Code.

§ 19-5. WATERCRAFT LAUNCHING RAMP.

§ 19-5.1. Definitions.

As used in this section, the following words and/or terms shall have the following definition and meaning:

WATERCRAFT LAUNCHING RAMP

The watercraft launching ramp located at the western termination of Lake Drive which is owned by the Borough of Island Heights.

COMMERCIAL USE

The use of the watercraft launching ramp by any person, business, entity, corporation or combination thereof wherein said person, business, entity wherein said person, business, entity, or corporation has charged a fee to any person, business, entity or corporation for the loading or unloading of boats, jet skis, or other water vessels. Said commercial use includes those persons, businesses, entities, and corporations which provide the loading and/or unloading of boats as incidental, secondary, or auxiliary functions of the main business or the person, business, entity, or corporation, even if no fee is charged specifically for the loading and/or unloading of the boat, jet ski or other water vessel.

NONCOMMERCIAL USE

Use which is not defined as a commercial use.

§ 19-5.2. Prohibited Conduct.

It shall be unlawful for any person, business, entity, corporation, partnership, or any combination thereof, to use the Watercraft Launching Ramp and while doing so to engage in any of the following conduct:

a.

Fail to be in possession of a Borough of Island Heights Seasonal Recreation Badge.

b.

Fail to have proper registration of the boat hull, trailer and tow vehicle which are valid for operation in the State of New Jersey;

c.

Commercial use by any individual or entity;

d.

Use of the Watercraft Launching Ramp prior to 6:00 a.m. or after 10:00 p.m.

§ 19-5.3. Enforcement.

Enforcement of this Code Chapter shall be by the Borough Police Department, and/or a Borough Code Enforcement Officer.

§ 19-5.4. Penalties.

Any person, business, entity, or corporation who shall violate any of the terms or provisions of this section shall, upon conviction, be subject to a penalty as set forth below:

a.

First Offense. A fine of not less than \$700 and no more than \$2,000.

b.

Second Offense. A fine of not less than \$1,000 and no more than \$2,000.

c.

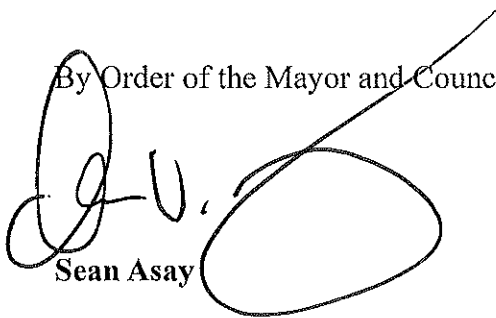
Third Offense. A fine of not less than \$1,500 and not more than \$2,000 and/or a jail sentence of not more than thirty (30) days.

d.

Fourth or Subsequent Offense. A fine of \$2,000 and a jail sentence of no more than thirty (30) days.

The foregoing Ordinance was duly adopted by the Mayor and Council at their Regular Meeting on February 18, 2025. This Ordinance shall be effective immediately upon publication.

By Order of the Mayor and Council of the Borough of Island Heights.

A handwritten signature in black ink, appearing to read 'Sean Asay', is written over a large, empty oval shape. The signature is fluid and cursive.

Sean Asay

Borough Clerk