

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 07-2022**

**AN ORDINANCE AMENDING CHAPTER 58 “BEACHES”, ARTICLE II  
“USE OF BEACHES” OF THE CODE OF THE BOROUGH OF CAPE  
MAY POINT TO ESTABLISH COMMERCIAL BEACH TAGS**

**WHEREAS**, Chapter 58 “Beaches”, Article II “Use of Beaches”, Section 8 “Fees” of the Code of the Borough of Cape May Point governs beaches and provides for the imposition and assessment of beach fees, the issuance of beach tags, and the regulation of the use of such beach tags; and

**WHEREAS**, the Borough of Cape May Point uses the money generated by those beach fees to maintain Cape May Point’s beaches in a clean and sanitary condition, and to ensure the safety and enjoyment of those persons who visit and use those beaches; and

**WHEREAS**, the Board of Commissioners of the Borough of Cape May Point believes it appropriate to allow commercial establishments, including rentals in the Borough, to offer their guests and patrons, as part of their hospitality package, the ability to access Cape May Point’s beaches,

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Borough of Cape May Point, County of Cape May and State of New Jersey, that Chapter 58 of the Code of the Borough of Cape May Point be amended as hereinafter provided (additions in underlined; deletions in ~~strikethrough~~)

**Section 1. Amendments.**

**§ 58-7. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

Seasonal Beach Tag – A beach tag to use the public beaches in the Borough of Cape May Point during a bathing season for personal use.

Commercial Beach Tag – A seasonal beach tag that may be purchased by a commercial entity that wishes to provide seasonal beach tags as an amenity to paying guests for use for the duration of their stay.

Commercial Entity – Any entity or person(s) that rents or makes rooms or living space available to members of the public for a fee, and that is required to obtain a rental permit from the Borough of Cape May Point or a mercantile or other business license from any other municipality.

**§ 58-8. Establishment; Location.**

- a. Paid places of resort, beaches, bathing and recreational facilities are hereby established in the Borough for the public health, recreation and entertainment.
- b. Such places are located between the jetties or groins fronting on the Atlantic Ocean and Delaware Bay from the southeasterly boundary line of the Borough east of Lighthouse Avenue to the southwesterly boundary line of the Borough west of Alexander Avenue.

**§ 58-9 Fees.**

In order to provide the necessary funds to improve, maintain and police the beaches, the following fees shall be charged for such facilities:

- a. No fees shall be charged to or collected from any person under the age of 12 years or from members of the U. S. Military or National Guard to the extent prescribed by regulations authorized by resolution duly adopted by the Board of Commissioners.
- b. \$45 per person per season if the application is made to the proper authority subsequent to the 31st day of May of the bathing season.
- c. \$36 per person per season, provided that application is made to the proper authority prior to May 31st of the bathing season.
- d. \$25 per person per week for any week or fractional part thereof of the bathing season. Weekly badges shall be valid from 12:00 noon Saturday until the following Saturday.
- e. \$10 per day or fractional part thereof in the bathing season.
- f. \$100 per tag per season for commercial beach tags.

**§ 58-10 Beach Badges Required.**

- a. No person 12 years of age or older or such other person who may be exempted under Section 58-8b9a shall bathe at or otherwise use the beaches set forth in Section 58-78b without having first acquired and then having in his possession a proper and effective badge, license or permit 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 which shall be exhibited on demand to the Beach Tag Inspector or other duly authorized representative of the Borough.
- b. Holders of current Cape May City beach badges shall be granted access to Cape May Point beaches via access ramps on Lehigh, Whilldin, Coral, St. Peter's, Cape, Brainard, Emerald (Pearl), Stites and Alexander Avenue beaches. Access is limited

to transitory use only. Holders shall not sunbathe, swim, bath, loiter, and engage in any recreational, sporting or other activity that would cause delay. Such badges shall be worn conspicuously by the person during said use, so that it shall be exhibited on demand to the Beach Tag Inspector.

**§ 58-11      Regulations for beach tags.**

The following rules and regulations are hereby established, and it shall be unlawful to violate any of the rules and regulations or those subsequently adopted resolutions, during the bathing season or at other times if specifically provided for:

- a. The Borough or its duly authorized representatives shall be the sole and exclusive vendor and/or lessor of the privileges, rights, badges or permits, as it is hereby deemed unlawful for any person or entity to purchase or lease the badges from anyone other than the Borough or its duly authorized representatives.
- b. The counterfeiting, copying, duplication or other reproduction of the beach badges or permits issued by the Borough by anyone other than the Borough or its authorized representatives is hereby prohibited.
- c. The possession of counterfeit and/or fraudulently obtained badges or permits is hereby prohibited.
- d. Any holder of a rental permit that purchases personal seasonal beach tags for distribution to its customers shall be subject to possible suspension or revocation of its rental permit.

**§ 58-12      Additional Rules and Regulations.**

- 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 the waters adjacent thereto.
- b. Determine and establish for the current year by resolution:
  1. Which beaches will be guarded;
  2. Which beaches will be unguarded;
  3. Where fishing is allowed during what hours, and the hours of operation.
- c. Determine and establish by resolution the period during each year when each of the paid bathing beaches shall be opened and closed.
- d. Employ inspectors, lifeguards and such other employees as may be necessary to carry out and enforce the provisions of this Article and all rules and regulations established herein or subsequently adopted by resolution.
- e. Purchase badges, checks or other insignia and such other supplies, materials and equipment as may be necessary.

**§ 58-13      Prohibited Conduct.**

The following conduct is hereby prohibited, and it shall be unlawful for any person to engage in any of the acts or conduct listed below during the bathing season or at other times if specifically provided for:

When a lifeguard, tagger, Borough Commissioner or any Borough employee is required to call the Police to handle any given person, situation or offense, there shall be an additional penalty of \$100 to the penalties stated in Section 58-14.

- a. To bathe or swim beyond a safe depth in the ocean or bay from time to time indicated or regulated by the lifeguards.
- b. To use a surfboard, canoe, boat or raft of any kind or description except at locations designated by the lifeguards.
- c. To engage in surf fishing in the bathing areas during bathing hours.
- d. To fail to obey all orders, directions, whistles or other signals used by a lifeguard, tagger, Borough Commissioner or Borough employee and Police.
- e. To consume alcoholic beverages on the public beaches.
- f. To change clothes, dress, undress or otherwise disrobe except for the removal of outer wraps.
- g. To camp or to sleep or to maintain any structure, such as a tent or lean-to, on the beach between sunset and sunrise.
- h. To act in a loud, indecent, obscene or offensive manner.
- i. To revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others or otherwise disrupt and disturb the public peace and dignity within the beach areas defined.
- j. To climb upon, stand on or tamper with or handle the lifeguard equipment.
- k. To throw, bat or catch a baseball, football, basketball or softball or to engage in the playing of any games endangering the health and safety of others. This subsection shall not apply to the playing of beach tennis or reasonable playing of catch with a soft rubber or beach ball.
- l. To throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches.
- m. To hawk or peddle, sell or offer for sale any article, goods, wares or merchandise on the public beaches without a proper permit.
- n. To park vehicles, loiter, assemble, band or crowd together so as to interfere or likely to interfere with the ingress and egress of others at the street ends approaching the beaches.
- o. To drive or move any vehicle on the beach at any time during the entire year without a permit in writing issued by the Clerk or Administrator.

- p. To permit dogs or other animals on the beachfront or the waters adjacent thereto or upon any public walk contained on the beachfront from March 15th to October 31st.
- q. To fly a kite or kites of any size, shape or description or to attempt to do so or to propel or cause the movement of any object through the air, whether manually, mechanically or electrically on any protected beach during operating hours and in the precautionary zone as designated by U.S. Fish and Wildlife and/or N.J. Fish and Wildlife.
- r. To start or maintain a fire on the beach during any time of the year. Any fire authorized by permit issued by the Municipal Clerk as set forth in Chapter 107, Article II, must be in a container and debris must be removed from the beach immediately, at the completion of the event.
- s. To enter upon, walk upon or to engage in the activity of fishing from the jetties adjacent to Lehigh Avenue, Whilldin Avenue, Coral Avenue, Ocean Avenue and Stites Avenue.
- t. At any time during the entire year, to engage in wading, swimming, bathing, fishing, kayaking or other activities in that area of the beach, jetties, Delaware Bay and/or Atlantic Ocean flowed or covered by any amount of water in any of the beaches of the Borough of Cape May designated by resolution of the Board of Commissioners which may be found on file in the Borough offices.
- u. Removing, altering or defacing signs on the beach, jetties or entrances belonging to the Borough of Cape May Point.
- v. No person shall smoke any cigarettes, cigars, pipes or other tobacco products on the beach front or upon any public walk contained on the beach front at any time.
- w. All fines are doubled for any violations of the above provisions occurring between the hours of 11:00 p.m. and 6:00 a.m.

**§ 58-14      Revocation of Beach Privileges.**

The Borough reserves the right to revoke any beach privileges granted under this Article for any violations of its provisions or other rules and regulations, and to suspend, revoke and/or impound any beach identification badge or permit which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such violation.

**§ 58-15      Violations and Penalties.**

Any person, firm, association, partnership or corporation violating any provision of this Article shall, upon conviction, be liable to the penalties stated in Borough Code Chapter 1, Section 1-5 and the additional penalty as stated in Section 58-4213.

**Section 2.    Repealer.**

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**Section 3. Severability.**

Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4. Effective Date.**

This Ordinance shall become effective 20 days after final passage and publication, according to law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Catherine Busch, Commissioner

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Anita vanHeeswyk, Commissioner

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Robert Moffatt, Mayor

ATTEST:

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Elaine L. Wallace, Borough Clerk

FIRST READING: November 22, 2022

PUBLICATION: November 30, 2022

PUBLIC HEARING: December 8, 2022

PUBLICATION: December 14, 2022