

**CITY OF BRIGANTINE
ORDINANCE NO. 7 OF 2025**

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 105 OF THE
REVISED GENERAL ORDINANCES OF THE CITY OF BRIGANTINE
WITH A NEW CHAPTER ENTITLED “BEACHES AND RECREATIONAL
AREAS” AND AMENDMENTS TO OTHER CHAPTERS OF THE CODE
FOR CONSISTENCY**

WHEREAS, Chapter 105 of the Code of the City of Brigantine (the “Code”) provides the beach and recreational area regulations for the City of Brigantine (the “City”); and

WHEREAS, after careful consideration, and to resolve inconsistencies with other sections of the Code, the City Council now seeks to repeal and replace this Chapter to provide greater clarity and consistency with other chapters of the Code; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Brigantine City Council, County of Atlantic, State of New Jersey, that the Code of the City of Brigantine, be repealed and replaced with a new Chapter 105 entitled “Beaches and Recreational Areas” to read as detailed below:

ARTICLE I. Establishment of a new chapter.

The City Council hereby replaces and replaces Chapter 105 Beaches and Recreational Areas to read as follows:

Chapter 105 Beaches and Recreational Areas

§ 105-1 Paid Beaches and Recreational Areas Established.

- A. The City of Brigantine hereby establishes paid municipal beaches and recreational areas for the public health, recreation and entertainment of the general public. The paid municipal beaches and recreational swim areas shall consist of the municipal beaches, the Cove Recreational Area, the Bayfront Municipal Swim Area, the South Brigantine Jetty and the Promenade. For purposes of this chapter, these areas are collectively referred to as the municipal beaches and recreational areas.
- B. Safeguards, equipment, and facilities. The City shall acquire, construct, use and maintain safeguards, equipment and facilities as shall be necessary in the proper establishment and maintenance of the municipal beaches and recreational areas for public health, recreation, bathing and entertainment. The City shall have the right and authority to purchase, rent or otherwise acquire lifeboats, ropes, poles, and other safeguards, recreational facilities and equipment for the recreation, protection and safeguard of the general public.

§ 105-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAYFRONT MUNICIPAL SWIM AREA

Shall consist of the municipally owned land identified as Block 236, Lots 8 and 9, and Block 237 Lot 1 on the municipal tax map for the City of Brigantine.

CATAMARAN

A watercraft of twin pontoon construction, propelled wholly by sails. The sailboat may not be either temporarily or permanently equipped with machinery for propulsion and shall not exceed 18 feet in length.

COVE RECREATIONAL AREA

Shall consist of Block 8429, Lot 1 as depicted on the official tax map for the City of Brigantine and include all beach, sand, dunes, marsh and grass areas and the waters adjacent thereto.

MUNICIPAL BEACHES

Shall consist of all sand, dunes, marsh and grass areas seaward from the landward side of any vegetation line or man-made structure, from the North Brigantine Natural Area to the South Brigantine Jetty, to the mean high tide water line and the waters adjacent thereto.

PERSONAL WATERCRAFT

A power vessel defined as a Class "A" vessel by the United States Coast Guard, and which is designed to be operated from a sitting, standing, or kneeling position; equipped with an internal combustion engine which powers a water jet pump; and cannot be operated in a manner so as to disengage the pump so as to prevent the vessel from making headway. Personal watercrafts are commonly referred to by such registered trade names as jet ski, sea doo and wave runner.

PROMENADE

The man-made structure running parallel to the mean high tide water line and extending from 9th Street North to 15th Street North.

SURF

The area of any body of water adjoining the shoreline in which the wave action is increased or accelerated by reason of the decreasing depth of water approaching the shoreline. For the purposes of this article, it shall include all areas between the shoreline and the outer limits of such wave action in the Atlantic Ocean.

SURFBOARD

A device of any rigid buoyant material designed or suitable for the sport of surfing.

SURFING

The practice or sport of riding on a surfboard in the surf.

§ 105-3 Use of Beaches

- A. Paid places of resort, beaches, bathing and recreational facilities are hereby established in the City of Brigantine for the public health, recreation, and entertainment.
- B. Such places shall be located at the oceanfront upon all lands in the City of Brigantine fronting on the Atlantic Ocean, and along the inlet beach from the south end jetty to the cove at St. Georges Thorofare, and the Bayfront Municipal swimming area on Lots 8 and 9 in Block 236, and Lot 1 in Block 237.

§ 105-4 Beach Tags

- A. Beach Tags Required. No person 12 years of age or over shall bathe at, use, or otherwise enter upon the municipal beaches or recreational areas set forth in § 105-1, without having first acquired and then having in his or her possession a proper and effective beach tag, which shall be worn conspicuously by the person during said use, so that it shall be visible at all times and shall be exhibited on demand to a beach tag inspector, lifeguard, police officer or other duly authorized representative of the City of Brigantine.
- B. Dates and Times Beach Tags Required. Unless otherwise designated by resolution of City Council, beach tags shall be required from the Friday prior to Memorial Day through Labor Day, between the hours of 10:00 a.m. and 5:30 p.m., prevailing time.
- C. 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:
 - 1. No privilege, right, badge, permit, or other evidence to use the beaches of the City, issued to or to be issued upon payment of any of the fees provided for by this chapter, shall be sold, leased, or otherwise transferred to any person or entity by anyone other than the City or its duly authorized representatives. However, daily beach tags as provided for in § 105-4D(5) may be transferred from person to person, provided no special or separate charge is made for such transfer or use. Specifically, the City 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 City or its duly authorized representatives.
 - 2. The counterfeiting, copying, duplication, or other reproduction of the beach badges or permits issued by the city by anyone other than the City or its authorized representatives is hereby prohibited.
 - 3. The possession of counterfeit and/or fraudulently obtained badges or permits is hereby prohibited.
- D. Beach Fees and Charges; Fee Exemptions. In order to provide the necessary funds to protect, guard, clean, police, maintain, and otherwise manage the beaches of the City, the following fees shall be charged:
 - 1. No fees shall be charged or collected from any person under the age of 12 years.
 - 2. The applicable fee per person, per season, for seasonal beach tags purchased is set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine.
 - 3. The applicable fee per person, per season, for a senior citizen's beach tag, which is available to individuals age 60-64, is set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine.

4. The applicable fee per person, per season, for seasonal beach tags purchased is set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine.
 5. The applicable fee per person for any day or fractional part thereof is set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine. A daily badge shall be valid from 10:00 a.m. until 5:30 p.m. on the date of purchase. No daily badge may be used for any day other than the date purchased.
 6. The applicable fee per person for any week or fractional part thereof is set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine. A weekly badge shall be valid from 10:00 a.m. Saturday until 5:30 p.m. of the following Friday.
 7. No fee shall be charged or collected from any person age 65 or older or to any person who meets the disability criteria for disability benefits under Title II of the Federal Social Security Act.
 8. No fee shall be charged or collected from persons in active military service in any of the Armed Forces of the United States. An active military service member may obtain three additional beach tags at no cost for his or her spouse or dependent children over the age of 12 years residing in the residence of the individual in active military service.
 9. No fees shall be charged to those persons who have served in any of the Armed Forces of the United States and who were honorably discharged.
- E. Records and verification for fee exemptions. As required by law, the City shall maintain a list of all individuals to whom beach tags are issued pursuant to § 105-4D(7), (8), and (9) above, including the names of all individuals and, as applicable hereunder, their family members who qualify for the beach fee exemption. The City Manager shall also establish procedures for verifying those individuals and, as applicable hereunder, their family members who qualify for the beach fee exemption present appropriate credentials demonstrating entitlement to the exemption.

§ 105-5 Municipal Beaches and Recreational Area Permits.

- A. General regulations for municipal beaches and recreational area permits.
1. Application for permit. Unless otherwise provided, every applicant for a permit under this chapter shall provide such information as is required to process the application, on a form provided by the City of Brigantine. At the time of filing the application, the applicant shall provide proof of insurance of a four-wheel drive vehicle, and agree to indemnify and hold the City harmless, as provided for herein. Copies of the hold-harmless and indemnity agreement, along with a copy of the applicant's insurance certificate, shall be kept with the applicant's application through the entire year in which the permit is effective. Failure to provide either document will result in the permit application being denied.
 - a. Insurance. The applicant shall provide, unless otherwise provided for in this chapter, a certificate of insurance in the amount of \$500,000 liability coverage (single limit bodily injury and property damage).
 - b. Indemnification and hold harmless. The applicant shall agree to hold the City of Brigantine harmless and to indemnify and defend the City of Brigantine for all claims, losses, expenses, damages, suits, or any other

costs incurred by the City of Brigantine arising out of the applicant's use of the permit.

2. Fees. In order to offset the costs associated with the permitting and inspection, the fees set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine shall apply.
3. Nontransferable. Permits are non-assignable and nontransferable.
4. Suspension and Revocation. Any permit granted under this chapter shall be subject to the terms, conditions, rules and regulations relating to such use and permission. The holder of any permit shall be governed by the terms, conditions, rules and regulations; and any holder shall not acquire any right or title, but shall hold a mere permit or permission which is subject to revocation without notice in the event of a violation of any of the terms, conditions, rules or regulations. The City Manager or his/her designee shall be and is hereby empowered to suspend and/or revoke the use of any such permit. No fee, charge or other sum paid for any such permit or permission shall be returnable in the event of revocation.
5. Exceptions. The provisions of this section shall not apply to City employees who may be required to enter upon the beaches in the performance of their municipal duties or functions or to any governmental agency, its employees, agents, contractors and subcontractors who may be engaged in beach restorations or protection work.

B. Type of Permits.

1. Individual Permits. Any person desiring to operate a permitted four-wheel drive vehicle on said beaches shall make an application to the City of Brigantine for a permit to do so at the Beach Fee Office located at 265 42nd St and shall furnish the Beach Fee office with the name, address, driver's license, vehicle registration (electronic copy is sufficient), and type of vehicle for which said permit is sought and an insurance identification card for the vehicle to be permitted.

§ 105-6 Automobile Permits.

- A. Four-wheel Drive Permit. No person shall operate a motor vehicle upon or within the municipal beaches and recreational areas without first obtaining a permit in accordance with this chapter. Permits shall only be issued for trucks, sport-utility vehicles (SUV) and crossover utility vehicles (CUV) with four-wheel drive capability, which have passed inspection by the Motor Vehicle Commission of the State of New Jersey for the current year or by the equivalent department or agency of the State in which the vehicle is permitted, and have registration and insurance for that specific vehicle. Fleet or "dealer" registrations and insurance will not be accepted unless accompanied by a letter from the company explicitly stating that a four-wheel drive permit may be issued on that specific vehicle. No permit shall be issued to all-wheel drive vehicles (AWD), all-terrain vehicles (ATV), side by side (SxS) vehicles, low-speed vehicles (LSV), utility task vehicles (UTV) or motorcycles, and operation of such within the municipal beaches and recreational areas is prohibited.

B. Equipment required.

1. Each vehicle to which a permit is to be issued shall be in good working order and carry equipment consisting of a first aid kit, shovel, tow chain or equivalent, road

flares, Coast Guard or I.C.C. approved fire extinguisher, jack with a large support board (minimum of 12 inches by 12 inches), flashlight and inflated spare tire.

2. The applicant shall agree in writing at the time of submitting an application to have the aforementioned required equipment maintained in their vehicle while operating the permitted vehicle upon the municipal beaches or recreational areas. The applicant also consents to allow spot inspections by the Brigantine Police Department and/or the Brigantine Beach Patrol while operating the permitted vehicle upon the municipal beaches or recreational areas.

C. Area Authorized for Permitted Four-wheel Drive Use. The operation of permitted vehicles upon the municipal beaches or recreational areas shall be limited to the following areas:

1. The Cove Recreation Area;
2. The area of the municipal beach from Sandy Lane (off Harbor Beach Boulevard) south to the Southern Brigantine Jetty; and
3. The area of 15th Street North to the entrance of the North Brigantine Natural Area.

D. Rules and Regulations. The below rules and regulations shall be observed concerning the operation of four-wheel drive vehicles upon the municipal beaches or recreational areas. It shall be a violation to:

1. Operate a permitted vehicle in an area of the municipal beaches or recreational areas not provided for in § 105-6D.
2. Operate a permitted vehicle upon the municipal beaches or recreational areas without the equipment required in § 105-5B.
3. Operate a permitted vehicle upon the municipal beaches or recreational areas at a speed in excess of 15 miles per hour.
4. Fail to enter or exit from a location or locations designated by the City Council.
5. Operate a permitted vehicle over private property without the permission of the owner of the property.
6. Operate a permitted vehicle on dunes or structures or devices erected for the purpose of protecting dunes or erected for the purpose of facilitating entry to the beach by pedestrians. No vehicle shall be operated more than twenty-five (25) feet above or beyond the mean high-water line of the Atlantic Ocean. No vehicle may be driven onto meadowlands, marshes, vegetation, or in any area where wildlife species are nesting or feeding. Vehicles must follow established routes of travel where such are marked and provided. No vehicle shall enter the beach area except at such locations and over such roads and paths as are established by the City of Brigantine.
7. Remove or fail to permanently affix the permit to the lower corner of the windshield on the passenger side of the permitted vehicle. Said permit must be affixed in a manner so the same may not be removed.

E. Number of Annual Permits Issued.

1. There shall be no limit to the number of permits issued for the permit year. An applicant for a permit will pay a fee as set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine, at the time of the issuance of the permit, which permit shall be valid from the date of issue until 12:00 midnight on December 31 of the year it was issued, and will receive a device or insignia which must be displayed on the vehicle.

2. An applicant for a permit who is a senior citizen will pay a yearly fee as set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine, at the time of issuance of the permit, upon submission of proof of age by valid driver's license and further proof of submission of the vehicle registration that said applicant is also the owner of the vehicle for which the permit is to be used.
 3. The City reserves the right to close any or all of the areas where four-wheel-drive vehicles may be used or to limit the number of vehicles permitted into any or all designated areas whenever it deems it necessary to preserve the public health, safety or welfare.
 4. An applicant for a permit who is permanently disabled and provides proof of such permanent disability by showing the annual benefits letter indicating said individual is eligible for social security permanent disability benefits will pay a yearly fee as set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine. Said permit shall only be issued if the individual proving such permanent federal social security disability is also the owner of the vehicle for which the permit is to be issued.
- F. Permit Expiration. Permits shall be for a period not to exceed one calendar year, expiring each year on December 31.
- G. Violation. Any vehicle found in violation of any section of this article is subject to be removed from the beach area on order of any officer charged with enforcement of this article. Any vehicle which presents a hazard to safety, navigation or property may also be removed. All costs for such removal shall be the responsibility of the operator, permittee, or registered owner of the vehicle.

§ 105-7 Catamaran Permits.

- A. Permits shall only be issued for catamarans, which comply with federal and state laws concerning the regulations, licensing and operation of vessels and watercrafts.
- B. The permit fee shall be set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine.
- C. In addition to the permit fee and the application, each catamaran owner or operator acting on behalf of the owner shall be obligated to provide evidence of general liability insurance, including coverage for bodily injury, in the amount of at least \$500,000 per occurrence and to agree to hold the City of Brigantine harmless for all claims arising out of the operation of the sailboat on the beaches in the City of Brigantine.
- D. Area Authorized for Permitted Catamaran Use. The use and storage of catamarans upon the municipal beaches or recreational areas shall be limited to Club Drive.
- E. Storage and use rules and regulations. The following rules and regulations shall be observed concerning the use of Catamarans upon the municipal beaches or recreational areas:
 1. Permit numbers and decals shall be permanently affixed to the catamaran.
 2. Permits are not transferable.
 3. Catamarans shall not be operated upon the municipal beaches or recreational areas outside of Club Drive.
 4. Dolly wheels, if used, shall not be stored at the water's edge, but must be kept a safe distance therefrom or in an area to be designated by the Beach Patrol.

5. Trailers shall not be stored on the beach nor in the streets adjacent to beach access.
 6. The Beach Patrol retains the right to control the use of any catamaran in the interest of public safety. Boats may not be operated in the vicinity of bathers.
 7. Catamarans shall be equipped with righting lines, Coast Guard approved lifesaving gear and proper rigging.
 8. The City may order the removal of any catamaran not complying with any regulation or for the safety of the public.
- F. Permit Expiration. Permits shall be for a period not to exceed one calendar year, expiring each year on April 30 of the subsequent year.
- G. Four-wheel Drive Vehicles. Any four-wheel drive vehicle used to transport Catamarans will be required to obtain a four-wheel-drive permit necessary for use of said vehicles on said beach. Only four-wheel-drive vehicles shall be used to transport said vehicle.
- H. Liability. If any provision of this article is violated, either the owner of the sailboat or the individual operating or in possession of the sailboat at the time of violation, or both, may be held liable.

§ 105-8 Personal Watercraft Permits.

- A. Permit Required. Each personal watercraft transported onto the beach in the City of Brigantine for launching therefrom must acquire a permit from the City of Brigantine.
- B. Permits shall only be issued for personal watercrafts, which comply with federal and state laws concerning the regulations, licensing and operation of vessels and watercrafts.
- C. Fee. The fee for said permits shall be as set forth in § 210-37, Fees Enumerated. Permits shall be issued each year in the same manner and at the same time as permits for four-wheel-drive vehicles.
- D. Application for Permit; Indemnification. Each application for a permit shall include the name, address, and telephone number of the owner of the personal watercraft and have attached a copy of the face sheet of the insurance policy showing proof of insurance.
- E. Area Authorized for Permitted Personal Watercraft Use. The use of personal watercrafts upon the municipal beaches or recreational areas shall be limited to the Cove Recreation Area when authorized by the City Manager pursuant to § 105-17.
- F. Rules and Regulations. The following rules and regulations shall be observed concerning the use of personal watercrafts upon the municipal beaches or recreational areas:
 1. The regulations contained in Title 7, Chapter 6 of the New Jersey Administrative Code concerning boating regulations for personal watercraft are hereby made applicable.
 2. The operator of a personal watercraft equipped with a lanyard cutoff switch shall wear the safety switch lanyard at all times when the personal watercraft is in operation upon any of the waters of the municipal beach and recreational areas.
 3. The operator of a personal watercraft launching from or landing shall maintain a speed no faster than that which is necessary to safely navigate the surf until clear of the surf.
- G. Insurance. Each personal watercraft owner or operator, in order to receive a permit pursuant to this chapter, shall provide, with any application therefor, proof of liability insurance for said personal watercraft in the amount of \$500,000. The City shall be named as an additional insured on all such insurance policies.

- H. Display of Permit. Upon applying for and being approved for a permit, each owner or operator shall be issued a numbered permit capable of being placed on said personal watercraft. Said permit shall be placed and kept on said personal watercraft in a clearly visible area of said personal watercraft.
- I. Liability for Violations. If this section is violated, the operator and/or owner of the personal watercraft associated with said violations shall be liable.
- J. Permit Expiration. Permits shall be for a period not exceed one calendar year, expiring each year on December 31.
- K. Construal of Provisions. Nothing contained in the rules and regulations promulgated pursuant to this chapter or in this chapter itself shall in any way take precedence over the laws of the State of New Jersey dealing with personal watercraft, particularly N.J.S.A. 12:7-62 et seq. If any inconsistency is present concerning this chapter and the rules and regulations promulgated thereto and the state statutes as set forth above, the state statutes shall rule and prevail.

§ 105-9 Ice Cream Vendor Permits.

- A. Sale of Ice Cream on the Beaches.
 - 1. Notwithstanding any other Code section to the contrary, there shall hereby be authorized the sale of ice cream, packaged ice cream, water ice, popsicles, fudgesicles, ice cream cones, Dixie cups, ice cream sandwiches, frozen yogurt, water, and similar frozen ice cream products on the beach in the City of Brigantine pursuant to the terms and conditions as contained herein. All of the above products hereinafter shall be referred to as "ice cream."
 - 2. The City of Brigantine shall provide for ten (10) mercantile licenses to sell ice cream on the beach. Any veteran who held a license in the previous year shall have a first right of refusal to a current year license, provided that they submit their application by March 30th of the calendar year. All remaining mercantile licenses shall be offered on a first come, first serve basis, starting April 1st of the calendar year for the Summer season. Only valid mercantile license holders shall be authorized to sell ice cream on the beaches in the City of Brigantine.
 - 3. Only United States veterans who have been issued and hold a current and valid certificate pursuant to N.J.S.A. 45:24-9 may apply for a mercantile license to sell ice cream on the beach. The veteran must present the proper state or county vending identification to qualify. The mercantile licensee is the only person authorized to sell ice cream on the beach. The mercantile license to sell ice cream on the beach is not assignable or transferrable.
 - a. In the event that there are an insufficient number of veterans applying for a permit, the City of Brigantine shall have the right to outsource to a vendor.
 - 4. The mercantile licensee shall be prohibited from having any flag, banner, advertising, pinwheel, or other similar device or display on any box, container or equipment used to carry or transport the ice cream product to be sold. Notwithstanding this section, the display of a small American flag is permissible.
 - 5. The carrying and transporting of ice cream products pursuant to this

chapter is only permissible by:

- a. An insulated metal box with shoulder straps that is uniform in color; or
 - b. A push cart that is uniform in color, has four wheels, is made of PVC pipe and has at least one trash receptacle attached thereto which is capable of holding a sufficient amount of trash and debris so that no litter results from the sale of ice cream on the beach.
6. Sale of ice cream on the beach shall only be permitted between the hours of 10:00 a.m. and 5:30 p.m. Sales shall be permitted from one week prior to Memorial Day until one week after Labor Day. Sale on the beach is also permitted for a special event on the beach outside of that time period if approval is received in advance from the City of Brigantine.
7. The sale of ice cream on the beach shall be authorized in a single zone. The established zone shall be on the beach starting at the northern promenade and proceeding in a southerly direction to the jetty and then in a westerly direction to the cove. It is the intention of this section to create a single zone extending from the northern promenade to the jetty and then to the Cove Recreational Area. Every mercantile licensee may traverse any section of the zone to sell ice cream.
8. Mercantile licenses to sell ice cream on the beach shall be subject to the following terms and conditions:
 - a. Any person selling ice cream shall be at least 18 years of age or older.
 - b. The photo mercantile license issued by the City of Brigantine must be visible at all times while selling ice cream on the beach.
 - c. The applicant shall submit their fingerprints to the City of Brigantine Police Department. The State of New Jersey has contracted with a vendor, Sagem Morpho, Inc., which performs this service. The charge for the same shall be the sole responsibility of the applicant.
 - d. By submitting said fingerprints, any person authorizes the City of Brigantine and its police department and Sagem Morpho, Inc., to run a criminal background history and otherwise investigate each and every applicant to ensure they have not been convicted of a crime. No individual shall be authorized or permitted to sell ice cream on the beach in the City of Brigantine who has a criminal record.
9. The mercantile licensee shall be in violation of this chapter if any of the following occurs:
 - a. Any person selling ice cream on the beach acts in an unprofessional, discourteous, intimidating, or offensive manner to a member of the general public.
 - b. Any person selling ice cream on the beach pursuant to this chapter

disregards or fails to obey any order or direction given to them by a member of the Brigantine Police Department or the Brigantine Beach Patrol.

- c. Any person selling ice cream on the beach pursuant to this chapter commits, conducts, or demonstrates a state of moral turpitude.
 - d. Any person selling ice cream on the beach pursuant to this chapter makes a false or misleading statement or otherwise gives incomplete or incorrect information during the application process.
 - e. Any person selling ice cream on the beach pursuant to this chapter violates any of the conditions or requirements of this chapter.
 - f. Any person selling ice cream on the beach pursuant to this chapter sells any product which is not authorized or sells authorized products.
 - g. Any person selling ice cream on the beach pursuant to this chapter improperly disposes of debris, boxes, or otherwise causes trash or litter to be disbursed or accumulate on the beaches of the City of Brigantine.
- 10. All individuals selling ice cream along the beach in the City of Brigantine are required to appear in a neat and clean manner. Must wear a shirt with sleeves and always represent a professional image.
 - 11. No individual selling ice cream on the beach in the City of Brigantine may use any bell, whistle, horn, loud speaker, cymbal, siren, or other such means of drawing attention or promoting sales to said individual. Hawking in a reasonable tone is permissible.
 - 12. All individuals selling ice cream on the beach must comply with all federal, state, and local laws, rules, regulations, and ordinances, including any requirements of the Atlantic County Department of Health or other health department with jurisdiction, and are subject, without notice, to inspection of its product and equipment at any time by any state, county, or municipal official.
 - 13. All equipment used by any individual to sell ice cream on the beach in the City of Brigantine shall be maintained in a clean, neat, and sanitary manner.
 - 14. Every person selling ice cream on the beach pursuant to this chapter must wear the photo identification badge issued by the City of Brigantine. Additionally, there must be a prominent display of a price list setting forth the price of the items being sold by any individual selling ice cream on the beach pursuant to this chapter.
 - 15. No restocking of ice cream product may occur on the beach in the City of Brigantine. To restock any product, the individual must leave the beach. No restocking may occur which would require a truck or other vehicle to be parked illegally in any street or parking lot located within the City of Brigantine. Any building, freezer, or other structure used to store ice cream products which are to be sold pursuant to this chapter, if located within the boundaries of the City of Brigantine, must be in conformity with the

requirements of the Municipal Land Use ordinance of the City of Brigantine and with all national building codes and subcodes adopted and in use within the City of Brigantine.

16. All individuals selling ice cream on the beach shall sign an Indemnification and hold harmless agreement with the City of Brigantine indemnifying and holding harmless the City of Brigantine and any officials, employees or agents acting on its behalf from and against any and all losses, suits, cost, damages, claims, expenses, actions, liabilities or judgements whatsoever, including damage, personal injury or other damage or loss sustained or alleged to have been sustained in conjunction with the selling of ice cream on the beach, such indemnification and hold harmless agreement shall include, but not be limited to, indemnification for any and all claims by any party for royalties, patent infringements, food poisoning, or any other injury, loss or damage which are in any way related to the sale of ice cream on the beach by the Mercantile licensee.
17. Any person violating any provision of this Ordinance shall, upon conviction of the same, be punished for each offense by a fine not to exceed \$1,250.00, by imprisonment for a term not exceeding 90 days in the County jail or by being ordered to perform community service not in excess of 90 days, or any combination thereof as determined by the Municipal Court Judge. In addition, if any person is convicted of violating this Ordinance, the City of Brigantine reserves the right to terminate the license issued and/or reserves the right to exclude said person from applying in any subsequent year.

§ 105-10 Special Event Permits.

- A. A special permit for group or special events held upon the municipal beaches or recreational areas, which are otherwise prohibited under this chapter, may be obtained by filing an application with the City of Brigantine in accordance with this subsection.
- B. Special event permit application procedures. A person seeking issuance of a special permit shall file an application with the City Manager's office. The applicable special event fees and application review fees are set forth in § 210-37, Fees enumerated, of the City Code of the City of Brigantine.
- C. Standards for issuance of a use permit by the City shall include the following findings:
 1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 3. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct;
 4. That the proposed activity will not entail, extraordinary or burdensome expense or police operation by the City;
 5. That the facilities desired have not been reserved for other use at the date and hour requested in the application; and

6. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- D. The person or persons to whom the permit is issued shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. The City shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the City prior to the commencement of any activity or issuance of any permit.

§ 105-12 Horse Permits.

- A. Riding Permitted in Designated Areas. The riding of horses within a specifically designated area of the beach of the City of Brigantine is hereby permitted pursuant to the terms and conditions set forth in this article.
- B. Permitted Times and Dates. The riding of horses as permitted pursuant to this article shall only occur on an annual basis beginning on November 1 of each year through and concluding on March 30 of each year. The permitted hours of riding during said time period shall be from 6:00 a.m. to 5:00 p.m.
- C. Designated Riding Area. The designated riding area for the riding of horses as set forth in this article shall be on the area of the beach beginning at the northernmost property line of the beach owned by the City of Brigantine and extending south to the south end jetty. Horseback riding in any dune area, marsh area or any other area which may disturb or destroy any dune grass, dunes, nesting areas, or threatened or endangered species or their habitat is specifically prohibited. In order to be in conformance with this section of this article, all riders must ride in the general vicinity of the hard sand closest to the water's edge.
- D. Sporting Activities Prohibited. Any sporting activities such as horse racing, polo, or other sporting activities involving horses are prohibited by this article. No galloping shall be permitted. The only activity permitted pursuant to this article shall be the leisurely activity of horseback riding consisting of walking or pacing of the horses.
- E. Permit Required. A permit will be required for riding horses on the beach. The cost of the permit shall be set forth in § 210-37 and may be purchased at the office of the City Clerk. Each permit must be displayed in the front windshield of the vehicle used for towing the horse(s) to the City of Brigantine. The permit shall permit two riders per permit vehicle to engage in the activity of horseback riding on the beach. The person obtaining the permit must provide their full name, permanent address and telephone number, and their address and telephone number in Brigantine, if applicable, when completing an application for a permit. Each person seeking to obtain a permit must complete an application form as designated by the City Manager or his/her designee. A permit shall only be valid during the horseback riding season in which it was purchased. There shall be no refund if a permit is used for only part of the season.
- F. Permittee Responsible for Riders. The person who obtains the permit shall be responsible for any and all individuals engaging in horseback riding pursuant to said permit. This includes the responsibility of insuring that any beginner or intermediate rider is

accompanied by an experienced rider and is capable of controlling the specific horse which he or she is riding.

- G. Limit on Number of Horses. There is no limit on the number of permits that can be sold. There shall be a limit of no more than twelve (12) horses permitted on the beach at any one time. Riding sessions must be scheduled at least three (3) days in advance by contacting the City Clerk's Office at telephone number (609) 266-7600, ext. 220 and making a reservation. If twelve (12) slots have been reserved for said day, then no reservation can be made for additional riders on said date. The City of Brigantine reserves the right to only allow riding during times when the ocean tide shall be the lowest.
- H. Parking of Trailers. Any horse trailer used to transport a horse(s) to the City of Brigantine for horseback riding may only be parked at the 15th Street North beach parking lot. If any said truck parked at said lot is connected to a trailer and does not have a permit, the City, in its sole discretion, reserves the right to tow both the truck and the trailer at the owner's expense. Likewise, no trailer shall be allowed to be parked without being attached to a truck with a valid permit. All horse(s) used in the horseback riding permitted by this article shall be transported to the City of Brigantine and no such horse(s) shall be permitted to be stabled, kept or to remain in the City except during the specifically reserved riding times.
- I. Permittee Responsibility; Hearing; Revocation of Permit. The permittee is responsible for cleaning any manure, hay or other debris which is caused by the riding of horses upon said beach including any and all which may fall in the parking lot, entrance to the beach or on the beach. Any such manure, hay or other debris must be removed from the Island and brought back to the stable or farm from which the horse came. A violation of this section of the ordinance may, in addition to all other penalties, result in a hearing before the City Council at which hearing the permit of any such permittee may be revoked and said permittee may be refused the issuance of a permit in the future.
- J. Proper Headgear Required; Hearing; Revocation of Permit. All riders are required to wear a properly fitted and secure protective headgear (equestrian riding helmet) which meets or exceeds the quality standards of the SEI Certified ASTM standard F1163. Failure of any person(s) to wear a helmet while riding horses pursuant to this article may result, in addition to all other penalties, in a hearing before the City Council at which hearing the permit of any such permittee may be revoked and said permittee may be refused the issuance of a permit in the future. It shall be the responsibility of the permittee to insure that any person riding pursuant to said permit is wearing such protective headgear. There will be no refund for any permit revoked because of a violation of this article.
- K. Accompaniment by Adult Required. Any child under the age of sixteen (16) years old must be accompanied by an adult at all times while riding on the beach in the City of Brigantine.
- L. Accompaniment by Dogs Prohibited. No dogs are permitted to accompany riders while riding on the beach pursuant to this article.
- M. Riders must Yield to Others. When any rider comes upon any individuals on the beach, whether they be swimming, fishing or engaged in other activities, it is the responsibility of the horse rider to yield and to ride around any such individuals or fisherman and also must yield, avoid and ride around any fishing lines.
- N. Responsibility for Stolen Articles. The City of Brigantine is not responsible for lost or stolen tack/personal items. The owners are responsible for locking their vehicles and trailers when not present.

- O. Consumption of Alcoholic Beverages Prohibited; Revocation of Permit; Hearing. A person shall not consume alcoholic beverages prior to or during the time they are riding or transporting horses to or from the beach in the City of Brigantine. A violation of this section of the ordinance shall result in the immediate revocation of the permit of the permittee. The City Council will further conduct a hearing at which time said permittee may be prevented from obtaining any permit for the riding of horses on the beach in the City of Brigantine in the future.
- P. Rental Prohibited. The establishment of any business or operation for the rental of horses in the City of Brigantine is prohibited. All horses used for activities pursuant to this article must be transported from a geographic location outside of the City.
- Q. Rules and Regulations. The City Manager of the City of Brigantine is specifically given authority pursuant to this article to establish rules regulating the activity of horseback riding in the City. Said rules may include the provisions contained in this article, or may be in addition thereto. The application to be signed by a permittee shall specifically have contained thereon the following language:

“I understand that horseback riding in the City of Brigantine is a privilege. By signing this application for permit, I specifically agree that I, and anyone riding pursuant to this permit, shall be bound by this article and rules established by the City of Brigantine regulating horseback riding on the beach of the City. I further, on behalf of myself and all riders riding pursuant to the permit to be issued pursuant to this application, specifically release the City of Brigantine, its officers, officials, agents and employees from any and all liability of any nature whatsoever associated or related to the riding of horses within the City of Brigantine and specifically hold harmless those individuals and entities.”

§ 105-13 Coffee Vendor Permits.

- A. Authorization.
1. Notwithstanding any other Code section to the contrary, there shall hereby be authorized the sale of coffee, iced coffee, cold brew, Frappuccinos and similar coffee products on the beach in the City of Brigantine pursuant to the terms and conditions as contained herein. All of the above products hereinafter shall be referred to as “coffee.”
- B. Permit.
1. The City of Brigantine shall provide mercantile a single permit to sell coffee on the beach. Only the valid mercantile permit holder shall be authorized to sell coffee on the beach in the City of Brigantine.
 2. Permit shall only be issued to:
 - a. The vendor authorized by the City after procurement pursuant to the Local Public Contracts Law.
- C. Permit Required; Duration. In order to sell coffee on the beach in the City of Brigantine, the successful bidder must be issued a permit by the City. The permit shall be valid from Memorial Day through September 30 of the calendar year in which it was issued.
- D. Advertising Prohibited.

1. A successful bidder or anyone acting on its behalf shall be prohibited from having any flag, banner, advertising, pinwheel, or other similar device or display on any box, container or equipment used to carry or transport the coffee product to be sold. Notwithstanding this section, the display of a small American flag is permissible.
 2. A successful bidder or anyone acting on its behalf shall be prohibited from distributing any coupons, tickets, circulars, pamphlets, or other paper product of any nature and shall further be prohibited from distributing any toy, souvenirs, or other prize for any reason.
- E. Hours and Dates Permitted. Sale of coffee on the beach shall only be permitted between the hours of 10:00 a.m. and 5:30 p.m. Sales shall be permitted from Memorial Day until September 30th. Sale on the beach is also permitted for a special event on the beach outside of that time period if approval is received in advance from the City of Brigantine.
- F. Submission of Price Schedule; Adherence to Schedule. Any successful bidder shall submit a schedule of prices as part of the bid package submitted by said bidder. The schedule of prices shall be kept on file in the City Clerk's office, and no individual or corporate entity selling coffee on the beach in the City of Brigantine shall charge an amount in excess of the price schedule which has been submitted.
- G. Zones Delineated; One Permit per Zone. The sale of coffee on the beach shall be authorized in a single zone. The established zone shall be on the beach starting at the northern Promenade and proceeding in a southerly direction to the jetty and then in a westerly direction to the cove. It is the intention of this section to create a single zone extending from the northern Promenade to the jetty and then to the Cove Recreational Area.
- H. Terms and Conditions of Permit. Said permit shall be subject to the following terms and conditions:
1. Any person selling coffee on behalf of a vendor shall be at least 18 years of age or older.
- I. Prohibited Acts.
1. Any successful bidder or employee acting on its behalf shall be in violation of this chapter if any of the following occurs:
 - b. A person selling coffee on the beach acts in an unprofessional, discourteous, intimidating or offensive manner to a member of the general public.
 - c. Any person selling coffee on the beach pursuant to this chapter disregards or fails to obey any order or direction given to them by a member of the Brigantine Police Department or the Brigantine Beach Patrol.
 - d. Any person selling coffee on the beach pursuant to this chapter commits conduct demonstrating a state of moral turpitude.
 - e. Any person selling coffee on the beach pursuant to this chapter makes a false or misleading statement or otherwise gives incomplete or incorrect information during the application process.
 - f. Any person selling coffee on the beach pursuant to this chapter violates any of the conditions or requirements of this chapter.

- g. Any person selling coffee on the beach pursuant to this chapter sells any product which is not authorized or sells authorized products in a location or zone other than the permitted location or zone awarded to the successful bidder who employs said person.
 - h. Any person selling coffee on the beach pursuant to this chapter sells any product for an amount in excess of the price list required to be submitted to the City of Brigantine pursuant to this chapter.
 - i. Any person selling coffee on the beach pursuant to this chapter improperly disposes of debris, boxes or otherwise causes trash or litter to be disbursed or accumulated on the beaches of the City of Brigantine.
 - j. Any successful bidder uses an employee who has not been authorized and submitted as part of the application or who is otherwise ineligible pursuant to this chapter to sell coffee on the beach.
2. When a person is found guilty of violating this article, the employee and the successful bidder who has hired said employee shall be subject to fines and penalties as set forth in this article. In addition, the City of Brigantine reserves the right to require the vendor to remove said employee from selling coffee on the beach within the City and further reserves the right to prohibit said vendor who has an ownership interest in or is an employee of the vendor from submitting bids in the future seeking to be authorized to sell coffee on the beach in the City of Brigantine.
- J. Dress code. All individuals selling coffee along the beach in the City of Brigantine are required to appear in a neat and clean manner and must wear a shirt at all times. Shirts with the name of the business entity for which the employee is working are encouraged.
 - K. Use of bells, whistles, sirens and the like prohibited. No individual selling coffee on the beach in the City of Brigantine may use any bell, whistle, horn, loud speaker, cymbal, siren or other such means of drawing attention or promoting sales to said individual. Hawking in a reasonable tone is permissible.
 - L. Non-transferability of Permit. Any permit issued pursuant to this article cannot be transferred, assigned, loaned, or otherwise used by any entity other than the successful bidder.
 - M. Compliance with laws, rules and regulations; inspections. Any successful bidder or employee acting on its behalf must comply with all federal, state, and local laws, rules, regulations, and ordinances, including any requirements of the Atlantic County Department of Health or other health department with jurisdiction. Any successful bidder or employee acting on its behalf is subject, without notice, to inspection of its product and equipment at any time by any state, county, or municipal official.
 - N. Maintenance of equipment. All equipment used by any individual to sell coffee on the beach in the City of Brigantine shall be maintained in a clean, neat, and sanitary manner.
 - O. Photo identification badge required; display of price list. Every person selling coffee on the beach pursuant to this chapter must wear a photo identification badge which at a minimum contains his/her picture, name and the company he/she is employed by. The picture and lettering must be large enough so that the same can be read from a distance of three (3) feet. Additionally, there should be a prominent display of a price list setting forth

the price of the items being sold by any individual selling coffee on the beach pursuant to this chapter.

- P. Restocking of product. No restocking of coffee products may occur on the beach in the City of Brigantine. To restock and product, the individual must leave the beach. No restocking may occur which would require a truck or other vehicle to be parked illegally in any street or parking lot located within the City of Brigantine. Any building, freezer, or other structure used to store coffee products which are to be sold pursuant to this chapter, if located within the boundaries of the City of Brigantine, must be in conformity with the requirements of the Municipal Land Use Ordinance¹ of the City of Brigantine and with all national building codes and sub-codes adopted and in use within the City of Brigantine and with all national building codes and sub-codes adopted and in use within the City of Brigantine.
- Q. Bidders Independent Contractors. Any successful bidder is an independent contractor and nothing contained in this article is meant to create an employer-employee or other relationship between the City and said bidder.
- R. Right of City to Terminate Sale of Coffee. The City of Brigantine shall be under no obligation to put out to bid or award permits for vending on an annual basis. The City reserves the right to terminate the sale of coffee on the beach for any reason, or no reason at all, in any year subsequent to a year when the selling of coffee on the beach has been permitted. No successful bidder, or anyone else, shall be considered to have a property right by being a successful bidder or being issued a permit pursuant to this article.

§ 105-14 Rules and Regulations for the use of Municipal Beaches and Recreational Areas.

- A. The Mayor and Council are hereby authorized and empowered to:
 - 1. 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 municipal beaches and recreational areas.
 - 2. Determine and establish by resolution the period during each year when each of the paid bathing beaches shall be opened and closed.
 - 3. 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.
 - 4. Designate, by resolution, the protected bathing beaches where boats and lifeguards are to be provided by the City of Brigantine and from which beaches persons may bathe and swim, and to change or abolish the precise location of any one or more bathing beaches from time to time; as safety and attending circumstances shall require.
 - 5. Determine and establish, by resolution, the period during each year when each of the paid bathing beaches shall be opened and closed.
 - 6. 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.
 - 7. Purchase badges, checks or other insignia and such other supplies, materials and equipment as may be necessary.

¹ See Chapter 198, Land Use

- B. The City Manager, with the advice of the Chiefs of the Beach Patrol and/or the Police Department, is hereby authorized and empowered to:
1. Swimming and surfing areas designation. Designate the protected bathing and surfing areas within municipal beaches or recreational areas where lifeguards are to be provided by the City and from which beaches persons may bathe and swim.
 2. Restrictions and limitations on access. The City of Brigantine may close, restrict and/or limit access to the municipal beaches or recreational areas. The authority to restrict and/or limit access shall be within the sole discretion of the City Manager or his/her designee. A decision by the City Manager to restrict and/or limit access may be based upon, but not limited to, a concern for the health, safety, and welfare of individuals accessing and/or using the municipal beaches or recreational areas. In exercising this authority, the City Manager may consult with federal, state, county, and municipal officials, including the Chief of Police, the Chief of the Beach Patrol and the Mayor of the City of Brigantine.
 - a. Any restriction and/or limitation placed upon access and use of the municipal beaches or recreational areas shall be of such limited scope and duration as is required in the opinion of the City Manager to address the issue(s) or concern(s) that gave rise to the restriction and/or limitation. Once the issue(s) or concern(s) have subsided, any restriction and/or limitation shall be lifted.
 - b. No individual shall be entitled to a refund or compensation for the purchase of a beach badge or vehicle permit as the result of a decision to restrict and/or limit access to the Cove Recreational Area.
 3. Modification of operating hours. Modify the hours of operation for any Municipal Beach or Recreational Area.
- C. The Beach Patrol Chief and his duly authorized officers is hereby authorized and empowered to designate the official uniform of the Brigantine City Beach Patrol.
- D. Beach badges required. In order to provide the necessary funds to improve, maintain and police the municipal beaches and recreational areas, all individuals, unless specifically exempted, are required to comply with § 105-4, Beach Tags.
- E. Municipal beaches and recreational areas operating hours. Unless provided for otherwise in this chapter, including a decision by the City Manager to extend the hours or prohibit access, the daily operating hours of all municipal beaches and recreational areas shall be from 10:00 a.m. to 5:30 p.m. daily.
- F. Municipal beaches and recreational areas rules and regulations. It shall be unlawful to violate any of the following rules and regulations, or those subsequently adopted by resolutions, within the municipal beaches and recreational areas:
1. To throw, bat or catch a baseball, football, basketball, softball or engage in the playing of any game endangering the health and safety of others on the beach except in areas specifically designated for said activities.
 2. To fly a kite or kites of any size, shape or description, or the attempt to do so, or the propelling or causing of movement of any object through the air, whether manually, mechanically, or electrically is prohibited during the hours that the beach is made available for bathing. The Beach Patrol may designate and mark certain areas of the beach where such activities are permitted. Designated kite

flying beaches shall not be located within 200 meters of the Cooperative Beach Management Zone or a posted beach nesting area.

3. To swim or bathe beyond a sage depth as determined or regulated by the lifeguards of the City of Brigantine.
4. To use a life belt, surfboard, canoe, boat, raft, water wings, inner tube, or any floating or inflated object or device of any kind or description in the bathing area adjacent to the beach except in such areas designated by the Beach Patrol Chief for the use of such devices.
5. To use a surfboard, without a leash attached thereto, in the water off the beach; to use a kayak, in the waters off the beach, without wearing a life jacket.
6. To throw, place, deposit, or leave any bottles, glass, crockery, sharp or pointed article or thing, paper, refuse, or debris of any kind in any area except in proper receptacles.
7. To fail to immediately obey all orders, directions, whistles or other signals used by the City lifeguards and/or police.
8. To possess, actual or constructive, transport or consume alcoholic beverages.
9. To climb upon or stand on the railings, fences, or benches so as to cause or to be likely to cause damage to the same on the beach or approaches thereto or tamper with or handle the lifeguards' boats or other equipment used by them.
10. 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.
11. To loiter, assemble, band or crowd together so as to interfere or be likely to interfere with the ingress and egress of others at the street ends.
12. To act in a loud, indecent, obscene, offensive or lascivious manner within said defined areas.
13. To host parties, events, or congregations of large numbers of persons and vehicles without first obtaining the permission of the City of Brigantine. No use of exterior speakers or lights shall be permitted without the permission of the City of Brigantine.
14. To dress, undress or change clothing for bathing or other purpose in any passenger automobile, bus, truck, or vehicle of any kind, regardless of whether the doing thereof is in public view or can be seen by any other person or persons.
15. To sleep during anytime between sunset and sunrise.
16. To cook, sleep, or camp on the beach area.
17. To permit or allow any dogs or other animals, except as otherwise provided for by law pursuant to § 105-18.
18. To fail to keep any dog or other animal on a leash.
19. To operate any personal watercraft, motorboat, catamaran, or sailboat, within 100 feet of the shoreline and within 100 feet of any person in the water. This provision shall not apply to personal watercrafts or motorboats operated by City, state, or federal officials in the course of official business or those experiencing an emergency requiring the immediate grounding of a vessel to obtain emergency services or as a result of the vessel's malfunction rendering it inoperative.
20. To launch, moor, ground, or abandon any motorboat, personal watercraft, sailboat, or catamaran. This provision shall not apply to personal watercrafts or

motorboats operated by City, state or federal officials in the course of official business or those experiencing an emergency requiring the immediate grounding of a vessel to obtain emergency services or as a result of the vessel's malfunction rendering it inoperative.

21. To use a motorboat, personal watercraft, sailboat, or catamaran to ride waves within the waters adjacent to the municipal beaches and recreational areas.
22. To impersonate a lifeguard of the City of Brigantine.
23. To use, enter upon, possess, wader, or loiter upon any public, quasi-public or private property adjacent to or upon the beach in a manner not authorized by the owner thereof or in a manner likely to interfere with the owner's use thereof or, in the case of public or quasi-public property, likely to interfere with the reasonable use thereof by others.
24. To bring a cooler larger than 24 inches in width, or length, or height and/or has a capacity greater than 36 quarts.
 - a. The prohibition of this subsection shall not apply to any container that has been inspected by a representative of the City to inspect the contents of such containers so to ensure the general health, safety and welfare of individuals accessing and enjoying the municipal beaches and recreational areas. Signs informing beach patrons of the inspection requirement and the option to not bring such container or cooler onto or in municipal beach or recreational areas shall be posted at the entrances.
25. To set-up or otherwise establish a canopy on the beach larger than 10x10, except in either the front or back of a vehicle permitted pursuant to § 105-6. No canopies shall be placed on the side of the vehicles not shall they be placed in such a manner as to reserve a space or spot on the beach for another permitted vehicle. Upon the request of a lifeguard or police officer, canopies otherwise in compliance with the section, shall immediately be removed from the beach for the purposes of public health, safety and welfare.
26. To start or maintain a fire or fires on the beach at any time during the entire year is prohibited.
27. To smoke or burn a lighted cigar, cigarette or pipe, including any handheld electronic device which vaporizes a liquid (e.g., e-cigarettes, e-cigs, electronic nicotine delivery systems, electronic non-nicotine delivery systems, personal vaporizers, PVs), or any other matter or substance which contains tobacco.
28. To drive a motorcycle, or any motor operated or horse-drawn vehicle or to ride a horse upon the beach or approaches thereto without first obtaining a permit as provided for in § 105-5 or § 105-12. This provision shall not apply to City-owned vehicles in the course of public needs or requirements.
29. To operating a bicycle upon the beach or approaches thereto while lifeguards are on duty.
30. To bring, permit to be brought, or to use any catamaran without first obtaining a permit as provided for in § 105-7.
31. To use on or above the beaches of the City of Brigantine any airplane, ultra-light, hang glider, parasailing device, or other similar human or mechanically propelled aircraft. This prohibition includes the taking off or landing of such equipment or aircraft on the beaches of the City of Brigantine and the flying above the beaches

of the City of Brigantine with any such equipment or aircraft. This prohibition shall not apply in emergency situations. This subsection is not intended to conflict with or supersede any rules or regulations of the Federal Aviation Administration or similar body with jurisdiction or with N.J.S.A. 6:2-6 and, to the extent that this subsection is in conflict with the same, the federal rule, regulation or statute shall govern. This prohibition shall not apply to any aircraft licensed by and registered with the Department of Commerce of the United States of America or any military aircraft of the United States of America, including the Air National Guard.

32. To possess, erect, or use any portable toilet on the beach.
 33. To dispose of any waste or debris resulting from the use of a portable toilet on the beach.
 34. To fuel or refuel any jet ski, boat, or motorized equipment on the beach.
 35. To enter, remain in, fail or refuse to depart from once leave the closed Cove Recreation Area or any portion thereof while such restriction is in effect.
 36. To fish, cast, crab, or other activities of similar nature. This provision shall not apply to the municipal beach from Sandy Lane (off Harbor Beach Boulevard) south to the Southern Brigantine Jetty and areas as may be determined, from time to time, by the Chief of the Beach Patrol.
 37. To engage in surf fishing in the bathing areas.
 38. To walk, fish or doing any activity on the rock jetties, except for the South End Jetty at Absecon Inlet, is prohibited.
 39. To enter upon or traverse the sand dunes.
 40. To sell, exchange, or transfer, or offer to sell, exchange or transfer, any beach badge for money or any other consideration of value shall be prohibited.
 41. To conduct any commercial activity or business, unless specifically authorized to do so by City Council, or unless permitted to do so by the City of Brigantine. In addition, no person shall offer as a gift or free sample any article, goods, wares, merchandise, or any materials advertising any article, goods, wares, or merchandise for sale, to any person.
- G. Alcohol on the Beach. Rules concerning the consumption of alcohol on the beaches is set forth in § 91-4, Consumption in public prohibited, of the City Code of the City of Brigantine.

§ 105-15 Beach Patrol.

- A. The members of the Beach Patrol of the City of Brigantine, commonly called the "lifeguards," are deemed to have the police power of the City of Brigantine when engaged in enforcement of the rules and regulations established by this article and by the City of Brigantine for the use of the beaches. Persons using the beach shall immediately obey the directions, signals or orders of the Beach Patrol.
- B. Beach Patrol may, in its discretion, remove any device or material from the beach which it deems to be a danger to the public safety or not maintained in accordance with the provisions of this article. In the case of removal of vehicles, boats or other large items of personal property, the Beach Patrol shall store such items at the City yard and charge an appropriate storage fee therefore. In the event that such property is not removed by the

owners within a reasonable period of time, it shall be disposed in accordance with the laws of this state concerning abandoned property.

§ 105-16 Promenade Regulations.

- A. Rules and regulations for use of the Promenade. In addition to the rules and regulations enumerated in § 105-14, the following rules and regulations are hereby established, and it shall be unlawful to violate any of said rules and regulations on the Promenade of the City of Brigantine:
1. To use or operate any bicycle, unicycle, moped, go-ped, scooter, skateboard, roller-skate or rollerblade or any other mechanical item or vehicle used for transportation whether powered by motor or otherwise. However, nothing herein shall be interpreted so as to prohibit any wheelchairs motorized or otherwise, or other similar device used to assist any individual with a physical disability.
 2. Fishing, casting, crabbing, or other activities of similar nature.
 3. The consumption of alcoholic beverages.
 4. The walking of any dog, cat, or other pet or animal of any kind.
 5. Undressing or disrobing in any manner.
 6. Sleeping.
 7. Picnicking or specifically transportation and using any cooler, box, basket, bag, or tub which contains food, beverage or both and the consumption of such food, beverage or both therefrom.
 8. The throwing of any ball, Frisbee, or other such items designed for a game or sporting activity or the flying of any kite.
 9. The placement of any glass, bottle, trash, or debris of any kind.
 10. The hawking or peddling or sale of any goods, articles, wares, or other merchandise.

§ 105-17 Cove Recreation Area.

- A. Hours. The Cove Recreation Area shall be open daily during the summer season from dawn until dusk, unless access is limited by the City Manager or his/her designee.
- B. Access to the Cove Recreation Area. Any individual upon the Cove Recreation Area, which includes the water adjacent thereto, is required to comply with the provision § 105-4, Beach Tags. This requirement shall apply to all individuals, regardless of the manner in which the individual accesses the Cove Recreation Area, including but not limited to by vehicle, jet ski, or motorboat.
- C. Cove Recreation Area Rules and Regulations. The rules and regulations enumerated in § 105-14, unless otherwise provided for herein, are applicable to the Cove Recreation Area as if fully set forth herein.
- D. Four-wheel drive vehicle use in the Cove Recreation Area.
1. Vehicles accessing the Cove Recreation Area shall enter and exit at the designated beach gateway at the end of Lagoon Boulevard.
 2. Vehicles shall not stand, park, or loiter at the end of Lagoon Boulevard in anticipation of the Cove Recreation Area opening.

3. In addition to all of the other rules and regulations contained in § 105-6D, which are hereby made applicable to the Cove Recreation Area by reference, all persons operating motor vehicles in the Cove Recreation Area shall do so only in conformity with the provisions of N.J.S.A. 39:3-3 through 39:3-83.
- E. Use of motorboats and personal watercrafts in the Cove Recreation Area.
1. Prohibition. The launching, landing, mooring, and grounding of motorboats and person watercrafts is prohibited within the Cove Recreation Area, unless authorized by the City Manager.
 2. The City Manager, with the advice of the Chief of the Beach Patrol, is hereby authorized and empowered to designate certain areas of the Cove Recreation Area for the launching and/or landing or motorboats and/or personal watercrafts.

§ 105-18 Dogs on Beaches.

- A. Restrictions. No person shall permit or allow any dog on the public beaches in the City of Brigantine between 15th Street North and the southwesternmost point of the City of Brigantine beach from May 15 to September 15, inclusive and no dog shall be taken or permitted on said beaches between September 16 and May 14 each year unless said dog shall be securely fastened to a leash and accompanied by and under the control of a person.
- a. Dogs shall not be prohibited on the beach within the Cooperative Zone (the area between Sandy Lane and Bramble Drive) from March 15 to September 15.
 - b. Dogs are prohibited at all times on the Promenade extending from 9th Street North to 15th Street North, whether on a leash or not, whether licensed or not.
- B. Enforcement. This article shall be enforced by the Animal Control Warden, members of the Brigantine Police Department, members of the Brigantine Beach Patrol, members of the Brigantine Public Works Department, Code Enforcement and any City employees or officials designated by the City Manager.

§ 105-19 Wildlife Observation Deck.

- A. Location. The Wildlife Observation Deck is located on the North-end of the City, located at Brigantine Avenue and 14th Street North.
- B. Hours. The Wildlife Observation Deck shall be open daily from 5 a.m. to 11 p.m.

§ 105-20 Surfing.

- A. Compliance required. No persons shall engage in the sport of surfing within the City of Brigantine or the surf adjoining the shoreline of the same except as provided hereinafter.
- B. Any area that may be designated as a surfing area shall be clearly marked.
- C. Obligation of City. Nothing in this article or in regulations promulgated hereunder shall impose any obligation upon the City of Brigantine to provide lifeguards or other protection for the safety of persons engaged in the sport of surfing nor imply that any particular areas are declared safe for this purpose.

§ 105-21 Enforcement.

This chapter shall be enforced by the Police Department of the City of Brigantine, any duly appointed law enforcement agency of the State of New Jersey or its subdivisions, the Brigantine Beach Patrol or any special enforcement officers designated by the City Manager or Chief of Police.

§ 105-22 Violations and Penalties.

- A. Any violation or failure to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not less than \$300 and no more than \$2,000, by imprisonment for a term not to exceed 90 days, or by community service of not more than 90 days, or any combination of fine, imprisonment, or community service as determined in the discretion of the Municipal Court Judge.
1. Any person found guilty of a second and/or subsequent offense may be prohibited from accessing municipal beaches or recreational areas for a one (1) year period commencing on the date of conviction.
- B. Any beach tag, automobile, catamaran, personal watercraft, ice cream vendor, coffee vendor, special event, or horse permit hereafter issued may, in addition to the imposition of any penalties provided hereunder against the responsible individual or vehicle or catamaran owner, be revoked temporarily by any police officer, lifeguard, or other agent of the City for the refusal or failure of such person to display such tag or permit it to comply with any rule or regulation governing the use of the municipal beaches of recreational areas, to obey the reasonable directions of the officer to employee charged with the maintenance of good order thereon, for engaging in any noxious or offensive conduct or language or for other good cause.

ACTION ON INTRODUCTION:

Motion made by: Councilman Virgilio

Motion seconded by: Deputy Mayor Bew

VOTE:

Deputy Mayor Bew:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Lettieri:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Haney:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Virgilio	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Kane:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Riordan:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Mayor Sera:	☒ Yes	☐ No	☐ Abstain	☐ Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: Councilman Virgilio

Motion seconded by: Councilman Lettieri

VOTE:

Deputy Mayor Bew: ☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Lettieri: ☒ Yes ☐ No ☐ Abstain ☐ Not Present

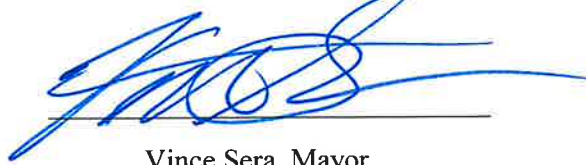
Councilman Haney: ☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Virgilio: ☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Kane: ☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Riordan: ☒ Yes ☐ No ☐ Abstain ☐ Not Present

Mayor Sera: ☒ Yes ☐ No ☐ Abstain ☐ Not Present



Vince Sera, Mayor

I certify that this ordinance was introduced at a properly advertised public meeting on April 16, 2025, published pursuant to law and the subject of a second reading and public hearing on May 7, 2025 prior to final adoption.


Christine Murray, Acting City Clerk