

BAY HEAD BOROUGH

ORDINANCE NO. 2024-03

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 169, ENTITLED "PARKS AND
WILDLIFE SANCTUARIES"**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 169, entitled "Parks and Wildlife Sanctuaries," in its entirety as follows:

Chapter 169 Parks and Wildlife Sanctuaries

§169-1 Purpose.

The purpose of this chapter is to regulate the use of parks and wildlife sanctuaries owned and/or maintained by the Borough in order that all persons may enjoy and make use of such parks and wildlife sanctuaries and to protect the rights of those owning property adjacent to such parks.

§169-2 Establishment of parks and wildlife sanctuaries

Parks and wildlife sanctuaries are hereby established within the Borough of Bay Head and a schedule of said properties shall be available through the Borough Clerk's office.

§169-3 Hours of Operation

All parks and wildlife sanctuaries within the Borough of Bay Head shall be open from 8:00 a.m. to sunset, or 8:00 p.m., whichever is earlier.

§169-4 Prohibited Acts within parks and wildlife sanctuaries. The following acts are

any prohibited within parks and wildlife sanctuaries and shall be in addition to other prohibitions or regulations with the Borough Code:

- A. No person shall shoot, hunt or otherwise molest wild bird, animal or other wildlife within any park or wildlife sanctuary.
- B. No person shall take, damage, destroy or molest the nest or eggs of any wild bird or other wildlife or animal, unless otherwise authorized by the Borough and in accordance with State and Federal regulations.
- C. No person shall be allowed upon Kellogg Memorial Island without a permit from the Borough.
- D. No person shall secure or otherwise leave a canoe, paddleboard, kayak, rowboat or similar watercraft upon any park or wildlife sanctuary property or in any body of water within or adjacent to any park or wildlife sanctuary, except as pursuant to §169-5(F) herein.
- E. No person shall bring into, consume, or sell alcoholic beverages in a park or wildlife sanctuary, except that:
 - a. Alcoholic beverages may be sold by persons operating under a concession from the Borough, subject to the regulation and control of the Borough. Sale of alcoholic beverages shall be by the individual drink only, and drinks shall only be consumed on the premises of the concession. Sale of beer and wine in unopened containers shall not be permitted.
 - b. Alcoholic beverages can be consumed at picnics or functions of families or groups of 25 or more, provided that a permit for such consumption is obtained. The Borough may require that one or more law enforcement officers or park guards be present at such picnics or functions. In such cases, the expense shall be paid by the group having the picnic or function. For purposes of this section, a group picnic must consist of 25 or more persons.

- c. Owners of vessels docked or moored at or in a park marina, if any, shall be permitted to transport alcoholic beverages across park property for use on board their vessels.

- F. It shall be unlawful for any person who has the custody and control of any pet or domesticated animal, including but not limited to dogs and cats, to allow, suffer, or permit said pet or domesticated animal in Centennial Park, tennis court area. Leashed dogs and other domesticated animals shall be allowed at any park or wildlife sanctuary other than Centennial Park, tennis court area.
 - i. In parks and wildlife sanctuaries (other than Centennial Park, tennis court area, where they are prohibited), animals must be securely confined or controlled by an adequate leash no longer than six feet in length. Said animals shall be prohibited if not so controlled or securely confined.
 - ii. Service animals shall be allowed in parks and wildlife sanctuaries at any time, but must be leashed and under the control of the owner of said service animal.

- G. It shall be unlawful to park and/or operate a food truck or any other type of mobile food provider without a permit from the Borough.

- H. It shall be unlawful to build or maintain bonfires or fires.

- I. It shall be unlawful to operate any self-contained, portable, hand-held music or sound amplification or reproduction equipment in any park or wildlife sanctuary in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator unless a permit has been issued by the Borough.

- J. It shall be unlawful for any person to operate a motorized scooter or electric bicycle ("Ebike") on any area, path, or road designated by the Borough for the use of bicycles and tricycles. This shall also not apply to those devices used to increase the independent mobility of an individual who has limited or no ambulation abilities, such as a motorized wheelchair.

§ 169-5 Permits required.

In addition to any other provision of this Chapter or Borough Code that requires the obtaining of a permit, the following activities may be allowed if a permit is obtained in advance from the Borough:

- A. Any picnic, outing or gathering sponsored by any person or family composed of 25 or more persons.
- B. Any contest, exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event, or any similar event.
- C. Any public meeting, assembly, or parade, including, but not limited to, drills, maneuvers, ceremonies, addresses, speeches, or political meetings.
- D. Any use of any park facility by a certain person or group of persons to the exclusion of others.
- E. Utilize or otherwise be physically present upon Kellogg Memorial Island.
- F. Secure or otherwise leave a canoe, paddleboard, kayak, rowboat or similar watercraft upon any park or wildlife sanctuary property, or in any body of water within or adjacent to any park or wildlife sanctuary, between the hours of 8:00 p.m. to 6:00 a.m., between May 1 to October 15.
- G. Park and/or operate a food truck or any other type of mobile food provider.
- H. Operate any self-contained, portable, hand-held music or sound amplification or reproduction equipment in any park or wildlife sanctuary in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator.

Permits shall be obtained in accordance with the procedures and standards established by Resolution and shall be available through the Borough Clerk.

§ 169-6 Violations and penalties

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$2,000, by imprisonment for a term not to exceed 90


days and/or by a term of community service not to exceed 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 5th day of February, 2024, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 4th day of March, 2024, at 7:00 p.m., at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Antoinette Jones, RMC, CMR, Borough Clerk,
BOROUGH OF BAY HEAD

NOTICE OF ADOPTION

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance published herewith has been finally adopted by the Borough Council of the Borough of Bay Head, in the County of Ocean, New Jersey on March 4, 2024.

ATTEST:



Antoinette Jones, Municipal Clerk

APPROVED:



William W. Curtis, Mayor