

**ORDINANCE 23-13C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)” IN CHAPTER 193, WHICH PERTAINS TO RECREATIONAL VEHICLES, TRAILERS, AND STORAGE, A NEW CHAPTER 170, WHICH PERTAINS TO STORAGE OF COMMERCIAL AND CONSTRUCTION EQUIPMENT, AND IN CHAPTER 205, WHICH PERTAINS TO ZONING**

**STATEMENT OF PURPOSE**

The purpose of the Ordinance is to create a new Chapter 170 to adopt regulations governing the storage of commercial and construction equipment, to amend Chapter 193 to adopt regulations relating to the storage of trailers and recreational vehicles in commercial zones, and to amend Chapter 205 to revise the parking requirements, specify and regulate the permitted boat lifting machines, and regulate the storage and placement of boat lifts, machines, and equipment in marine commercial zones.

**SECTION I**

§193-3F is added as follows.

- F. No recreational vehicles, open utility trailer, enclosed storage trailers, or any other vehicle shall be parked and/or stored at any lot in a commercial zone, which includes general, special, and marine, in a manner that exceeds 15ft in height within 20ft from any property line that abuts, is adjacent to, or adjoins a street, public right-of-way, or residential zone.

**SECTION II**

A new Chapter 170 is added as follows.

Chapter 170 Storage of Commercial and Construction Equipment

§170-1 Purpose.

The safe and proper storage of permitted commercial and construction machines and equipment, including, but not limited to, cranes, boat lifts, and similar equipment and machines is in the interest of the public health, welfare, and safety. The foregoing equipment and machines constitute an attractive nuisance and must be safely secured in its lowest and prone position to minimize the threat during high winds and significant weather events.

§170-2 Regulations.

- A. Permitted commercial and construction machines and equipment shall be stored in their non-extended, lowest height, and prone position when not in use.
- B. Permitted commercial and construction machines and equipment shall be secured and non-operational when not in use.

§170-3 Violations and penalties.

A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

**SECTION III**

§205-61A(5) is revised to delete “§205-44B through H” and replace same with “§205-61B through L”.

**SECTION IV**

§205-61C is repealed and replaced with the following.

- (1) 1 off-street parking space for each 2 boat slips, plus 1 additional off-street parking space for each operational boat in use not moored in a slip shall be provided.
- (2) In the case of commercial party boats or commercial fishing boats which are

licensed to carry more than 20 passengers, including crew, off-street parking spaces shall be provided predicated on the following formula: the total number of off-street parking spaces required equals the maximum capacity for passengers and crew, including the first 20 divided by 3.

- (3) No parking spaces shall be permitted for the storage of any boats, permitted certified boat lifting machines, any other equipment, machines, or materials, any summer repair work, or any year-round dry storage.
- (4) The lands required for off-street parking may be used for winter storage of boats only and shall not be used for the storage of any permitted certified boat lifting machines and equipment nor the storage of any other equipment, machines, or materials. For purposes of this subsection, the term "winter" is defined as commencing on September 15 and ending on June 30 of any given year.

#### **SECTION V**

§205-61D is repealed and replaced as follows.

- D. In addition to the regulations set forth in Chapter 193, where any lot in this district abuts or adjoins a residential zone or fronts a public street, no boat or permitted boat lifting machines or equipment shall be placed or stored within 10 feet of the property line. All marine style boat lifting equipment shall be stored or placed at the bulkhead or water's edge of the designated ramp or boat lift area. No boat storage or permitted boat lifting machines and equipment more than 15 feet in height shall be located within 20 feet of any residential property lot line.

#### **SECTION VI**

§205-61J and K are added as follows.

- J. Permitted certified boat lifting machines and equipment for storage on site shall be limited to the following: mobile travel boat lifts; stationary boat lifts; floating boat lifts; floating platform boat lifts; pile mounted boat lifts; mobile forklifts; and stationary crane boat lifts. All other boat lift machines and equipment, construction-type cranes, machines, and equipment, and equipment that is not marine-type usable are prohibited from storage on site.
- K. All permitted boat lifting machines and equipment shall be stored in a non-extended, at the lowest height, and its prone position when not in use.
- L. No construction-type equipment, including, but not limited to, construction-type cranes, machines, and equipment shall be stored on site. Only permitted certified boat lifting machines and equipment and marine-type useable equipment and machines shall be stored on site, except that the use of construction machines and equipment and machines shall be permitted for ongoing construction pursuant to an approved and open building permit.

#### **SECTION VII**

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

#### **SECTION VIII**

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

#### **SECTION IX**

This Ordinance shall take effect upon publication thereof after final passage according to law.

**Effective date.**

This ordinance shall take effect after final adoption and publication as required by law.

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance 23-13C was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, April 3, 2023, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Tuesday, May 9, 2023, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

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Danielle La Valle, RMC  
Municipal Clerk

First Reading: April 3, 2023  
Publication: April 13, 2023  
Second Reading: May 9, 2023  
Final Publication: May 11, 2023  
Effective: May 11, 2023

**CERTIFICATION**

I, **DANIELLE LA VALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 23-13C was duly adopted by the Board of Commissioners at their meeting held on Tuesday, May 9, 2023, at 4:00 p.m.

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Danielle La Valle, RMC  
Municipal Clerk

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