

ORDINANCE NO. 2023-10

**AN ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
SECTIONS OF CHAPTER 4 (ENTITLED “POLICE
REGULATIONS”) AND CHAPTER 11 (ENTITLED
“RECREATIONAL FACILITIES”) OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT**

WHEREAS, the Borough of Keyport (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Chapter 4 of the Revised General Ordinances of the Borough of Keyport (“the Borough”) establishes a series of police regulations for the Borough; and,

WHEREAS, Chapter 11 of the Revised General Ordinances of the Borough establishes rules and regulations involving public recreational facilities located within the Borough;

WHEREAS, the Mayor and Council of the Borough has determined that it is in the public interest to amend Chapters 4 and 11 for the health, welfare and safety of the Borough’s citizens, so to protect and improve the quality of life of Borough residents and visitors of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that Chapter 4 and Chapter 11 of the Revised General Ordinances of the Borough of Keyport be and hereby is amended as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Council hereby amends the following sections of Chapter 4 of the Revised General Ordinance of the Borough of Keyport to read as follows (*note to Codifier: Existing text not appearing herein has been deleted solely for brevity; additions are underlined and deletions are denoted by strikethrough*)

§ 4-10 MOTOR VEHICLES.

[. . .]

§ 4-11. Use of Vehicles for Sleeping Purposes. No person shall use any automobile, truck or other vehicle located on any public or private highway, road, or street, or any public or private lot or premises in the Borough for sleeping or living purposes at any time.

[. . . .]

§ 4-19 DRESSING AND UNDESSING IN PUBLIC PLACES

[. . .]

§ 4-19.2 Dressing in public streets or public places. It shall be unlawful for any person or persons to change, disrobe, dress, or undress or otherwise remove his or her clothing in any of the public streets or public places within the Borough of Keyport, including but not limited to any area along or near the waterfront area of the Borough, any area along or near any public park or in the area adjacent thereto, or out in the open in a public or private parking lot, premises, highway, road or street within the geographic boundaries of the Borough. No person shall remove or lower any part of his or her bathing attire in any area along or near the waterfront of the Borough or the beachfront or in the water adjacent thereto.

[. . .]

§ 4-26 BEACHFRONT /WATERFRONT AREA

The Borough Council is hereby authorized and empowered to adopt, by resolution, such rules and regulations that may be necessary for the proper control and regulation of the beachfront and/or waterfront of the Borough of Keyport that is open to the public (and shall not include private homes properties).

For the purposes of this Chapter, the term “beachfront” and “waterfront” shall mean all areas adjacent to the beachfront or waterfront of the Borough, any municipal park located along and/or adjacent to the beachfront or waterfront area of the Borough including but not limited to the Keyport Waterfront Path, Fireman’s Park, Keyport Municipal Boat Ramp, Keyport Beach Park and Playground, Veteran’s Park, Benjamin C. Terry Park, and Cedar Street Park, jetties, dunes, beach plantings, the beach and waters immediately adjacent thereto. Nothing herein shall be construed to limit the Borough of Keyport from enforcing other applicable provisions of the Borough of Keyport Revised General Ordinances, New Jersey State statutes or other applicable laws.

The Borough Council is further authorized and empowered to suspend, modify and/or supplement, by resolution, for a limited time the operation of certain rules and regulations governing the beachfront/waterfront, and the waters adjacent thereto, in order to permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council.

The following rules and regulations are hereby established for the beachfront and waterfront.

- a. No person shall be permitted to camp, stay, sleep and/or live at those public areas identified as beachfront/waterfront by this Chapter, unless the Borough approves a special use permit for that purpose.
- b. The Keyport Police Department is hereby authorized and directed to remove any tent which is creating a hazard or unnecessary disturbance to others.
- c. Anyone who is found sleeping in those public areas of the beachfront/waterfront between the hours of 11:00 pm and 6:00 am shall be issued a summons which may result in a minimum fine of \$100.
- d. No person shall obstruct the flow of pedestrian traffic or other activities on the beachfront/waterfront area.
- e. No person shall build, start, or make any fire on any portion of the beachfront.
- f. No parties shall be permitted on the public portions of the beachfront/waterfront area unless the Borough of Keyport issues a special permit. Each permit shall be valid for only one

single day, as indicated on the permit. Applications for permits must be made to the Borough Clerk on forms promulgated by the Clerk. No permit shall be issued unless the applicant first submits to the Clerk: (1) a security deposit of \$100, returnable only if there is no damage to the beach or any Borough property, and only if all trash and litter has been removed from the beach by the applicant; and (2) a certificate of insurance or other satisfactory proof that the applicant has obtained and paid for liability insurance against any and all claims for bodily injuries and property damage arising out of or in any way connected with the presence of persons on the beach during the party, which insurance must have a limit of liability of at least \$500,000 and must name the Borough of Keyport as an insured. No swimming or bathing privileges shall be extended to any person attending a beach party, and no person attending a beach party shall bring onto the beach, the beachfront and/or waterfront any alcoholic beverages. The applicant shall comply with all rules and regulations established by other chapters of the Code, including but not limited to Chapter 4, Chapter 6 and any other public health and safety regulations.

- g. No dance floors or objects for use as a dance floor may be placed on the beachfront/waterfront area for the purpose of public dancing, unless permitted by a special permit.
- h. No person shall be permitted to play or operate any device that emits a sound amplification in excess of what is permitted by the Borough of Keyport's noise ordinance (Section 4.2 of this Borough Code) at or around any section of the beachfront/waterfront area. No component TV, radio, stereo or electric equipment for the purpose of reproducing TV, radio, or recorded sound or electronic musical instruments are permitted except in conjunction with an authorized special use permit.
- i. No radio, phonograph, tape, or cassette player, television, musical instrument, loudspeaker or amplifier, or other machine or device for the electronic or stereophonic production, reproduction, or amplification of sound may be permitted on any section of the beachfront/waterfront area unless equipped and operated only with headphones.

Section 3. The Council hereby amends Section 2 of Chapter 11 of the Revised General Ordinance of the Borough of Keyport to read as follows (*note to Codifier. Existing text not appearing herein has been deleted solely for brevity; additions are underlined and deletions are denoted by strikethrough*)

Chapter 11 RECREATIONAL FACILITIES

[. . .]

§ 11-2 Beach Park.

§ 11-2.1 Purpose. It is hereby declared to be in the best interest of the health, safety and general welfare of the citizens of the Borough that access to and the use of Beach Park (the recreational portion of Beach Park located on Broad Street and First Street), including the gazebo located at Beach Park, shall be restricted during certain hours.

§ 11-2.2 Prohibited hours. No person shall be in Beach Park (which shall include the gazebo and the recreational portion of Beach Park) between the hours of 11:00 ~~10:00~~ p.m. and 6:00 a.m. except as otherwise provided herein.

[. . .]

Section 4. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed above.

Section 5. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: September 5, 2023
Public Hearing: September 19, 2023
Adopted: September 19, 2023

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport