

# CITY OF NORTH WILDWOOD COUNTY OF CAPE MAY, NEW JERSEY

## ORDINANCE NO. 1934

### AN ORDINANCE AMENDING CHAPTER 138, BEACHES, OF THE CODE OF THE CITY OF NORTH WILDWOOD REGARDING THE USE OF TENTS, CABANAS, PAVILIONS AND SIMILAR DEVICES

**WHEREAS**, the beaches of the City of North Wildwood have been severely eroded during recent years; and

**WHEREAS**, in numerous areas there is virtually no beach at high tide, leaving little to no room for visitors; and

**WHEREAS**, the City desires to provide as much space as possible for visitors and to diminish instances of persons disturbing other visitors to the beach or taking up too much space; and

**WHEREAS**, one way to provide more room for visitors is to prohibit the use of certain items which take up much-needed space; and

**WHEREAS**, due to the current condition of the beach Council deems it necessary and appropriate to prohibit certain items, such as some other shore communities do, in an effort to provide greater access and enjoyment on beach areas for as many visitors as possible.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of North Wildwood, County of Cape May and State of New Jersey as follows:

**Section One.** The portion of Ordinance 334, adopted on May 19, 1950, as amended, that has been codified at §138-3 of the Code of the City of North Wildwood is hereby amended and supplemented by a new paragraph, which shall be codified as §138-3V and which shall read as follows:

- V. To use tents, tarps, cabanas, pavilions, canopies, sportbrellas and similar devices or fixtures, except in the case of a special event approved by City Council. The following regulations shall apply:
- (1) Umbrellas with a circular shade no greater than 8' in diameter and a single pole not longer than 7'6" in height are permitted.
  - (2) Baby tents, not greater than 36" in height, width and length, used to shade small children and infants, are permitted.
  - (3) No person shall locate an umbrella or baby tent in an area obscuring a lifeguard's view of the ocean or in an area impeding a lifeguard's egress from a lifeguard stand, as determined by a lifeguard.
  - (4) Baby tents and umbrellas must be securely anchored to prevent uncontrolled movement; however, anchoring lines, tethers, stakes, weights or the like shall not extend beyond the perimeter of the baby tent or the umbrella.
  - (5) Umbrellas, baby tents and other personal items or equipment shall be removed from the beach by 9:00 p.m. Items left unattended between 9:00 p.m. and 9:00 a.m. the following day will be removed from the beach and discarded.
  - (6) Depending on the condition of the beaches of the City of North Wildwood, and at the sole discretion of Mayor and Council, the prohibition regarding the items in §138-3V, whether it be the type, size or location, may be amended from time to time by resolution of Council, and said prohibition may be totally or partially suspended or reinstated by resolution of Council.

**Section Two.** The reference to "10:00 p.m." in §138-3O(1) is hereby amended to read "9:00 p.m."

**Section Three.** The reference to “10:00 p.m.” in §138-3U(1) is hereby amended to read “9:00 p.m.”

**Section Four.** The reference to “10:00 p.m.” in §138-6A(1) is hereby amended to read “9:00 p.m.”

**Section Five.** The reference to “10:00 p.m.” in §138-6A(2) is hereby amended to read “9:00 p.m.”

**Section Six.** The reference to “10:00 p.m.” in §138-6A(3) is hereby amended to read “9:00 p.m.”

**Section Seven.** If any portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section Eight.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

**Section Nine.** This Ordinance shall take effect immediately upon final passage and publication as provided by law.

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Patrick T. Rosenello, Mayor

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W. Scott Jett, City Clerk

Introduced: April 2, 2024  
Advertised: April 10, 2024  
Amended: April 16, 2024  
Advertised: April 24, 2024  
Amended: May 7, 2024  
Advertised: May 8, 2024  
Public Hearing/Final: May 21, 2024  
Advertised: May 29, 2024