

ASSEMBLY, No. 357

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

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District 30 (Monmouth and Ocean)

SYNOPSIS

Permits municipality to use proceeds of beach access fees for areas near beach facilities that are significantly affected by beach tourism; requires municipality to provide explanation of expenditures on website.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning beach access fees and amending
2 P.L.1955, c.49.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1955, c.49 (C.40:61-22.20) is amended to
8 read as follows:

9 1. a. The governing body of any municipality bordering on the
10 Atlantic Ocean, tidal water bays or rivers which owns or shall
11 acquire, by any deed of dedication or otherwise, lands bordering on
12 the ocean, tidal water bays or rivers, or easement rights therein, for
13 a place of resort for public health and recreation and for other
14 public purposes shall have the exclusive control, government and
15 care thereof and of any boardwalk, bathing and recreational
16 facilities, safeguards and equipment, now or hereafter constructed
17 or provided thereon, and may, by ordinance, make and enforce rules
18 and regulations for the government and policing of such lands,
19 boardwalk, bathing facilities, safeguards and equipment; provided,
20 that such power of control, government, care and policing shall not
21 be construed in any manner to exclude or interfere with the
22 operation of any State law or authority with respect to such lands,
23 property and facilities. Any such municipality may, in order to
24 provide funds to improve, maintain and police the same and to
25 protect the same from erosion, encroachment and damage by sea or
26 otherwise, **[and]** to provide facilities and safeguards for public
27 bathing and recreation, including the employment of lifeguards, and
28 to improve, maintain, and police local lands, property, and facilities
29 that are located near lands bordering on the ocean, tidal water bays,
30 or rivers, and that are significantly affected by beach tourism, by
31 ordinance, make and enforce rules and regulations for the
32 government, use, maintenance and policing thereof and provide for
33 the charging and collecting of reasonable fees for the registration of
34 persons using said lands and bathing facilities, for access to the
35 beach and bathing and recreational grounds so provided and for the
36 use of the bathing and recreational facilities, but no such fees shall
37 be charged or collected from children under the age of 12 years.

38 b. A municipality may by ordinance provide that no fees, or
39 reduced fees, shall be charged to:

40 (1) persons 65 or more years of age;

41 (2) persons who meet the disability criteria for disability
42 benefits under Title II of the federal Social Security Act (42 U.S.C.
43 s.401 et seq.);

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (3) persons in active military service in any of the Armed Forces
2 of the United States and to their spouse or dependent children over
3 the age of 12 years; and

4 (4) persons who are active members of the New Jersey National
5 Guard who have completed Initial Active Duty Training and to their
6 spouse or dependent children over the age of 12 years. As used in
7 this paragraph, "Initial Active Duty Training" means Basic Military
8 Training, for members of the New Jersey Air National Guard, and
9 Basic Combat Training and Advanced Individual Training, for
10 members of the New Jersey Army National Guard.

11 c. A municipality providing for no fees or reduced fees
12 pursuant to paragraph (3) or (4) of subsection b. of this section shall
13 track, in a manner deemed appropriate by the governing body of the
14 municipality, the number of persons who qualify under the
15 provisions of those paragraphs.

16 d. A municipality that uses the proceeds of fees set forth in
17 subsection a. of this section to improve, maintain, and police local
18 lands, property, and facilities that are located near lands bordering
19 on the ocean, tidal water bays, or rivers, and that are significantly
20 affected by beach tourism, shall provide an explanation of the
21 expenditure and its relation to areas significantly affected by beach
22 tourism in its annual financial audit prepared pursuant to
23 N.J.S.40A:5-4, and on the same website on which the municipal
24 budget is published.

25 e. The Commissioner of Community Affairs shall have primary
26 jurisdiction to enforce this act, and to hear any complaints
27 concerning violations of this act.

28 (cf: P.L.2011, c.75, s.1)

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30 2. This act shall take effect immediately.

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33 STATEMENT

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35 This bill provides that the governing body of any municipality
36 bordering on the Atlantic Ocean, tidal water bays or rivers that
37 charges a fee for access and use of the beach and bathing and
38 recreational grounds may use the proceeds of those fees to improve,
39 maintain, and police local lands, property, and facilities that are
40 located near the beach and recreational facilities and that are
41 significantly affected by beach tourism.

42 The bill also provides that a municipality that uses proceeds from
43 these fees for areas near the beach and recreational facilities that are
44 significantly affected by beach tourism must provide an explanation
45 of the expenditure and its relation to beach tourism in its annual

1 financial audit report, and on the same website on which the
2 municipal budget is published.

3 Finally, the bill provides that the Commissioner of Community
4 Affairs would have primary jurisdiction to enforce its provisions,
5 and to hear any complaints concerning violations of its provisions.