

ASSEMBLY, No. 411

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

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District 30 (Monmouth and Ocean)

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SYNOPSIS

Permits municipalities to charge reduced or no beach fee for children ages 12 to 17; revises law concerning beach fees for veterans.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

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, by
28 ordinance, make and enforce rules and regulations for the
29 government, use, maintenance and policing thereof and provide for
30 the charging and collecting of reasonable fees for the registration of
31 persons using said lands and bathing facilities, for access to the
32 beach and bathing and recreational grounds so provided and for the
33 use of the bathing and recreational facilities, but no such fees shall
34 be charged or collected from children under the age of 12 years.

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

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

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

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

44 (4) persons who are active members of the New Jersey National
45 Guard who have completed Initial Active Duty Training and to their

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 spouse or dependent children over the age of 12 years. As used in
2 this paragraph, "Initial Active Duty Training" means Basic Military
3 Training, for members of the New Jersey Air National Guard, and
4 Basic Combat Training and Advanced Individual Training, for
5 members of the New Jersey Army National Guard;

6 (5) persons who have served in any of the Armed Forces of the
7 United States and who were discharged or released therefrom under
8 conditions other than dishonorable [and who either have served at
9 least 90 days in active duty or have been discharged or released
10 from active duty by reason of a service-incurred injury or disability.
11 The Adjutant General of the New Jersey Department of Military
12 and Veterans' Affairs shall promulgate rules and regulations
13 pertaining to veteran eligibility under this paragraph; and]

14 (6) persons holding a driver's license or identification card with
15 a Gold Star Family designation issued pursuant to section 1 of
16 P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47
17 (C.39:3-29.3), respectively ; and

18 (7) children between the ages of 12 and 17 years .

19 c. A municipality providing for no fees or reduced fees
20 pursuant to paragraph (3), (4), (5), or (6) of subsection b. of this
21 section shall track, in a manner deemed appropriate by the
22 governing body of the municipality, the number of persons who
23 qualify under the provisions of those paragraphs.

24 d. A person who qualifies for free access to beaches and
25 bathing and recreational grounds and free use of bathing and
26 recreational facilities pursuant to paragraph (3), (4), (5), or (6) of
27 subsection b. of this section may, in lieu of obtaining and presenting
28 a municipal beach tag or similar admission pass to gain such access
29 and use, present a valid military identification card, form DD-214
30 or similar document, or State driver's license or identification card
31 indicating that the holder is a veteran of the Armed Forces of the
32 United States or a Gold Star Family member.

33 (cf: P.L.2017, c.175, s.8)

34
35 2. This act shall take effect immediately.
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38 STATEMENT 39

40 This bill would allow a municipality, by ordinance, to charge no
41 fee or a reduced beach fee to children between the ages of 12 and
42 17. This bill would also provide that a municipality, by ordinance,
43 may charge no fee or a reduced beach fee to honorably discharged
44 veterans, regardless of length of active duty or disability.

45 Under current law, a municipality, by ordinance, may charge no
46 fee or a reduced fee to: (1) persons 65 or more years of age; (2)
47 persons who meet the disability criteria for disability benefits under
48 Title II of the federal Social Security Act; (3) persons in active

1 military service in any of the Armed Forces of the United States and
2 their spouse and dependent children over the age of 12 years; (4)
3 persons who are active members of the New Jersey National Guard
4 who have completed Initial Active Duty Training and their spouse
5 and dependent children over the age of 12 years; (5) persons who
6 have served in any of the Armed Forces of the United States and
7 who were discharged or released therefrom under conditions other
8 than dishonorable and who either have served at least 90 days in
9 active duty or have been discharged or released from active duty by
10 reason of a service-incurred injury or disability; and (6) persons
11 holding a driver's license or identification card with a Gold Star
12 Family designation.

13 This bill would expand the list of individuals who could receive
14 no fee or a reduced beach fee to children between the ages of 12
15 and 17. In addition, the bill would delete language in current law
16 limiting the exemption and reduced fee to veterans who have either
17 served at least 90 days in active duty or have been discharged or
18 released from active duty by reason of a service-incurred injury or
19 disability.