

ASSEMBLY, No. 3065

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)

SYNOPSIS

Requires certain retailers to post signs regarding risks associated with use of beach umbrellas and requires anchoring of beach umbrellas.

CURRENT VERSION OF TEXT

As introduced.



A3065 HOUGHTALING

2

1 AN ACT concerning beach umbrellas and supplementing Title 56
2 and Title 13 of the Revised Statutes.

3

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

6

7 1. a. Every retail mercantile establishment in this State that
8 sells or offers for sale beach umbrellas shall post a sign at the point
9 of display informing consumers of the risks associated with the use
10 of beach umbrellas.

11 The Director of the Division of Consumer Affairs shall adopt
12 rules and regulations pursuant to the "Administrative Procedure
13 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the
14 purposes of this act.

15 b. A retail mercantile establishment that violates the provisions
16 of subsection a. of this section shall be subject to a civil penalty of
17 \$500, which may be collected and enforced by the Director of the
18 Division of Consumer Affairs in the Department of Law and Public
19 Safety in a summary proceeding pursuant to the "Penalty
20 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
21 The Superior Court shall have jurisdiction of proceedings for the
22 enforcement of the penalty provided by this section.

23 c. As used in this section:

24 "Beach umbrella" means a shade structure, commonly used on
25 the beach, consisting of a single, center pole with a shade fabric
26 affixed to a frame that can be lowered or raised along the pole.

27 "Retail mercantile establishment" means any place of business
28 where merchandise is exposed or offered for sale at retail to
29 members of the consuming public.

30

31 2. a. A person shall not use a beach umbrella at a public beach
32 unless the beach umbrella is secured to the ground using an auger,
33 sandbag, or other anchoring device that restricts the uncontrolled
34 movement of the beach umbrella due to wind. This provision shall
35 only apply when the wind speed is 25 miles per hour or greater.

36 b. A person who violates the provisions of subsection a. of this
37 section shall be subject to a civil penalty of \$50 for the first offense,
38 \$100 for the second offense, and \$250 for the third or subsequent
39 offense, which may be collected and enforced by the government
40 entity having control of the public beach in a summary proceeding
41 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
42 c.274 (C.2A:58-10 et seq.). If the violation is of a continuing
43 nature, each day during which the violation continues shall
44 constitute an additional, separate, and distinct offense. The
45 Superior Court and the municipal court shall have jurisdiction of
46 proceedings for the enforcement of the penalty provided by this
47 section. Any penalty recovered under this section shall be retained
48 by the enforcing government entity.

1 c. The provisions of this section shall supersede and preempt
2 any county or municipal law, ordinance, resolution, or regulation
3 concerning the anchoring of beach umbrellas and the penalties
4 established for failure to properly anchor a beach umbrella.

5 d. As used in this section:

6 “Beach umbrella” means a shade structure, commonly used on
7 the beach, consisting of a single, center pole with a shade fabric
8 affixed to a frame that can be lowered or raised along the pole.

9 “Government entity having control of the public beach” means
10 the entity having supervisory authority over a public beach or its
11 designee or agents, as applicable.

12 “Public beach” means a State, county, or municipal beach.

13
14 3. This act shall take effect on the first day of the fourth month
15 after enactment.

16
17
18 STATEMENT

19
20 This bill requires certain retailers to post signs regarding the
21 risks associated with the use of beach umbrellas and requires the
22 anchoring of beach umbrellas.

23 Specifically, under the provisions of this bill, every retail
24 mercantile establishment in this State is required to post a sign at
25 the point of display informing consumers of the risks associated
26 with the use of beach umbrellas.

27 The bill defines a “retail mercantile establishment” as a place of
28 business where merchandise is exposed or offered for sale at retail
29 to members of the consuming public.

30 A retail mercantile establishment that fails to post a sign is
31 subject to a civil penalty of \$500.

32 In addition, under the bill, a person is not to use a beach
33 umbrella at a public beach unless the beach umbrella is secured to
34 the ground using an auger, sandbag, or other anchoring device that
35 restricts the uncontrolled movement of the beach umbrella due to
36 wind. This provision would only apply when the wind speed is 25
37 miles per hour or greater.

38 A person who violates this provision is subject to a civil penalty
39 of \$50 for the first offense, \$100 for the second offense, and \$250
40 for the third or subsequent offense.

41 The bill also provides that the bill’s provisions supersede and
42 preempt any county or municipal law, ordinance, resolution, or
43 regulation concerning the anchoring of beach umbrellas and the
44 penalties for failure to properly anchor a beach umbrella.