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

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning beach umbrellas and supplementing Title 56
and Title 13 of the Revised Statutes.

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

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

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

b. A retail mercantile establishment that violates the provisions
of subsection a. of this section shall be subject to a civil penalty of
$500, which may be collected and enforced by the Director of the
Division of Consumer Affairs in the Department of Law and Public
Safety in a summary proceeding pursuant to the “Penalty
The Superior Court shall have jurisdiction of proceedings for the
enforcement of the penalty provided by this section.

c. As used in this section:

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

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

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

b. A person who violates the provisions of subsection a. of this
section shall be subject to a civil penalty of $50 for the first offense,
$100 for the second offense, and $250 for the third or subsequent
offense, which may be collected and enforced by the government
entity having control of the public beach in a summary proceeding
pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
c.274 (C.2A:58-10 et seq.). If the violation is of a continuing
nature, each day during which the violation continues shall
constitute an additional, separate, and distinct offense. The
Superior Court and the municipal court shall have jurisdiction of
proceedings for the enforcement of the penalty provided by this
section. Any penalty recovered under this section shall be retained
by the enforcing government entity.
c. The provisions of this section shall supersede and preempt any county or municipal law, ordinance, resolution, or regulation concerning the anchoring of beach umbrellas and the penalties established for failure to properly anchor a beach umbrella.

d. As used in this section:

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

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

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

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

STATEMENT

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

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

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

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

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

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

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