

ASSEMBLY, No. 2286

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblymen GARCIA and CARABALLO

1 AN ACT concerning public access to coastal beaches, supplementing
2 Title 40 of the Revised Statutes, and amending P.L.1955, c.49.

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

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7 1. As used in this act:

8 "Coastal beach" means any gently sloping area of sand or other
9 unconsolidated material, found on tidal shorelines, including ocean and
10 bay shorelines that extend landward from the mean high water line to
11 either the seaward or bayward foot of dunes, whichever is closest to
12 the bay, inlet or ocean waters, or to a man-made feature generally
13 parallel to the ocean, inlet, or bay waters such as a retaining structure,
14 seawall, bulkhead, road or boardwalk, except that the sandy areas that
15 extend fully under and landward of an elevated boardwalk shall be
16 considered part of coastal beach areas. The term "coastal beach" shall
17 not include any beaches on lakes, rivers or their tributaries;

18 "Person" means any individual and shall not include corporations,
19 governmental units or agencies, or organizations; and

20 "Public coastal beach" means any coastal beach owned by a
21 municipality, a county or the State.

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23 2. Notwithstanding the provisions of any law, or any rules or
24 regulations adopted pursuant thereto, to the contrary, no municipality
25 or county, or the State, or any agency thereof, shall charge a person
26 a fee for access to or use of a public coastal beach.

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28 3. The Department of Environmental Protection, pursuant to the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.), may adopt any rules or regulations necessary for the
31 management of lands owned by the State that are affected by this act.

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33 4. No provision of this act shall be construed to restrict the State
34 from charging fees for access to State parks that do not include a

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

Matter underlined thus is new matter.

1 public coastal beach, or for parking or other services provided at State
2 parks that do include a public coastal beach. No provision of this act
3 shall be construed to restrict a municipality or a county from charging
4 fees for parking or other services provided at or near public coastal
5 beaches.

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

9 1. The governing body of any municipality bordering on the
10 Atlantic Ocean, tidal water bays or rivers which owns or shall acquire,
11 by any deed of dedication or otherwise, lands bordering on the ocean,
12 tidal water bays or rivers, or easement rights therein, for a place of
13 resort for public health and recreation and for other public purposes
14 shall have the exclusive control, government and care thereof and of
15 any boardwalk, bathing and recreational facilities, safeguards and
16 equipment, now or hereafter constructed or provided thereon, and
17 may, by ordinance, make and enforce rules and regulations for the
18 government and policing of such lands, boardwalk, bathing facilities,
19 safeguards and equipment; provided, that such power of control,
20 government, care and policing shall not be construed in any manner to
21 exclude or interfere with the operation of any State law or authority
22 with respect to such lands, property and facilities. [Any such
23 municipality may, in order to provide funds to improve, maintain and
24 police the same and to protect the same from erosion, encroachment
25 and damage by sea or otherwise, and to provide facilities and
26 safeguards for public bathing and recreation, including the employment
27 of lifeguards, by ordinance, make and enforce rules and regulations for
28 the government, use, maintenance and policing thereof and provide for
29 the charging and collecting of reasonable fees for the registration of
30 persons using said lands and bathing facilities, for access to the beach
31 and bathing and recreational grounds so provided and for the use of
32 the bathing and recreational facilities, but no such fees shall be charged
33 or collected from children under the age of 12 years; and the
34 municipality may by ordinance provide that no fees, or reduced fees,
35 shall be charged to persons 65 or more years of age and to persons
36 who meet the disability criteria for disability benefits under Title II of
37 the federal Social Security Act (42 U.S.C. §401 et seq.).] No such
38 municipality may charge or collect fees for the registration of persons
39 using the lands and bathing facilities, for access to the beach and
40 bathing and recreational grounds or for the use of the bathing and
41 recreational facilities, except as provided pursuant to P.L. _____, c.
42 (C. _____)(now before the Legislature as this bill).
43 (cf: P.L.1992,c.195, s.1.)

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45 6. This act shall take effect on the first day of January following
46 enactment.

1 STATEMENT

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3 This bill prohibits any municipality or county, or the State, from
4 charging a person a fee for access to or use of a public coastal beach.
5 Municipal, county and State agencies are also prohibited from
6 charging such fees. The bill also repeals current law that allows
7 municipalities to charge such fees.

8 The bill defines a public coastal beach as a coastal beach owned by
9 a municipality or county or the State. Beaches on lakes, rivers and
10 their tributaries are specifically excluded. The bill defines "person" as
11 any individual and does not include corporations, governmental units
12 or agencies, or organizations.

13 Finally, the bill authorizes the Department of Environmental
14 Protection to adopt any rules or regulations necessary for the
15 management of lands owned by the State affected by this bill and
16 allows fees to be charged by a municipality, a county or the State for
17 parking or other services provided at or near public coastal beaches.

18 This bill seeks to provide State residents with free access to one of
19 the State's most beautiful and precious resources, the New Jersey
20 Shore. California, a state known for its beaches and beautiful coast
21 line, has had a long tradition of free access to its beaches and prohibits
22 charging any walk-on fees on any beach.

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27 Prohibits charging fees for access or use of public beaches.