

In compliance with COVID-19 guidelines this meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 558 8656 US (New York)
Meeting ID: 822 6744 6171 Passcode: 132692

Direct link: <https://us02web.zoom.us/j/82267446171?pwd=Wm1JR0M3VjVJQUxLUDhsTUhmOXlvZz09>

In addition, members of the public may send questions or comments for inclusion during the public portion to the Borough Clerk at ewallace@capemaypoint.org by 12:00 PM the Wednesday before the meeting.

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING – DECEMBER 8, 2022 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meetings Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and this agenda was properly distributed and duly posted on the Borough Hall bulletin board as the required notice under the Statute.

ROLL CALL: Commissioner Busch, Mayor Moffatt, Commissioner vanHeeswyk

COMMISSIONERS' REPORTS/DISCUSSION

ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

November 10, 2022 Regular Meeting
November 22, 2022 Work Session
November 22, 2022 Closed Session

ORDINANCES FOR INTRODUCTION / PUBLICATION

08-2022 An Ordinance Amending Chapter 58, Article 1 "Beach Protection Structures", of the Code of the Borough of Cape May Point
Second Reading/Public Hearing/Consideration for Adoption – Jan. 5, 2023 at 6 pm

RESOLUTIONS

128-22 Reappointment of Tax Collector – Kimberly A. Stevenson
129-22 Authorizing Special Event Permit – Kristina Barbato
130-22 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

06-2022 Ordinance Appropriating \$37,500 from Capital Fund for Security Cameras
07-2022 An Ordinance Amending Chapter 58 "Beaches", Article II "Use of Beaches", Section 8 "Fees" of the Code of the Borough of Cape May Point to Establish Commercial Beach Tags

PUBLIC PORTION

ADJOURNMENT

The Board of Commissioners welcomes the participation of interested parties during the public portions of its meetings. For the Board to conduct the business of the Borough in the most productive and open manner possible, questions and comments may be limited to four (4) minutes per person. In addition, each person may only speak once per meeting on a single topic. If you wish to address the Board, please raise your hand and the moderator will try to accommodate everyone in the order in which they are recognized.

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 128-22

REAPPOINTMENT OF TAX COLLECTOR – KIMBERLY A. STEVENSON

WHEREAS, Kim Stevenson was originally appointed Tax Collector as of March 1, 2018, with her initial four-year term commencing January 1, 2019; and

WHEREAS, the Board of Commissioners wishes to reappoint Kimberly A. Stevenson to another term pursuant to N.J.S.A. 40A:9-145.8.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, that Kimberly A. Stevenson be and is hereby reappointed Tax Collector of the Borough of Cape May Point for a four-year term commencing January 1, 2023 and expiring December 31, 2026.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on December 8, 2022.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 129-22

AUTHORIZING SPECIAL EVENT PERMIT FOR KRISTINA BARBATO

WHEREAS, Kristina Barbato has applied for a Special Event Permits for a wedding on Lehigh Avenue beach on Friday, June 30, 2023 from 4:00 pm to 6:00 pm; and

WHEREAS, the applicant has supplied all documentation required under Ordinance No. 551-08, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue a Special Event Permit to Kristina Barbato for a wedding on Lehigh Avenue beach on Friday, June 30, 2023 from 4:00 pm to 6:00 pm.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on December 8, 2022.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 130-22

APPROVAL OF BILL LIST

WHEREAS, the Borough of Cape May Point has received certain claims against it by way of voucher, which have been duly reviewed by the Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey that the attached claims are hereby approved for payment in the total amount of \$71,781.27.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on December 8, 2022.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17069 to 17102
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description			Contract	
17069	12/08/22	BAR01 BARCO PRODUCTS			1883
	22-00596	UPTOWN BENCHES	4,026.58		
17070	12/08/22	CAP03 CAPE MAY STAR & WAVE			1883
	22-00613	LEGAL ADVERTISING	14.00		
17071	12/08/22	CAP06 CAPE MAY COUNTY CLERK			1883
	22-00638	PRIMARY SAMPLE BALLOTS	80.92		
17072	12/08/22	CAP14 CAPE MAY COUNTY MUA			1883
	22-00610	SOLID WASTE DUMP FEE OCT 2022	1,556.30		
17073	12/08/22	CAP31 CAPE MINING & RECYCLING LLC			1883
	22-00608	STUMPS/TREE PARTS	89.95		
	22-00616	STUMPS/TREE PARTS	<u>25.20</u>		
			115.15		
17074	12/08/22	CAS01 CASA PAYROLL SERVICE			1883
	22-00622	PAYROLL	130.50		
17075	12/08/22	CAT02 CATARINA SUPPLY INC.			1883
	22-00589	METER PITS	2,435.00		
17076	12/08/22	CATHE005 CATHERINE BUSCH			1883
	22-00639	REIMBURSEMENT	141.00		
17077	12/08/22	CHR01 CHRISTOPHER GARRISON			1883
	22-00640	REIMBURSEMENT	514.32		
17078	12/08/22	CIT03 CITY OF CAPE MAY			1883
	22-00607	SEPTEMBER WATER 2022	37,521.05		
17079	12/08/22	CMP01 CM POINT VOLUNTEER FIRE CO #1			1883
	22-00542	COMCAST BILLING 12/221-9/22	2,508.58		
17080	12/08/22	COPIE005 COPIERS PLUS			1883
	22-00612	LEASE BUYOUT COPIER	1,605.86		
	22-00626	COPIER COPIES	<u>38.85</u>		
			1,644.71		
17081	12/08/22	COU02 COURT HOUSE OFFICE SUPPLIES			1883
	22-00633	OFFICE SUPPLIES	163.80		
17082	12/08/22	DOCUV005 VAULT SOLUTIONS, LLC			1883
	22-00637	SHREDDING	41.95		
17083	12/08/22	EDM01 EDMUNDS GOVTECH			1883
	22-00623	MAINTENANCE FOR DEC 2022	1,733.34		

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17084	12/08/22	ELAIN005 ELAINE WALLACE		1883
	22-00615	REIMBURSEMENT	551.70	
	22-00617	PETTY CASH REIMBURSEMENT	<u>20.00</u>	
			571.70	
17085	12/08/22	FPM01 FP MAILING SOLUTIONS		1883
	22-00602	POSTAGE MACHINE	126.00	
17086	12/08/22	GARDE005 GARDEN STATE LABORATORIES, INC		1883
	22-00603	WATER TESTING	120.00	
17087	12/08/22	GREEN005 GREENMAN-PEDERSEN, INC.		1883
	22-00631	ESCROW 412 YALE AVENUE	1,500.00	
	22-00636	RECONSTRUCTION OF YALE AVENUE	<u>4,834.78</u>	
			6,334.78	
17088	12/08/22	GRR01 GRR CONSULTING SERVICES LLC		1883
	22-00632	CONSULTING SERVICES	4,087.50	
17089	12/08/22	JAC01 J & A CLEANING SERVICE		1883
	22-00614	CLEANING	375.00	
17090	12/08/22	KELLY005 KELLY REDINGTON		1883
	22-00618	REIMBURSEMENT	156.04	
17091	12/08/22	NAT04 VAN EMBDEN, NATHAN, ESQUIRE		1883
	22-00630	SOLICITOR ADMIN	2,273.00	
17092	12/08/22	PHOEN005 PHOENIX ADVISORS LLC		1883
	22-00597	2022 DISCLOSURE AGENT SERVICES	1,150.00	
17093	12/08/22	PRO02 PRO PET DISTRIBUTORS		1883
	22-00507	DOGIPOT SMART LINER BAGS	902.40	
17094	12/08/22	SHE01 SHEPANSKI'S AUTO REPAIR		1883
	22-00605	FILTER/OIL	577.74	
17095	12/08/22	SOU06 SOUTH JERSEY GAS		1883
	22-00601	GAS BILLS	300.18	
17096	12/08/22	STA11 STATE OF NEW JERSEY		1883
	22-00621	UNEMPLOYMENT	89.34	
17097	12/08/22	VAN01 VAN NOTE-HARVEY ASSOCIATES		1883
	22-00609	WATER SYSTEM MAPPING	940.00	
17098	12/08/22	VEC01 VECTOR SECURITY, INC.		1883
	22-00620	SERVICE	77.71	
17099	12/08/22	VER01 VERIZON		1883
	22-00600	PHONE BILLS	229.19	

December 6, 2022
11:43 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 3

Check # PO #	Check Date	Vendor Description	Amount Paid	Reconciled/Void	Ref Num Contract
17100 22-00599	12/08/22	VER03 VERIZON WIRELESS CELL PHONE	113.48		1883
17101 22-00606	12/08/22	VIL01 NAPA AUTO PARTS STATEMENT	288.90		1883
17102 22-00611	12/08/22	VIT01 VITAL COMMUNICATIONS INC ADDED/OMITTED TAX FILE	100.00		1883

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	34	0	71,440.16	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	<u>34</u>	<u>0</u>	<u>71,440.16</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	23,627.48	0.00	0.00	23,627.48
	2-05	<u>42,879.61</u>	<u>0.00</u>	<u>0.00</u>	<u>42,879.61</u>
Year Total:		66,507.09	0.00	0.00	66,507.09
	C-04	1,397.50	0.00	0.00	1,397.50
	G-02	273.23	0.00	0.00	273.23
TRUST ACCOUNT EXPENDITURES	T-13	3,262.34	0.00	0.00	3,262.34
Total of All Funds:		<u><u>71,440.16</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>71,440.16</u></u>

December 6, 2022
12:12 PM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 1

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17103 to 17103
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17103	12/08/22	HBPIN005 HBP, INC		1884
22-00519	2022 PLANT INVADERS BOOK	341.11		

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	341.11	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	<u>1</u>	<u>0</u>	<u>341.11</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	341.11	0.00	0.00	341.11
Total of All Funds:		<u>341.11</u>	<u>0.00</u>	<u>0.00</u>	<u>341.11</u>

**BOROUGH OF CAPE MAY POINT
CAPE MAY COUNTY
NEW JERSEY**

ORDINANCE 06-2022

**ORDINANCE APPROPRIATING \$37,500.00 FROM
THE CAPITAL IMPROVEMENT FUND FOR SECURITY CAMERAS**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May, New Jersey as follows:

Section 1. \$37,500.00 is hereby appropriated from the Capital Improvement Fund for the following items:

Security Cameras \$37,500

Security Cameras for Capital Improvement Projects are bondable capital improvement with a useful life that exceeds the minimum of five (5) years.

Section 2. The Borough hereby certifies that is has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purpose authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: November 10, 2022

PUBLICATION: November 16, 2022

PUBLIC HEARING: December 8, 2022

PUBLICATION: December 14, 2022

I hereby certify that the foregoing is a true copy of an Ordinance adopted by a majority of the full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on .

Elaine L. Wallace, RMC, CMR
Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 07-2022

**AN ORDINANCE AMENDING CHAPTER 58 “BEACHES”, ARTICLE II
“USE OF BEACHES” OF THE CODE OF THE BOROUGH OF CAPE
MAY POINT TO ESTABLISH COMMERCIAL BEACH TAGS**

WHEREAS, Chapter 58 “Beaches”, Article II “Use of Beaches”, Section 8 “Fees” of the Code of the Borough of Cape May Point governs beaches and provides for the imposition and assessment of beach fees, the issuance of beach tags, and the regulation of the use of such beach tags; and

WHEREAS, the Borough of Cape May Point uses the money generated by those beach fees to maintain Cape May Point’s beaches in a clean and sanitary condition, and to ensure the safety and enjoyment of those persons who visit and use those beaches; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point believes it appropriate to allow commercial establishments, including rentals in the Borough, to offer their guests and patrons, as part of their hospitality package, the ability to access Cape May Point’s beaches,

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May and State of New Jersey, that Chapter 58 of the Code of the Borough of Cape May Point be amended as hereinafter provided (additions in underlined; deletions in ~~strikethrough~~)

Section 1. Amendments.

§ 58-7. Definitions.

As used in this article, the following terms shall have the meaning indicated:

Seasonal Beach Tag – A beach tag to use the public beaches in the Borough of Cape May Point during a bathing season for personal use.

Commercial Beach Tag – A seasonal beach tag that may be purchased by a commercial entity that wishes to provide seasonal beach tags as an amenity to paying guests for use for the duration of their stay.

Commercial Entity – Any entity or person(s) that rents or makes rooms or living space available to members of the public for a fee, and that is required to obtain a rental permit from the Borough of Cape May Point or a mercantile or other business license from any other municipality.

§ 58-8. Establishment; Location.

- a. Paid places of resort, beaches, bathing and recreational facilities are hereby established in the Borough for the public health, recreation and entertainment.
- b. Such places are located between the jetties or groins fronting on the Atlantic Ocean and Delaware Bay from the southeasterly boundary line of the Borough east of Lighthouse Avenue to the southwesterly boundary line of the Borough west of Alexander Avenue.

§ 58-9 Fees.

In order to provide the necessary funds to improve, maintain and police the beaches, the following fees shall be charged for such facilities:

- a. No fees shall be charged to or collected from any person under the age of 12 years or from members of the U. S. Military or National Guard to the extent prescribed by regulations authorized by resolution duly adopted by the Board of Commissioners.
- b. \$45 per person per season if the application is made to the proper authority subsequent to the 31st day of May of the bathing season.
- c. \$36 per person per season, provided that application is made to the proper authority prior to May 31st of the bathing season.
- d. \$25 per person per week for any week or fractional part thereof of the bathing season. Weekly badges shall be valid from 12:00 noon Saturday until the following Saturday.
- e. \$10 per day or fractional part thereof in the bathing season.
- f. \$100 per tag per season for commercial beach tags.

§ 58-10 Beach Badges Required.

- a. No person 12 years of age or older or such other person who may be exempted under Section 58-8b9a shall bathe at or otherwise use the beaches set forth in Section 58-78b without having first acquired and then having in his possession a proper and effective badge, license or permit to use the beaches which shall be worn conspicuously by such person during said use so that it shall be visible at all times and which shall be exhibited on demand to the Beach Tag Inspector or other duly authorized representative of the Borough.
- b. Holders of current Cape May City beach badges shall be granted access to Cape May Point beaches via access ramps on Lehigh, Whilldin, Coral, St. Peter's, Cape, Brainard, Emerald (Pearl), Stites and Alexander Avenue beaches. Access is limited

to transitory use only. Holders shall not sunbathe, swim, bath, loiter, and engage in any recreational, sporting or other activity that would cause delay. Such badges shall be worn conspicuously by the person during said use, so that it shall be exhibited on demand to the Beach Tag Inspector.

§ 58-11 Regulations for beach tags.

The following rules and regulations are hereby established, and it shall be unlawful to violate any of the rules and regulations or those subsequently adopted resolutions, during the bathing season or at other times if specifically provided for:

- a. The Borough or its duly authorized representatives shall be the sole and exclusive vendor and/or lessor of the privileges, rights, badges or permits, as it is hereby deemed unlawful for any person or entity to purchase or lease the badges from anyone other than the Borough or its duly authorized representatives.
- b. The counterfeiting, copying, duplication or other reproduction of the beach badges or permits issued by the Borough by anyone other than the Borough or its authorized representatives is hereby prohibited.
- c. The possession of counterfeit and/or fraudulently obtained badges or permits is hereby prohibited.
- d. Any holder of a rental permit that purchases personal seasonal beach tags for distribution to its customers shall be subject to possible suspension or revocation of its rental permit.

§ 58-12 Additional Rules and Regulations.

- a. Adopt by resolution, in addition to the rules and regulations herein enumerated, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and the waters adjacent thereto.
- b. Determine and establish for the current year by resolution:
 1. Which beaches will be guarded;
 2. Which beaches will be unguarded;
 3. Where fishing is allowed during what hours, and the hours of operation.
- c. Determine and establish by resolution the period during each year when each of the paid bathing beaches shall be opened and closed.
- d. Employ inspectors, lifeguards and such other employees as may be necessary to carry out and enforce the provisions of this Article and all rules and regulations established herein or subsequently adopted by resolution.
- e. Purchase badges, checks or other insignia and such other supplies, materials and equipment as may be necessary.

§ 58-13 Prohibited Conduct.

The following conduct is hereby prohibited, and it shall be unlawful for any person to engage in any of the acts or conduct listed below during the bathing season or at other times if specifically provided for:

When a lifeguard, tagger, Borough Commissioner or any Borough employee is required to call the Police to handle any given person, situation or offense, there shall be an additional penalty of \$100 to the penalties stated in Section 58-14.

- a. To bathe or swim beyond a safe depth in the ocean or bay from time to time indicated or regulated by the lifeguards.
- b. To use a surfboard, canoe, boat or raft of any kind or description except at locations designated by the lifeguards.
- c. To engage in surf fishing in the bathing areas during bathing hours.
- d. To fail to obey all orders, directions, whistles or other signals used by a lifeguard, tagger, Borough Commissioner or Borough employee and Police.
- e. To consume alcoholic beverages on the public beaches.
- f. To change clothes, dress, undress or otherwise disrobe except for the removal of outer wraps.
- g. To camp or to sleep or to maintain any structure, such as a tent or lean-to, on the beach between sunset and sunrise.
- h. To act in a loud, indecent, obscene or offensive manner.
- i. To revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others or otherwise disrupt and disturb the public peace and dignity within the beach areas defined.
- j. To climb upon, stand on or tamper with or handle the lifeguard equipment.
- k. To throw, bat or catch a baseball, football, basketball or softball or to engage in the playing of any games endangering the health and safety of others. This subsection shall not apply to the playing of beach tennis or reasonable playing of catch with a soft rubber or beach ball.
- l. To throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches.
- m. To hawk or peddle, sell or offer for sale any article, goods, wares or merchandise on the public beaches without a proper permit.
- n. To park vehicles, loiter, assemble, band or crowd together so as to interfere or likely to interfere with the ingress and egress of others at the street ends approaching the beaches.
- o. To drive or move any vehicle on the beach at any time during the entire year without a permit in writing issued by the Clerk or Administrator.

- p. To permit dogs or other animals on the beachfront or the waters adjacent thereto or upon any public walk contained on the beachfront from March 15th to October 31st.
- q. To fly a kite or kites of any size, shape or description or to attempt to do so or to propel or cause the movement of any object through the air, whether manually, mechanically or electrically on any protected beach during operating hours and in the precautionary zone as designated by U.S. Fish and Wildlife and/or N.J. Fish and Wildlife.
- r. To start or maintain a fire on the beach during any time of the year. Any fire authorized by permit issued by the Municipal Clerk as set forth in Chapter 107, Article II, must be in a container and debris must be removed from the beach immediately, at the completion of the event.
- s. To enter upon, walk upon or to engage in the activity of fishing from the jetties adjacent to Lehigh Avenue, Whilldin Avenue, Coral Avenue, Ocean Avenue and Stites Avenue.
- t. At any time during the entire year, to engage in wading, swimming, bathing, fishing, kayaking or other activities in that area of the beach, jetties, Delaware Bay and/or Atlantic Ocean flowed or covered by any amount of water in any of the beaches of the Borough of Cape May designated by resolution of the Board of Commissioners which may be found on file in the Borough offices.
- u. Removing, altering or defacing signs on the beach, jetties or entrances belonging to the Borough of Cape May Point.
- v. No person shall smoke any cigarettes, cigars, pipes or other tobacco products on the beach front or upon any public walk contained on the beach front at any time.
- w. All fines are doubled for any violations of the above provisions occurring between the hours of 11:00 p.m. and 6:00 a.m.

§ 58-14 Revocation of Beach Privileges.

The Borough reserves the right to revoke any beach privileges granted under this Article for any violations of its provisions or other rules and regulations, and to suspend, revoke and/or impound any beach identification badge or permit which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such violation.

§ 58-15 Violations and Penalties.

Any person, firm, association, partnership or corporation violating any provision of this Article shall, upon conviction, be liable to the penalties stated in Borough Code Chapter 1, Section 1-5 and the additional penalty as stated in Section 58-4213.

Section 2. Repealer.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Section 3. Severability.

Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective Date.

This Ordinance shall become effective 20 days after final passage and publication, according to law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Catherine Busch, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: November 22, 2022

PUBLICATION: November 30, 2022

PUBLIC HEARING: December 8, 2022

PUBLICATION: December 14, 2022