



ORDINANCE 026-2007

AN ORDINANCE ESTABLISHING CHAPTER X, ARTICLE 4, "CLEAN MARINA PROGRAM" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS IN THE COUNTY OF MONMOUTH, STATE OF NEW

10-4- CLEAN MARINA PROGRAM

10-4.1- FINDINGS

It is obvious that the Atlantic Highlands Harbor has a great interest in the protection of water resources in the Municipal Marina and Sandy Hook Bay. It is therefore important that all visitors to the Harbor have a clear understanding of the prudent manner in which the harbor is to be used, in order that high quality water be maintained.

Protection of coastal waterways is mandated by federal law under certain legislation known as the The Coastal Zone Act Reauthorization Amendments of 1990 which requires States situated on the coastline of this country to develop a plan to decrease the pollution of our waterways as a result of various waterfront activities. The New Jersey "Clean Marina Program" is a result of Federal requirements. The program is operated by the New Jersey Department of Environmental Protection and implemented by the New Jersey Coastal Management Office in conjunction with the New Jersey Marine Services Consortium.

The Clean Marina Program requires that any cooperating facility implement certain practices in order to reduce pollution of the waterways to result in a cleaner environment. Accomplishment of the goals of the program requires promoting conscious understanding of these environmentally sensitive practices and encouraging voluntary compliance by all public users of the Harbor facilities. It is advantageous to the Borough of Atlantic Highlands to attain certification from the Clean Marina Program and to be known as being an active participant in the program

Therefore, the following Ordinance is hereby adopted for any user of the Atlantic Highlands Municipal Harbor:

10-4.2 THE FOLLOWING ACTIVITIES ARE HEREBY PROHIBITED IN THE ATLANTIC HIGHLANDS MARINA:

Boat maintenance - It is prohibited to perform the following work on any boat while it is moored, docked or stored at the Atlantic Highlands Municipal Harbor:

- A. Spray Painting
- B. Sand blasting
- C. Use of disc sanders without vacuum attachment or any other sander without a vacuum attachment.
- D. Welding without a permit issued by the Fire Marshall of Atlantic Highlands.
- E. In the event that a boat owner paints the bottom of his or her boat at the Atlantic Highlands Municipal Marina it is required that a tarp or ground covering be placed on the ground below the boat prior to the commencement of the work. The tarp or ground covering shall be of a sufficient thickness and size to preclude sanding dust, paint scrapings or paint or any other material from coming into contact with or spilling onto the ground. When the work is completed, the tarp or ground covering containing any and all scraping and/or dust or other materials shall be placed in a sealed plastic bag and properly disposed of by placing into a dumpster.
- F. In the event that the boat owner hires others to provide any maintenance services, the owner or their representative shall be present at all times and shall be responsible for any spillage and/or costs of clean-up, fines and/or legal fees assessed to the Harbor as a result of any negligence of any party.
- G. In the event the boat owner hires a contractor who is registered with and has proof of insurance on file in the Harbor Office, then the boat owner need not be present while the contracted work is being performed.
- H. In the event that the boat owner hires a contractors who is not registered with or has not provided proof of insurance with the Harbor Office, the boat owner shall be assessed the then current outside contractor's fee which shall be payable prior to the launching or removal of a boat from the Harbor.

10-4.3 RECYCLING

It is required that all boat owners who dock, moor or store a boat at the Atlantic Highlands Municipal Marina shall recycle any and all recyclable refuse in the recycling containers provided.

10-4.4 CLEANING OF FISH

- A. It is prohibited to clean fish in the parking lots of the Atlantic Highlands Municipal Marina.
- B. Cleaning of fish is permitted only at the designated fish cleaning stations provided or upon the vessel or s dock box owned by a slip holder of the Municipal Marina.
- C. Discarding of fish or fish remains in the Municipal Marina dumpsters is prohibited unless properly packaged in adequate plastic trash bags.
- D. Fish remains may only be disposed of in such properly designated facilities as may be provided by the Atlantic Highlands Harbor Commission. No fish remains shall be returned to the Harbor waters.

10-4.5 FISHING / CRABBING

Fishing or crabbing is prohibited in the Municipal Marina except in designated areas.

10-4.6 DUMPING

The dumping of any debris, construction material or any other prohibited materials is not permitted in the Municipal Marina or in the waters of the Municipal Harbor.

Dumping or disposal of the following items are specifically prohibited:

- A. Oil and oil filters
- B. Antifreeze
- C. Paint, varnish or any solvents
- D. Gasoline, kerosene or diesel fuel
- E. Pesticides or herbicides
- F. Bilge residue
- G. Batteries
- H. Mercury switches, and
- I. Any product, item or fluid which has been determined by the Department of Environmental Protection to be flammable, corrosive or toxic.

10-4.7 DOGS

A. Leashing - Dogs are not permitted in the Municipal Harbor unless on a leash accompanied by the owner, as specified in Chapter V, section 5-1.6 a. of the within Revised General Ordinance.

B. Clean-up - Owners are responsible for removal of dog feces, as specified in Chapter V, section 5-1.6 d. of the within Revised General Ordinance, which states: "No person owning or in charge of any dog shall permit such dog to defecate in the Borough without immediately removing and disposing of all droppings from such dog in a sanitary manner."

10-4-8 SEWERAGE

It is prohibited for any user of the Municipal Marina to dump or flush any sewage into the waters of the Municipal Harbor. It is required that any user of the Marina shall use a pump-out station for removal of sewage from any vessel docked, moored or stored in the Municipal Marina.

10-4.9 MARINE LOADING ZONES

While in the Marine Loading Zone, no boat shall be left unattended and/or with its engine running at any time. There shall be a limit of 15 minutes for the loading/ unloading of any boat in the areas provided by the Municipal Marina. In the event that a vessel remains beyond the 15 minute time limit, the boat owner shall be subject to punishment as herein provided.

10-4.10 PENALTIES

Penalties- The person responsible for the violation of this Ordinance, or the boat Owner shall be subject to the following penalties:

- 1st Offense: For a first offense the penalty shall be a maximum amount of \$500.00.
- 2nd Offense: For a second offense the penalty shall be a maximum fine in the amount of \$1,500.00.
- 3rd Offense: For a third offense or subsequent offense the penalty shall be a maximum fine in the amount of \$2,500.00.

The said penalties shall be assessed in the discretion of the Municipal Court Judge, who shall have the authority to provide for the imposition of a term of probation, community service and/or restitution as the manner of the offense(s) require.

11/14/07

After a Public Hearing and Second Reading, Council member Fligor moved for Final Adoption of this Ordinance. It was seconded by Council member Spatola and adopted by the following vote:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

NAYS: None

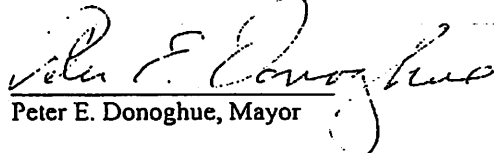
ABSTAIN: None

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held November 28, 2007.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of November 2007.


Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: November 29, 2007


Peter E. Donoghue, Mayor

