

ORDINANCE #O-20-16

AMENDING AND SUPPLEMENTING CHAPTER 17, PARKS AND RECREATIONAL FACILITIES, ARTICLES 1.1, 1.3, 2, 2.1, 2.2, AND 2.3, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY

WHEREAS, N.J.S.A. 40:48-2 permits a municipality to make and amend an ordinance as it may deem necessary and proper for good government, order, and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Township of Rockaway ("Township") desires to amend and supplement Chapter 17, Parks and Recreational Facilities Articles 1, 2 and 3, specifically Subsection (25) of Section 1.1 and Sections 2.1, 2.2, and 2.3 of the revised General Ordinances to specifically address the operation and regulation of watercraft allowed to occupy the waters within and bounding the Township and to repeal Article 1.3 (H) to address the closing of the Green Pond Golf Course.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey as follows:

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey as follows:

17-1.1 Prohibited Acts

No Person in a public park or recreational facility shall:

25. Bring into, or operate any vessel, power vessel, sailboat, raft, kayak and the like, or any boat, pontoon boat, personal watercraft, or watercraft of any type on any waters unless operation of any of the foregoing watercrafts is otherwise specifically allowed by the provisions of Section 17-2 et seq., except that nothing contained in Section 17-2 et seq. shall be construed as allowing jet skis to be brought into or operated upon any waters located within or bounding Rockaway Township.

17-1.3

H. Is repealed in its entirety.

17-2. Watercraft Operation Upon Waters Within or Bounding Rockaway Township.

Definitions

The references to various types of water crafts and their means of propulsion that are used in this section shall have the identical meanings applied to each in N.J.S.A. 12:7-71 and N.J.S.A. 12:7-62.

17-2.1 Regulations regarding personal watercrafts, power vessels and vessels.

Anyone operating a personal watercraft, other power vessel, vessel or watercraft on waters within or bounding Rockaway Township, which are allowed hereinafter, shall strictly adhere to all applicable registration, licensing, operation, regulations, and safety provisions of Title 12 of the New Jersey Statutes and/or the provisions of all other applicable law.

17-2.2 Vessel Size and Limitations.

A. Limitations stated; exceptions.

Pursuant to the provisions of N.J.S.A. 40:48-1, and in strict compliance with the regulations set forth in Title 12 of the New Jersey Statutes the following regulations are imposed with respect to personal watercraft and other power vessels, and with respect to muscle powered watercraft / vessels allowed hereby to be operated upon waters within or bounding Rockaway Township as specific exceptions to the general prohibitions of L.O. 17-1.1 (25) as amended;

(1) Nothing in this Section shall be construed as allowing jet skis to be brought into or operated upon any waters located within or bounding Rockaway Township.

(2) Personal watercraft without restrictions as to watercraft size, combustible engine horsepower, or electric motors' pounds of output thrust; and, muscle powered watercraft including but not limited to canoes, row boats, kayaks, rafts, and sailboats shall be allowed to be operated on Green Pond.

Except for emergency and patrol boats, personal watercraft under 16 feet in length and having a combustible engine of less than 10 horsepower or an electric motor with an output thrust not to exceed 80 pounds; and, muscle powered watercraft including but not limited to canoes, row boats, kayaks,

rafts, and sailboats under 16 feet in length shall be allowed to be operated on White Meadow Lake.

(3) Except as otherwise set forth in Subsection (A)(2) hereof, on and after the date of the adoption of this section, no power vessel shall be operated upon any waters within or bounding Rockaway Township, unless such power vessel is equipped with an electric motor having an output thrust which does not exceed 80 pounds; and, no power vessel or muscle powered watercraft, including but not limited to canoes, row boats, kayaks, rafts, and sailboats that are greater than 16 feet in length (except for emergency and patrol boats) shall be operated on any waters in or bounding the Township.

(4) Subject to compliance with the applicable provisions of Title 12 and with the vessel size and motor output limitations of Subsection (A) (3) hereof, the operation of power vessels and muscle powered watercraft including but not limited to canoes, row boats, kayaks, rafts, and sailboats, shall be allowed to be operated upon specific waters located within the Township as follows:

- a. Egbert's Lake;
- b. Lake Ames;
- c. Lake Telemark; and
- d. Mt. Hope Pond.

B. Operation of any watercraft which is allowed upon the waters of Rockaway Township, which are specifically identified in Subsections (A)(1), and (A)(3) hereof, shall be undertaken in strict compliance with regulations established by the Department of Recreation and Parks, and shall be undertaken between the hours of the day as shall be designated by the Department of Recreation and Parks for each individual body of water in which watercraft operation is allowed.

C. Purpose of limitations. The limitations upon boat size and/or motor limitations of power vessels and muscle powered watercraft operated upon specific waters located within or bounding the Township have been enacted hereby in order to safeguard the lives and property of citizens and residents of Rockaway Township.

17-2.3 Special Permits

A. Requisites for special permits. The provisions of 17-2.2 (A) (B) and (C) hereof shall not be applicable when all of the following conditions have been met:

1. *****

2. *****

~~[1] Note: The ordinance referred to is Subsection 17-2.2 of this chapter.~~

SECTION 3. All ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

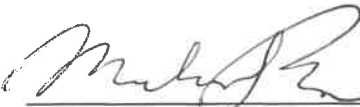
SECTION 5. This Ordinance shall take effect upon final passage and approval in accordance with law.

PURPOSE

The purpose of this Ordinance is to allow for and regulate the operation of specific types of watercraft traffic on specified waters in or bounding the Township, and to remove the fee ordinance applicable to Green Pond Golf Course, which no longer exists.

CERTIFICATION

I, Christina Clipperton, Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on September 8, 2020.



Michael Puzio, Mayor



Christina Clipperton, Township Clerk