

City of Ventnor City

APPLICATION

4-Wheel Drive on Beach



Mayor Tim Kriebel
Commissioner Maria Mento
Commissioner Lance Landgraf

City of Ventnor
Ventnor City, New Jersey



VENTNOR CITY POLICE DEPARTMENT
DEPARTMENT OF PUBLIC SAFETY

6201 ATLANTIC AVENUE
VENTNOR CITY, N.J. 08406
(609) 822-2101 – Fax: (609) 487-8682



Joseph W. Fussner
Chief of Police

Joseph T. Wootton
Captain of Police

Application for 4-wheel Drive Beach Permit

FEE: \$FREE - Fishing Derby (September 15 to December 31)

FEE: \$100 Yearly (January 1 to April 30 and September 15 to December 31)

Date: _____

Fishing Derby Permit # _____ (If Applicable)

License Plate # _____ State _____

VIN # _____

Vehicle Make: _____ Model: _____ Color: _____ Year: _____

I, _____, hereby apply to the City of Ventnor, N.J. for the issuance of a four wheel drive permit for the above listed vehicle. If permit is issued, I agree to lawfully operate my four wheel drive vehicle on the beaches of the City of Ventnor. I agree to abide by the rules and regulations for four wheel drive vehicles as adopted by the City of Ventnor in it's ordinances and to further obey all laws and directions of the Ventnor City Police Department, as they are authorized to enforce the rules and regulations of the City of Ventnor concerning the use of vehicles on the beach area.

I acknowledge that I have received a copy of the rules and regulations for Four Wheel Drive vehicles, for the year of my application, at the time that I made an application for my permit.

Signed _____

Print Name _____

Registered Owner _____

****Instructions****

If not signed by the registered owner, permit shall not be issued. Copies of valid driver's license, insurance and registration must be attached to the application. If permit is issued to a company or corporation, the applicant may return the fully completed application and copies of above mentioned documents with the authorized signature of the company or corporation representative.

INDEMNITY AND HOLD HARMLESS AGREEMENT

(Owner of 4 Wheel Drive Vehicle)

agrees to release, indemnify, and hold harmless the **CITY OF VENTNOR** and/or the Atlantic County Municipal Joint Insurance Fund, and their agents and employees, from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees in case it shall be necessary to file an action, arising out of performance of the work herein or the use of municipal facilities which is (1) for bodily injury, illness or death, or for property damage, including loss of use, and (2) caused in whole or in part by

(Owner of 4 Wheel Drive Vehicle)

negligent act or omission, or that of a subcontractor, or that of anyone employed by them or for whose acts contractor or subcontractor may be liable.

This indemnification and agreement shall apply in all instances whether the **CITY OF VENTNOR** and/or the Atlantic County Municipal Joint Insurance Fund, is made a direct party to the initial action or claim or is subsequently made a party to the action by third party in pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues emanating from the original cause of action or claim.

Description of Event / Facility / Contract: **4 Wheel Drive on Ventnor Beach**

Location: **Ventnor Beach**

Date(s): _____

By: _____

(Authorized Signature of the Owner of 4 wheel drive vehicle)

Print Name: _____

Title: _____

Date: _____

Witness: _____

Title: _____

Date: _____

Use of Facilities Agreement

City of Ventnor a Municipality of the State of New Jersey, hereinafter referred to as
“MUNICIPALITY”, hereby agrees to allow

(Name of Person(s) or Organization)

hereinafter referred to as “USER”, to use the facilities listed below:

Name and Location of FACILITY(IES): VENTNOR BEACH hereinafter referred to as “FACILITY(IES)” for 4 Wheel Driving on the Ventnor beach,

on the following date(s) and time(s):

Fishing Derby (September 15 to December 31)

Yearly (January 1 to April 30 and September 15 to December 31)

The above USER shall inspect the described FACILITY (IES) prior to the use of the FACILITY (IES) and report any defective, hazardous or dangerous conditions found at the FACILITY (IES) to VCPD – Dispatch at 609-822-2101 at MUNICIPALITY, and USER shall immediately cease the use of the FACILITY (IES) until such defective, hazardous or dangerous conditions are remedied. After the use of the FACILITY(IES), USER shall immediately report to the MUNICIPALITY any and all defects, hazards, damages or dangerous conditions upon or adjacent to the FACILITY(IES).

Indemnification

USER shall indemnify, save harmless and defend the MUNICIPALITY, its elected and appointed officials, its employees, agents, volunteers and others working on behalf of the MUNICIPALITY, from and against any and all claims, losses, costs, attorney’s fees, damages, or injury including death and/or property loss, expense claims or demands arising out of USER’s use of the named Facilities, including all suits or actions of every kind or description brought against the MUNICIPALITY, either individually or jointly with USER for or on account of any damage or injury to any person or persons or property, caused or occasioned or alleged to have been caused by, or on account of, any of the activities conducted by or caused to be conducted by USER, or through any negligence or alleged negligence in safeguarding the FACILITY(IES), participants, or members of the public, or through any act, omission or fault or alleged act, omission or fault or alleged act, omission or fault of the USER, its employees, agents, volunteers, subcontractors or others under the direction, control or under any contractual relationship with the USER.

Insurance

Notwithstanding the indemnification and defense obligations of the **USER**, **USER** shall purchase and maintain such insurance described below and as is appropriate for the type of use and hazards present and as will provide protection from any and all covered claims which may arise out of or caused or alleged to have been caused in any manner from **USER's** use of the **FACILITY(IES)**, whether it is to be used by the **USER**, its employees, agents, volunteers, subcontractors or others under the direction, control or under any contractual relationship with the **USER** or by anyone for whose acts any of them may be liable.

USER shall be required to provide the **MUNICIPALITY** with Proof of Insurance indicating the continuation of insurance coverage. **USER** **MUST** attach the following:

Declaration pages from the USER Auto Policy and from homeowners or renters insurance. Limits of liability no less than:

Auto (personal) \$100,000/\$300,000/\$100,000
Homeowner/Renter: \$100,000

Signed by an authorized representative of the **USER** and the **MUNICIPALITY** on
this _____ day of _____, 20_____.

USER - Signature

City of Ventnor – MUNICIPALITY

Print Name – User

Print Name – Municipality

Application for 4-wheel Drive Beach Permit

Check list:

All items are needed to have a complete application.

Check if Complete	Description
	Application filled out completely
	Signatures on appropriate pages
	Copy of License
	Copy of Registration
	Copy of Insurance Card
	Declaration page from Auto Insurance
	Declaration page from Homeowners/Renters Insurance
	Fishing Derby Permit (if applicable)

A permit will NOT be issued if the above items are not attached to your application.

**CITY OF VENTNOR
ORDINANCE
NO. 2017-045**

**ORDINANCE OF THE CITY OF VENTNOR AMENDING CHAPTER 72 OF THE CODE OF THE
CITY OF VENTNOR ENTITLED
BEACHES**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor as follows:

SECTION I. Chapter 72 shall be amended to include the following:

§ 72-9 Permit required for Automobiles and Other Vehicles

Except as herein provided, it shall be unlawful to operate an automobile, truck, motorcycle or any other vehicle on the beaches within the City of Ventnor without the permits provided for in this article or in violation of any provision of this article.

§ 72-10 Types of permits; application requirements.

- A. Individual permits. Any person desiring to operate a permitted vehicle on said beaches shall make an application to the City of Ventnor for a permit to do so shall furnish the Department with the name, address, driver's license, vehicle registration and type of vehicle for which said permit is sought and an insurance identification card and declaration page for the vehicle to be permitted.
- B. Each applicant shall provide such information as is required to process the application, on a form provided by the City of Ventnor. At the time of initiating the application, the owner of the vehicle must apply, and each applicant shall agree to hold the City of Ventnor harmless and to indemnify and defend the City of Ventnor for all claims, losses, expenses, damages, suits or any other costs incurred by the City of Ventnor arising out of the operation by the applicant of any vehicle over the beach areas of the City of Ventnor. Failure to provide this agreement shall prevent the issuance of any permit. Applicants shall also provide the City of Ventnor with a copy of proof of insurance, insuring the applicant for liability incurred while and during the operation of any vehicle subject to the permit. Copies of the hold-harmless and indemnity agreement, along with a copy of the applicant's insurance certificate, shall be kept with the applicant's application through the entire year in which the permit is effective.

§ 72-11 Permit requirements.

- A. Permits shall only be issued for vehicles having four-wheel drive and which shall have passed inspection by the Division of Motor Vehicles of the State of New Jersey or by the equivalent department or agency of the state in which said vehicle is licensed. Such vehicles must also be equipped with the following:
 - (1) A first aid kit.
 - (2) A shovel.
 - (3) A tow chain or equivalent.
 - (4) Road flares.
 - (5) A Coast-Guard or I.C.C. approved fire extinguisher.
 - (6) A jack with a large support board (minimum 12 inches by 12 inches).
 - (7) A flashlight.
 - (8) A spare tire.
- B. A permit issued hereunder shall be valid only for one registered vehicle as described in the application for said permit. The permit is not transferable. It shall be unlawful to operate a vehicle with a permit intended for another.
- C. All permits issued under this article shall be displayed on the driver side dashboard.

- D. All permits are the property of the City of Ventnor and are subject to suspension, forfeiture, or revocation. Lending or displaying a permit so that the same is used on a vehicle other than the vehicle registered when the permit was applied for will result in the confiscation and loss of said permit for the remainder of the year. Copying or duplication of a permit or otherwise creating or using a counterfeit permit shall be strictly prohibited. Any person violating this subsection shall be subject to any and all fines and penalties as set forth in this article, the revocation of the permit and the potential violation of a criminal charge pursuant to N.J.S.A. 2C:28-7 in the discretion of the Municipal Court Judge.
- E. Any four-wheel-drive vehicle located on the beach within the City of Ventnor must have the permit displayed on the driver side dashboard as set forth in this section or the individual operating said motor vehicle may be subject to a violation of this article and will be required to leave the beach. All permits shall only be used for the vehicles for which they were issued, and the lending or transfer of said permits is strictly prohibited.
- F. There will be no erecting, setting up, or otherwise establishing a canopy on the beach. No canopies shall be permitted to be placed on the side of the vehicles nor shall canopies be placed in such a manner as to reserve a space or spot on the beach for another four-wheel-drive vehicle.

§ 72-12 **Operation of vehicles.**

No vehicle shall be operated on the beaches of the City at a speed in excess of 10 miles per hour. No person shall operate a vehicle carelessly or without due caution or circumspection so as to endanger, or be likely to endanger, a person or property. Vehicles **MUST** use Suffolk Avenue ramp **ONLY** to enter and leave the beach. **DRIVE AT YOUR OWN RISK**

§ 72-13 **Hours of vehicle operation; prohibited activities.**

- A. No vehicle shall be operated on the beach between the hours of 12 midnight and 7:00 a.m. (or sunrise, where it occurs later).
- B. No vehicle may be driven onto dunes or structures or devices erected for the purpose of protecting dunes or erected for the purpose of facilitating entry to the beach by pedestrians. No vehicle shall enter onto private property without the permission of the owner. No vehicle shall enter the beach area except at such locations and over such roads and paths as are established by the City of Ventnor.
- C. No cooking, sleeping or camping is permitted on the beach area.
- D. No disposal of trash, waste or refuse shall be made on the beach or dune areas at any time. No dumping of any substance is permitted at any time.
- E. No vehicle shall be left unattended on the beach at any time.
- F. No parties, events or congregations of large numbers of persons and vehicles shall be permitted without first obtaining the permission (separate permit for beach party) of the City of Ventnor. No use of exterior speakers or lights shall be permitted without the permission of the City of Ventnor.
- G. No vehicle operator or any person shall interfere with bathers or pedestrians. No bathing or swimming shall take place, except on designated bathing beaches while lifeguards are present.
- H. Any vehicle found in violation of any section of this article is subject to be removed from the beach area on order of any officer charged with enforcement of this article. Any vehicle which presents a hazard to safety, navigation, or property may also be removed. All costs for such removal shall be the responsibility of the operator, permittee, or registered owner of the vehicle.

§ 72-14 **Areas where vehicles may be used.**

- A. Entry to the beaches shall only be made at such locations as may be designated by the City of Ventnor, and the permittee shall comply with all rules and regulations governing the use of vehicles on the beach. In the event that the City or its authorized representatives determine that it is in the best interest of public safety, the beaches may be closed or the locations of entryways or signs may be altered at any time.
- B. The following areas are established for beach vehicle use. No use of the beaches other than during the times indicated and in the areas designated is permitted.

- (1) Vehicles **MUST** use the Suffolk Avenue ramp. **ONLY** to enter and leave the beach. **DRIVE AT YOUR OWN RISK**

§ 72-15 Applicability.

The provisions of this article shall not apply to municipal employees who may be required to enter upon the beaches in the performance of their municipal duties or functions, nor to any governmental agency, its employees, agents, contractors and subcontractors who may be engaged in beach restoration or protection work.

§ 72-16 Number of annual permits issued; fees.

- A. There shall be a limit of 250 permits issued for the permit year. An applicant for a permit will pay a fee of \$0.00 Fishing Derby or \$100.00 Full Season, at the time of the issuance of the permit, which permit shall be valid from the date of issue until 12:00 midnight on December 31 of the year it was issued for the fishing derby. A full season will be valid from January 1 till April 30 and September 15 to December 31 until 12:00 midnight of the year it was issued for the full season, and will receive a device or insignia which must be displayed on the vehicle. A \$25 fee will be charged to replace permits which are lost. Special event permits shall be valid only for the day or period of time for which they are issued.
- B. An application form for a permit may be received by mail or may be picked up in person at City Hall. The permit must be picked up in person at City Hall or such place as may be designated.
- C. The City reserves the right to close any or all of the areas where four-wheel-drive vehicles may be used or to limit the number of vehicles permitted into any or all designated areas whenever it deems it necessary to preserve the public health, safety or welfare.
- D. Donated permits for active members of military.
1. Each year, the City of Ventnor, in its discretion, may donate five (5) permits to the Ventnor VFW. Said permits shall be transferable from vehicle to vehicle; however, the same may only be used by individuals or active members of the United States military. The permits may only be placed on vehicles which are owned by the individual who is an active member of the military or a spouse residing in the same residence as the active military member. For the purpose of this subsection, a person shall be considered in active military service only if:
 - a) He/she can show an active, valid and up-to-date military service identification card; or
 - b) He/she can show identification proving he/she is an active member of the New Jersey National Guard who has completed initial active duty training.
 - (2) For the purpose of this subsection, initial active duty training means basic military training, for the members of the New Jersey Air National Guard, and basic combat training and advanced individual training, for members of the New Jersey Army National Guard.
 - (3) The permits are strictly prohibited from being used by anyone who is not an active member of the military service or his/her spouse and are only authorized for use on a vehicle owned by said member of the active military service or his/her spouse.

§ 72-17 Violations and penalties; restoration of property; revocation of permit.

Any person who shall violate any of the provisions of this article shall, upon conviction by the Municipal Court of Ventnor or such other court as shall have jurisdiction, pay a fine of not more than \$1,000 or be subject to imprisonment for not more than 90 days, or both. In addition to such penalty, the Municipal Court may require the offender to restore all damage done to public or private property, and the Municipal Judge may require forfeiture of the beach vehicle permit authorized by this article.

§ 72-18 Enforcement.

This article shall be enforced by the Police Department of the City of Ventnor, any duly appointed law enforcement agency of the State of New Jersey or its subdivisions, the Ventnor Beach Patrol or any special enforcement officers designated by the Chief of Police or designee.

SECTION II. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III. Should any section, clause, sentence phrase, provision or application of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect, impair or invalidate the remaining portions of this Ordinance.

SECTION IV. This Ordinance shall take effect on final passage, approval and publication.

FIRST READING: November 16, 2017

PUBLICATION: November 20, 2017

PUBLIC HEARING &
ADOPTION December 21, 2017

Mayor Beth Holtzman

Commissioner H. Timothy Kriebel

Commissioner Lance B. Landgraf Jr.

Lisa H. Hand, RMC
City Clerk