

ORDINANCE 623-19

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY REGULATING THE OPERATION OF MOTOR VEHICLES ON STREETS AND ROADWAYS DURING FLOODING CONDITIONS

WHEREAS, the operation of motor vehicles on flooded roadways can create a wave or wake which carries beyond the street edge or curb line and causes damage to public and private property; and

WHEREAS, the Borough Council deems it prudent to create regulations in order to protect public and private property which can become damaged during flooding conditions on the streets of the Borough.

THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Ocean Gate, State of New Jersey, as follows:

SECTION I

Definition.

Flooded Roadway: any portion of any public street or right-of-way in which there exists a depth of water exceeding six inches (6”).

Motor Vehicle: means “motor vehicle,” as defined in N.J.S.A. 39:1-1.

Prohibition.

No person shall operate a motor vehicle on a flooded roadway in a manner that casts or discharges a wave or wake that carries beyond the edge of the street or curb line.

Violations and Penalties.

Any person violating the provisions of this ordinance shall, upon conviction thereof, be punishable by a fine of not more than \$1,250.00 or by imprisonment for a term not exceeding ninety (90) days, or both. For the purposes of a prosecution under this ordinance, it shall not be a defense that the wave or wake that was created by operation of a motor vehicle on a flooded roadway did not cause actual damage to public or private property.

SECTION II

All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

SECTION III

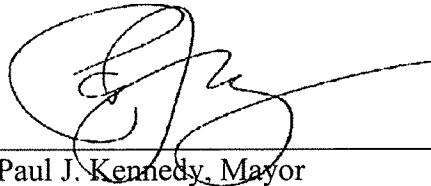
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV

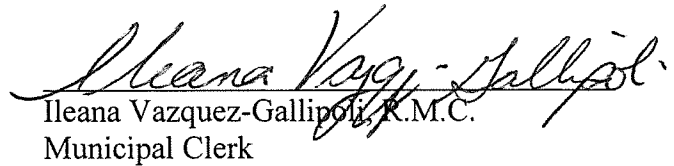
This Ordinance shall take effect immediately upon its final adoption, approval and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on February 27, 2019, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on March 13, 2019, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.



Paul J. Kennedy, Mayor



Ileana Vazquez-Gallipoli, R.M.C.
Municipal Clerk