

ORDINANCE 2015-06

ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE LAKE NEEPAULIN PROPERTY KNOWN AND DESIGNATED AS TAX BLOCK 69.01, LOT 40 AND BLOCK 69.02 LOT 55, WITHIN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, STATE OF NEW JERSEY

WHEREAS, the Township has acquired title to the Lake Neepaulin property, known and designated as Block 69.01, Lot 40 and Block 69.02 Lot 55; and

WHEREAS, the Wantage Township Committee believes that it is in the interest of the public good, health and safety to establish rules and regulations governing the use of the Lake Neepaulin property.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wantage, County of Sussex, State of New Jersey as follows:

Section I.

Lake Neepaulin Rules and Regulations

§ 1. Applicability.

The provisions herein relate to Lake Neepaulin and its tributaries and any and all public areas provided for public use within the jurisdiction of the Township of Wantage, hereinafter referred to as Lake Neepaulin and to all persons who enter upon or use said areas. The Township Committee of the Township of Wantage, in the County of Sussex and State of New Jersey, is hereinafter referred to as the "Committee."

§ 2. Definitions.

As used in this chapter, herein, the following terms shall have the meanings indicated:

BOATING Includes any means of conveyance on water by means of a boat or any other type of craft or device for any purpose.

FISHING Either the taking of or pursuing or attempting the taking of fish at lawful times and in such lawful manner as may be permitted by the laws of the State of New Jersey.

SWIMMING Includes bathing, wading, diving and floating, either self-supporting or with the aid of a flotation device.

§ 3. Public access.

The Committee has provided a designated public area(s) to provide public access to Lake Neepaulin. All other property bordering Lake Neepaulin is private property and is not open to the public. The designated public area(s) is/are the only Lake Neepaulin access area open to the public for parking, launching of boats, parking of boat trailers or any other lawful activity at Lake Neepaulin.

§ 4. Hours of operation.

A. Except for unusual and unforeseen emergencies, Lake Neepaulin and the designated public area will be open to the public from sunrise to sunset.

B. Lake Neepaulin may be declared closed to the public by the Committee at any time and for any interval of time, either temporarily or at a regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Committee shall find reasonably necessary.

§ 5. Boating, fishing, swimming, and boat ramp access.

A. Boating.

(1) Boats may be launched from any public access area. All boats used on Lake Neepaulin must conform to applicable laws of the State of New Jersey including, but not limited to, the requirements for occupant emergency flotation devices.

(2) In accordance with laws of the State of New Jersey, only battery-powered electric motors may be used on boats operated on Lake Neepaulin.

B. Fishing.

(1) Public fishing is permitted in Lake Neepaulin in accordance with the laws of the State of New Jersey, including, but not limited to, the requirement for a freshwater fishing license, and in such manner as may be permitted by the laws of the State of New Jersey. Fishing shall be catch and release only. All fish shall be returned alive to the lake

(2) The Committee may curtail or strictly prohibit any or all fishing privileges authorized hereunder which it deems necessary for the conservation and preservation of fish or any other reasonable cause in which the best interest of the residents of the Township of Wantage is in any manner involved.

C. Swimming. Swimming is permitted at the sole risk of the swimmer. The Township shall not provide lifeguards or any other person to monitor swimmers or their safety.

D. Boat Storage. The Wantage Recreation Department may designate one or more areas on the Lake Neepaulin property for boat storage areas. The Township Clerk shall issue permits for boat storage in the designated areas, on a first come, first serve basis. Wantage residents may

apply for permits from March 1. Non residents may apply for any available permits after April 15. Boat storage shall be permitted on the premises on a first come, first serve basis. All boat storage shall be at the risk of the boat owner. All boat storage permits shall expire on December 1st of the calendar year. Boat storage shall not be permitted on the property from December 1st until April 1st.

§ 6. Unlawful and prohibited activities.

A. The following activities shall be prohibited:

(1) No person shall ice skate, ice fish or engage in any like activity.

(2) No person shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any tree, plant, building, bridge, table, bench, fireplace, railings, pavings, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, or other structures or equipment facilities or Township property or appurtenances whatsoever, either real, personal or private, without the specific authorization of the Committee.

(3) No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such lands without the specific authorization of the Committee.

(4) No person shall throw, discharge or otherwise place or cause to be placed in the waters of Lake Neepaulin or other body of water in or adjacent to any part of any tributary or stream, any substance, matter or thing, liquid, solid or gas which will or may result in the pollution of said waters, including, but not limited to, those materials designated as hazardous waste pursuant to the laws of the State of New Jersey.

(5) No person shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, waste, garbage, refuse or other trash, and no such refuse shall be placed in any waters in or contiguous to Lake Neepaulin or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided, and, where receptacles are not provided, all such rubbish shall be carried away from the lake areas and public access area by the person responsible for its presence and properly disposed of elsewhere.

(6) No person shall drive any vehicle on any area except the designated road and the designated parking areas, nor leave a vehicle or boat parked overnight in the Public Access Area(s), with the exception of Township and emergency vehicles.

(7) No four-wheelers or all-terrain vehicles of any type shall be operated on or about the Lake Neepaulin property, including the frozen lake surface.

(8) No person shall ride a bicycle on other than a vehicular road or path designated for that purpose or leave a bicycle lying on the ground or paving or set against a tree or in any place or position where other persons may trip over or be injured by it.

(9) No person shall indecently expose his or her person or dress or undress on any beach or public area or in any vehicle in the Public Access Area(s).

(10) No person shall operate any gasoline or diesel engine in Lake Neepaulin, except by the New Jersey State Fish and Game Commission or as may be expressly authorized by the Committee.

(11) No person shall use any portion of the Public Access Area(s) or of any building or structure therein for picnics or gatherings to the exclusion of other persons; nor shall any person use such facilities for an unreasonable time if the facilities are crowded.

(12) No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins or model airplanes, except in areas designated for such forms of active recreation by the Committee.

(13) No person shall possess or discharge any firearm, including air-powered guns (such as BB guns or pellet rifles) on Lake Neepaulin or in the Public Access Area(s) or cause to discharge a weapon in the direction of any of the private residences abutting Lake Neepaulin.

(14) No person shall possess any controlled dangerous substance or its analogue, as defined under the laws of the State of New Jersey or be under the influence of intoxicating liquor or drugs while there.

(15) No person shall solicit alms or contributions for any purpose, whether public or private.

(16) No person shall build or attempt to build a fire, except in such areas as may be designated by the Committee and in conformance with the Forest Fire Service of the State of New Jersey. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other flammable material within the Public Access Area(s), or on any area contiguous thereto.

(17) No person shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices, including but not limited to parking in areas designated for the handicapped.

(18) No person shall sleep or protractedly lounge overnight in the Public Access Area(s) or on the lake or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(19) No person shall expose or offer for sale any article or thing nor shall any person station or place any stand, cart or vehicle for the transportation or sale or display of any such articles or things without written consent of the Committee.

(20) No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, except as authorized by the Committee.

(21) No person shall grow, cultivate, plant or harvest any illegal plantings of a substance defined as a controlled and dangerous substance pursuant to the laws of the State of New Jersey.

(22) No person shall trespass upon private lands abutting the lake or Public Access Area(s) without the owner's authorization.

(23) No person shall make any verbal or physical threats toward another person using Lake Neepaulin, the Public Access Area(s), property abutting the lake and access area(s), or any person duly authorized by the Committee for enforcement or public safety.

(24) No person shall harvest, keep or remove any fish or other inhabitant of the lake.

§ 7. Violations and penalties.

Any person or entity whom shall violate any provision of this chapter, shall, upon conviction thereof, be punished by a fine of no less than \$100 and no more than \$2,000, or by imprisonment for a term not to exceed 90 days or by a period of community service not to exceed 90 days. Any person who is convicted of violating any provision of this chapter within one year of the date of a previous violation of this same chapter and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the chapter, but shall be calculated separately from the fine imposed for the violation of the chapter.

§ 8. Hazards.

All persons utilizing Lake Neepaulin are hereby on notice of potentially hazardous structures in the lake, including, but not limited to, structures that are submerged beneath the waterline, such as trees and branches. All persons utilizing the lake do so at their own risk.

Section II.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section III.

Any ordinance or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section IV.

This ordinance shall take effect upon passage and publication in accordance with applicable law.

William Gaechter, Mayor

ATTEST:

James Doherty, Administrator

NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing ordinance submitted in writing at a meeting of the Mayor and Council of Wantage Township, County of Sussex, State of New Jersey, held on the 11th day of June, 2015 was introduced and read by title, and passed on the first reading, and that said Township Council will further consider the same for second reading and final passage thereof at a meeting to be held on the 25th day of June, 2015 at 7:00 p.m. prevailing time at the Wantage Township Municipal Building, 888 State Highway 23, Wantage, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same.

The purpose of this Ordinance is to adopt rules and regulations for the Lake Neepaulin property known and designated as Tax Block 69.01, Lot 40 and Block 69.02 Lot 55.

A copy of the Ordinance is available to any member of the general public at the office of the Municipal Clerk, Wantage Township Municipal Building, 888 State Highway 23, Wantage, New Jersey during normal business hours.

James Doherty, Administrator Clerk
Township of Wantage