

ORDINANCE NO. 2019 – 10

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 151 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED “BULKHEAD CONSTRUCTION”

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The following sections of Chapter 151 of the Township Code of the Township of Little Egg Harbor entitled “Bulkhead Construction” is hereby amended to read as follows:

§ 151-1 Definitions.

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

LAGOON. Any natural, man-made, or man-improved body of water providing access for watercraft to any property.

MARINE BULKHEAD. Any bulkhead or retaining wall which retains earth (or other materials) on one side and is exposed to water in a lagoon, or natural waterway, on the other side.

TOWNSHIP BULKHEAD ENGINEER. A New Jersey licensed professional engineer appointed by the Township Committee to review and approve or deny applications submitted under this chapter.

TOWNSHIP BULKHEAD INSPECTOR. An inspector appointed by the Township Committee to inspect the condition and construction of bulkheads under this chapter and to enforce the provisions of this chapter.

WATERFRONT LOT. Any lot which has a lagoon or other body of water along all or part of any of its boundary lines.

§ 151-2 Permits required.

- A. No marine bulkhead shall be altered, constructed, reconstructed, repaired, or installed, and no fill shall be placed on any waterfront lot, unless and until a permit has been obtained from the Township of Little Egg Harbor.
- B. No marine bulkhead shall be altered, constructed, reconstructed, repaired, or installed, and no fill shall be placed on any waterfront lot, unless and until a permit has been obtained from the New Jersey Department of Environmental Protection, and from any other governmental agency with jurisdiction, if needed.

§ 151-3 Applications for permits.

- A. Application for a bulkhead permit shall be submitted to the Zoning Office and shall be on the form provided by the Township.
- B. All proposed new, altered, replacement, or reconstructed marine bulkheads in the Township of Little Egg Harbor shall be designed by a professional engineer licensed to practice in the State of New Jersey.
- C. Applications shall be accompanied by signed and sealed plans and specifications, showing the size, shape, configuration, materials, dimensions, and location of the bulkhead(s), including existing and proposed bulkheads.
- D. All plans shall be based upon an accurate, current survey of the premises prepared by a New Jersey licensed land surveyor.
- E. Applications shall be accompanied by fees as established by the Township Committee of the Township of Little Egg Harbor.
- F. Applications shall be accompanied by copies of permits from the New Jersey Department of Environmental Protection regarding the proposed bulkhead, and/or other documentation verifying that the proposed bulkhead has been approved by the Department or is in conformance with the Department's rules and regulations governing bulkheads.

§ 151-4 Permit approval.

Unchanged.

§ 151-5 Conformance to standards.

Unchanged.

§ 151-6 Commencement of construction; notification; inspections.

- A. No construction shall commence before and unless a permit for construction has been obtained in accordance with the requirements of this chapter.
- B. The permittee shall notify the Township Bulkhead Inspector at least two business days before construction is to commence or recommence on any bulkhead for which a permit has been issued.
- C. Any work performed without notification to the Township Bulkhead Inspector is subject to removal by and at the cost and expense of the permittee.
- D. The Township Bulkhead Inspector shall inspect the materials delivered to the job site and verify that they are in conformance with the permit issued for that work, in size, quantity, and quality. If such materials do not conform to permit requirements, they shall be marked as "rejected" and removed from the job site by the permittee and shall not be incorporated into the bulkhead construction.
- E. The permittee and the contractor shall provide safe and adequate access to the site of the work for the Township Bulkhead Inspector for purposes of making the required inspections.

§ 151-7 Final inspection.

- A. The permittee shall notify the Township Bulkhead Inspector of the completion of the work done under the permit issued, which shall be within 72 hours of the completion of the backsystem inspection.
- B. The Township Engineer shall, within five business days of the notification, make a final inspection of the completed work to determine if it conforms to the approved plans issued with the permit.

- C. If it is in conformance, the permittee will be so advised, and the permit file shall be marked as "completed."
- D. If it is not in conformance, the permittee will be so advised and will be provided with a list of specific deficiencies requiring correction. The permittee shall then advise the Township Engineer when corrections have been made, and a reinspection will be made.

§ 151-8 Utilities.

Unchanged.

§ 151-9 Minimum standards.

Unchanged.

§ 151-10 Maintenance of bulkheads and waterfront lots; duty to repair.

- A. All private bulkheads within the Township of Little Egg Harbor shall be maintained so that they shall not pose a danger to the health, safety, or welfare of the citizens of the Township.
- B. All private waterfront lots abutting tidal waterways within the Township of Little Egg Harbor shall be bulkheaded in accordance with the minimum standards required in § 151-9 and any requirements of the New Jersey Department of Environmental Protection.
- C. All private bulkheads and waterfront lots shall be kept in a state of repair which will prevent erosion or damage to abutting, adjacent, or adjoining properties, or the lagoon/waterway on which it fronts.
- D. Whenever a bulkhead and waterfront lots has deteriorated to such a degree that it poses a danger to the property, or to abutting, adjacent, or adjoining properties, or to the lagoon/waterway on which it fronts, the owner shall be required to make the necessary repairs to correct such conditions.
- E. The indications that a bulkhead has deteriorated shall include (but not be limited to):
 - (1) Members which are bowed, bent, leaning, leaking.
 - (2) Holes in the sheet piles.
 - (3) Settlement or sinkholes in the ground landward of the bulkhead.

- (4) Bulkhead backfill deposited in the lagoon seaward of the bulkhead.
- (5) Other indications that it is structurally unsound or unsafe.

- F. When notified by the Township Bulkhead Inspector of a deteriorated bulkhead or non-bulkheaded condition, a property owner shall submit a plan of corrective action to the Township no later than 30 days from the receipt of the notice and the property owner shall complete all necessary repairs or replacement within 120 days.
- G. If permits are required from municipal, county, state, or federal government agencies, such permits shall be immediately applied for upon receipt of Township approval of the corrective action plan noted in F. above.
- H. In the event the property owner fails to submit a corrective action plan, or fails to implement such plan following approval by the Township, he shall be liable for the penalties and violations contained herein.

§ 151-11 Enforcement, Violations, & Penalties.

- A. The provisions of this Chapter shall be enforced by the Township in municipal court. Anyone violating any of the provisions of this chapter shall be subject to a fine not to exceed the sum of \$1,250 and/or imprisonment not to exceed 90 days for each violation. Each day of a violation shall be a separate offense and shall be punishable as a separate offense.

§ 151-12 Fees.

- A. A fee of \$240 shall be paid by the applicant to the Township of Little Egg Harbor to cover the administrative costs for processing and reviewing the permit and inspecting the work.
- B. A fee of \$110 shall be paid by the applicant to the Township of Little Egg Harbor for the materials inspection required in § 151-5D. This fee shall cover zoning (\$60) and the initial materials inspection and one reinspection (\$50). If any particular project requires materials inspections beyond the initial and one reinspection, each additional reinspection shall be subject to a fee of \$25 to be paid to the Township.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are


hereby repealed.

SECTION 3. 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 a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 11th day of April, **2019**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 9th day of May, **2019**, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor