

17-27-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXVII OF THE TOWNSHIP CODE, ENTITLED "DOCKS AND MARINE BULKHEADS"

June 26, 2017

BE IT ORDAINED by the Mayor and Township Council of the Township of Berkeley, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter XXVII of the Township of Berkeley, entitled "Docks and Bulkheads," Section 27-2.1, entitled "Definitions" is hereby amended and supplemented to revise the definition of marine bulkhead construction, which shall read as follows:

§27-2 CONSTRUCTION OF MARINE BULKHEADS.

§27-2.1 Definitions.

Marine Bulkhead Construction shall mean new construction, reconstruction, alteration or extension of the bulkhead.

SECTION 2. Chapter XXVII of the Township of Berkeley, entitled "Docks and Bulkheads," Section 27-2.10, entitled "Notification of Commencement of Construction" is hereby amended and supplemented, which shall now read as follows:

§27-2.10 Notification of Commencement of Construction.

- a. No Marine Bulkhead 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 Construction **Official** at least two (2) business days before construction is to commence or recommence on any Marine Bulkhead for which a permit has been issued.
- c. Any work performed without notification to the Township Construction **Official** is subject to removal by and at the cost and expense of the permittee.
- d. The Township Construction **Official** may make periodic visits to the job site to verify that the work is proceeding in accordance with permit requirements.
- e. The permittee and the contractor shall provide safe and adequate access to the site of the work for the Township Construction **Official** for purposes of making the required inspections.

- f. After construction of the bulkhead, the professional engineer shall provide to the Township Flood Mitigation Officer and/or the Construction Official a certification indicating that the particular type, length, thickness and shape of bulkhead and the type of support and anchoring system is adequate and appropriate for the loads and conditions anticipated at the site, that all materials have been constructed per the approved specifications and installed per the approved design plans.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Ocean County Planning Board.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. 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.



**Carmen Amato, Mayor
Township of Berkeley**



**SOPHIA GINGRICH, Council President
L. THOMAS GROSSE, Council Vice President**

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on June 26, 2017, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 24th day of July, 2017, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



**BEVERLY M. CARLE, RMC
Township Clerk, Township of Berkeley**