

ORDINANCE NO. 03-2022

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 130,
"LAND USE," ARTICLE IX, "DESIGN STANDARDS," SECTION 130-51, "DESIGN
STANDARDS FOR SPECIFIC USES," SUBSECTION 130-51G, "BULKHEAD
MAINTENANCE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT.

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Chapter 130, "Land Use," of the Code of the Borough of Sea Bright, Section 130-51, "Design Standards for Specific Uses," subsection 130-51F, "Bulkheads," paragraph 130-51F(2), be and the same is hereby amended and supplemented to read, in full, as follows:

"(2) Notwithstanding the provisions of § 130-35C, in the case of previously existing bulkhead structures, destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of less than 50% of the linear foot of total bulkhead on the property, then such destruction shall be deemed to be "partial destruction" and may be rebuilt, restored or repaired. Nothing in this subsection shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by ~~the Construction Official~~ **a Borough Official** or other competent legal authority having jurisdiction."

SECTION TWO. Chapter 130, "Land Use," of the Code of the Borough of Sea Bright, Section 130-51, "Design Standards for Specific Uses," subsection 130-51G, "Bulkhead Maintenance," paragraph 130-51G(2), "Inspection by Borough Engineer," be and the same is hereby amended and supplemented to read, in full, as follows:

"(2) Inspection by Borough Engineer.

- (a) It shall be the duty of the Borough Engineer, from time to time, to inspect all waterfront bulkheads in the Borough and to report to the Council and notify the owners and occupants of the property on which the bulkhead is located of the existence of any dangerous or defective condition therein; thereafter, it shall be the duty of the owner of said property to replace, remedy or repair any such dangerous and defective condition.
- (b) When notified by the Borough Engineer of a defective or deteriorated bulkhead, the property owner shall submit a plan of corrective action to the Borough Engineer no later than 90 days from the receipt of the notice.
- (c) If permits are required from state or federal government agencies, such permits shall be immediately applied for, prior to Borough approval of the plan of corrective action. In the event the property owner fails to submit a corrective action plan; fails to file for any necessary state or federal permit, or fails to implement such plan following approval by the Borough, he shall be liable for the penalties and violations contained herein.
- (d) Upon approval of the plan of corrective action that provides for repair of a bulkhead, such repairs shall be completed within six (6) months; should the plan provide for replacement of a bulkhead, the property owner shall complete the bulkhead replacement within one (1) year.

- (e) Upon the neglect or failure of any such owner to repair or remedy such dangerous or defective condition within the time period set forth in (d) hereof, the Borough Engineer shall give written notice of the work required to be done to the owner or owners of such lands by mail, if their address be known, or, if not known, then by posting such notice upon the property affected thereby, or by leaving the same with any occupant thereof; or by personal service, if the owner be a resident of and present within the Borough.
- (f) Such notice shall provide for allowing the owner 60 days within which to perform the work thereby required. In the event that the owner is required to obtain a permit or approval from the New Jersey Department of Environmental Protection (NJDEP), the owner must provide proof within the sixty day period that such permit or approval is required and that the appropriate permit has been applied for. The owner must further provide documentation to the Borough that any required permits are being diligently pursued. Failure to complete the required repairs within six (6) months after receipt of the appropriate permit from the NJDEP shall constitute a violation of this article."

SECTION THREE. Chapter 130, "Land Use," of the Code of the Borough of Sea Bright, Section 130-51, "Design Standards for Specific Uses," subsection 130-51G, "Bulkhead Maintenance," paragraph 130-51G(5), "Appeals," be and the same is hereby amended and supplemented to read, in full, as follows:

"(5) Any person aggrieved by any ruling of the ~~Construction Department~~ Borough Engineer may appeal from any such ruling to the Borough Council, within 30 days from the date of the ruling."

SECTION FOUR: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION FIVE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION SIX: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on March 15, 2022 and will be further considered after a Public Hearing held on April 5, 2022.

INTRODUCED: March 15, 2022
PUBLIC HEARING: APRIL 5, 2022
ADOPTED: APRIL 5, 2022

Witness


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT


BRIAN KELLY, MAYOR