DRAFT NO. 1 – 6/14/2017

**THE BOROUGH OF MANTOLOKING**
**MAYOR AND COUNCIL**

**MINUTES – AGENDA SETTING PRE- COUNCIL MEETING**
**June 13, 2017**
**Mantoloking Yacht Club**
**1224 Bay Avenue**
**Mantoloking, New Jersey**

The Agenda Setting Pre-Council Meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Mayor George C. Nebel called the meeting to order at 5:30 p.m.

2. **OPEN PUBLIC MEETING STATEMENT**: Mayor George C. Nebel read the following statement:

In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.

3. **ROLL CALL:**

| COUNCIL | PRESENT | ABSENT | LATE | DIAL -IN |
|---|---|---|---|---|
| Council President White | X | | | |
| Councilman Gillingham | X | | | |
| Councilman Laymon | X | | | |
| Councilman Nelson | | X | | |
| Councilwoman O'Mealia | X | | | |
| Councilman Rzemieniewski | X | | | |
| Mayor George C. Nebel | X | | | |
| | | | | |
| | | | | |
| **ALSO PRESENT** | | | | |
| Beverley A. Konopada, Borough Clerk | X | | | |
| Edwin J. O'Malley, Jr. Borough Attorney | X | | | |
| Lynne Hazelet, Deputy Clerk | X | | | |
| April Yezzi, CFO, CTC, QPA | | X | | |
| Chief Stacy Ferris | | X | | |
| Robert Mainberger, P.E., Dune Inspector | X | | | |

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led assembly in the Pledge of Allegiance.

Councilman White encouraged members of council to state the page numbers and resolution letters when moving their agenda items.

Councilman Laymon advised that he and Chief Ferris will be meeting with the NJDOT regarding missing trees between Downer and Lyman.

**RESOLUTION: PROVIDING FOR CONFIRMATION OF APPOINTMENT OF CHAIRPERSON OF BOARD OF HEALTH**

**WHEREAS**, due to a vacancy, the Mayor has nominated Dr. James Turro to serve as Chairperson of the Board of Health to fulfill an unexpired term until December 31, 2017.
**IT IS NOW, THEREFORE**, this 20th day of June, 2017, **RESOLVED** by the Council of the Borough of Mantoloking, Ocean County, New Jersey, that the appointment of Dr. James Turro, M.D. as Chairperson of the Board of Health be and is hereby confirmed.

5. **RESOLUTION: MINUTES OF PREVIOUS MEETINGS**

**RESOLVED**, the Mantoloking Borough Council approves the following minutes as printed and distributed.

Agenda Setting Pre-Council Meeting, May 9, 2017
Regular Business Meeting, May 16, 2017

6. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel will open the meeting for public comment and questions about the agenda.

7. **PUBLIC SAFETY COMMITTEE,** Councilman Laymon will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following resolutions:

## A. RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP

**RESOLVED,** the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

| Name | Position | Effective Date | Salary |
|---|---|---|---|
| Wayne O. Jackson | SLEO II | 05/30/2017 | $14.00 |
| Nicholas Malvasio | SLEO I | 6/20/2017-9/15/2017 | $11.00 |

**PUBLIC HEARING:** Mayor George C. Nebel will open the meeting to the public on Ordinance No. 667

## B. RESOLUTION: ADOPTION OF ORDINANCE 667 PROVIDING FOR AMENDMENT OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING-2007, BY DELETION OF CHAPTER VII-TRAFFIC, AND ADOPTION OF CHAPTER VII – TRAFFIC (REVISED)

**WHEREAS,** On this 20th day of June, 2017, a public hearing on Ordinance # 667 was held, now, therefore, be it
**RESOLVED,** The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following ordinance

**Sponsored by:** Councilman Alan Laymon
**Date Introduced:** May 16, 2017
**Public Hearing & Adoption Consideration:** June 20, 2017

**Synopsis:** The Ordinance is being modified to adhere to the access requirements implemented by the USACE for the upcoming beachfill project while addressing other various concerns of the Department; enforcement of yellow curbing, merge of the parking regulating requirements into one concise section.

**ORDINANCE NO: 667**

ATTACHED

**ROLL CALL VOTE:**

8. **DUNE & BEACH COMMITTEE:** Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program moves the following resolution.

**PUBLIC HEARING:** Mayor George C. Nebel will open the meeting to the public on Ordinance No. 663

**It was determined that the adoption and public Hearing of the following ordinance 663 would not be included on the Regular Business Meeting Agenda on June 20, 2017.**
**Revisions will be made to the ordinance as a result of concerns from residents.**

A. **RESOLUTION: ADOPTION OF ORDINANCE 663 PROVIDING FOR AMENDMENT OF CHAPTER XI (PROTECTION OF BEACHES AND DUNES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007**

**WHEREAS,** On this 20th day of June, 2017, a public hearing on Ordinance # 663 was held, now, therefore, be it
**RESOLVED,** The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following ordinance

**ORDINANCE NO: 663**

ATTACHED

| | |
|---|---|
| **Sponsored by:** | Councilman Chris Nelson |
| **Date Introduced:** | April 25, 2017 |
| **Public Hearing & Adoption Consideration:** | June 20, 2017 |
| **Synopsis:** | As the Borough's dune and beach system will be significantly altered by the upcoming USACE beach replenishment program, it was determined the Ordinance needed to be modified to include more dune preservation language rather than exclusively controlling the existing dune building concept; with various sections requiring modification to address the USACE project revised dune profile and address other USACE project requirements; and to address other regulatory issues that require update to accommodate revised NJDEP standards and easement conditions |

**ROLL CALL VOTE:**

9. **MUNICIPAL SERVICES COMMITTEE,** Council President White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moves the following resolutions:

A. **RESOLUTION: APPOINTMENT OF PERSONNEL**
**RESOLVED,** the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointment with the terms and conditions indicated:

| Name | Position/Effective Date | Salary |
|---|---|---|
| Stephen Grenley | Deputy Construction Official and Deputy Building Subcode Official<br>**Effective Date:** 06/20/2017 | $35.00 per hour |
| Scott Hulse | Public Works Supervisor<br>**Effective Date**: 06/20/2017 | $71,000.00 annually |

**PUBLIC HEARING:** Mayor George C. Nebel will open the meeting to the public on Ordinance No. 665

B. **RESOLUTION: ADOPTION OF ORDINANCE NO: 665 AMENDING THE BUILDING SUBCODE FEES**

**WHEREAS,** On this 20th day of June, 2017, a public hearing on Ordinance # 665 was held, now, therefore, be it
**RESOLVED,** The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following ordinance

**Sponsored by:** Council President White
**Date Introduced:** May 16, 2017
**Public Hearing & Adoption:** June 20, 2017
**Synopsis:** Fees are significantly below surrounding municipalities. In order to cover operating costs fees will need to be increased.

## ORDINANCE NO. 665

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XIII, ARTICLE 13-2, BUILDING SUBCODE FEES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING – 2007**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows;

1. The fees and provisions of Article 13-2 (A. through E.) are hereby amended as shown upon the attached amendatory Fee Schedule, 2017 (2 pages), as recommended by the Construction Official.
2. All fees and provisions of Article 13-2 (A. through E.), which are not amended by the attached amendatory schedules, or prior Ordinances shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

**BOROUGH OF MANTOLOKING**
**AMENDED FEE SCHEDULE**
**2017**

| | | Fee: |
|---|---|---|
| **Building Subcode** | | |
| New Construction | | |
| Per cu.ft | | 0.027 |
| **MIN FEE – Any Building Technical** | | |
| Renovation/Alteration | | ~~60~~ 75 |
| Per $1,000 of renovation Cost | Add | 25 |
| ~~1-50K~~ | | ~~22~~ |
| ~~50-100K~~ | | ~~14~~ |
| ~~Over 100K~~ | | ~~12~~ |
| ~~Roofing~~ | | ~~150~~ |
| ~~Siding~~ | | ~~200~~ |
| ~~Pool barrier (fence)~~ | | ~~75~~ |
| ~~Min~~ | | |
| ~~Fences > 6'/other~~ | | ~~75~~ |

| | |
|---|---|
| ~~Sheds~~ | ~~75~~ |
| ~~POOLS (In Ground)~~ | ~~200~~ |
| **Plumbing Subcode** | |
| Minimum fee – Plumbing Subcode | ~~60~~ 75 |
| Fixtures | 20 |
| Special Devices/Other | 75 |
| Fuel Fired Appliances – Residential Only | 95 |
| **Electrical Subcode** | |
| Minimum fee – Electrical Subcode | ~~60~~ 75 |
| Fixtures/Devices 1-50 | 70 |
| Ea. Add'l 25 | 15 |
| **Service Panels**: | |
| 1-200 amp | 70 |
| 201-1000 | 100 |
| Over 1000 | 500 |
| Transformer/ Generator | |
| 1 – 10KW | 15 |
| 11-50W | 50 |
| 46-112 KW | 100 |
| Over 112 | 500 |
| **Fire Subcode** | |
| Minimum Fee-Fire Subcode | ~~60~~ 75 |
| Sprinkler and Smokes: | |
| 1-10 Devices | 50 |
| 11-20 Devices | 100 |
| 21-100 Devices | 150 |
| 101-200 Devices | 250 |
| Over 200 | 750 |
| Gas Fired Appliances – Commercial Only | 75 |
| **Other Fees:** | |
| Certificate of Occupancy | 150 |
| Continued Certificate of Occupancy | 150 |
| Fee for Variation | 150 |
| Plan Review Fee | 20% (of new construction permit fee) |
| Amended Plan Review | $60/hr. ($60 minimum fee) |
| Temporary Certificate of Occupancy | 30 |
| Unless paid CO | |
| Demolition | 200 |
| Backflow subject to test | 75 |

**ROLL CALL VOTE:**

**PUBLIC HEARING:** Mayor George C. Nebel will open the meeting to the public on Ordinance No. 669

**C. RESOLUTION: ADOPTION OF ORDINANCE NO. 669 AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS**

**WHEREAS,** On this 20th day of June, 2017, a public hearing on Ordinance # 669 was held, now, therefore, be it
**RESOLVED,** The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following ordinance

| | |
|---|---|
| **Sponsored by:** | Council President White |
| **Date Introduced:** | May 16, 2017 |
| **Public Hearing & Adoption:** | June 20, 2017 |
| **Synopsis:** | Proposed changes recommended by the Planning Board |

**ORDINANCE NO. 669**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS**

BE IT ORDAINED as follows:

1. Section 30-2. Definitions: Add:

   Landing – An area of a floor near the top or bottom step or a stair. An intermediate landing is a small platform that is built as part of the stair between the main floor levels and is typically used to allow stairs to change directions, or to allow the user to rest. A landing is limited to approximately the width of the stairs by approximately the same dimension for the depth of the landing. Any "landing platform" that would be greater than one (1') foot more than the width of the stairs would be considered to be a "deck" in accordance with the definitions contained I on the Zoning Ordinance. See illustration attached.

2. Appendix B, Bulk Standards, is amended as follows:

c. The front yard setback of any new or altered building shall be not less than the average front yard setback of existing buildings on lots of similar depth within two hundred (200) feet of the lot which is the subject of development, on the same frontage. In the event that one (1) building or structure skews the average front yard setback by greater than fifteen percent (15%), that building or structure shall be excluded from the average calculation. However, in no event shall the front setback be less than the scheduled minimum front yard setback for the subject lot.

3. Appendix B – Bulk Standards, is amended as follows:

The front yard setback of any new or altered building shall be not less than the average front yard setback of existing buildings on lots of similar depth within two hundred (200) feet of the lot which is the subject of development, on the same frontage. In the event that one (1) building or structure skews the average front yard setback by greater than fifteen percent (15%), that building or structure shall be excluded from the average calculation. However, in no event shall the front setback be less than the scheduled minimum front yard setback for the subject lot.

4. Appendix C – Fees is amended as follows:

| Application Type | Application Fee | Escrow Amount |
|---|---|---|
| L. Tent (per unit) | $ ~~25~~50 | |
| M. Fire Inspection | $ 46 | |
| N. Fence | $ ~~25~~50 | |
| O. Deck | $ ~~40~~75 | |
| P. Pool SPA & Fence | $ 75150 | |
| Q. Certificate of Occupancy | per Uniform Construction Code | |
| R. Portable Sanitary Facilities permit (per unit) | $ ~~25~~50 | |
| S. Dumpster permit (per unit) | $ ~~25~~50 | |
| T. Construction trailer permit (per unit) | $ ~~25~~50 | |
| U. Garage sale permit | $ ~~25~~50 | |
| V. Hardscape permit | $ ~~50~~75 | |
| W. Zoning permit | $~~100~~125 | |
| 1. Zoning Permits – Air conditioner | $ ~~25~~50 | |
| 2. New Home/Resubmission of same<br>3. Raise/Elevation of Existing Dwelling/Resubmission of same. | $250.00<br>$250.00 | |

| | | |
|---|---|---|
| Y. Zoning permit Resubmission | $~~100~~125.00 | |
| Z. Surface Water Management Plan inspection | $250 | |

5. Section 30-6.9, Yard Area, is amended as follows:

Every part of a required yard shall be open and unobstructed from its lowest level, except for the ordinary projection of sills, chimneys, flues, ~~ornamental features~~ and eaves, and except for fences, vegetation or landscaping; provided, however, that none of the building projections shall project into the minimum required yard areas by more than twelve (12) inches. In Zones R-1, R-2a, R-2b, R-4A, R-RB, R-3A, R-3B, R-3C, R-4A and R-4B, the extension of open, unenclosed and unroofed entrance porches and stoops which do not rise above the ground floor level may extend into any yard setback, provided that the total area of such entrance porches or stoops which extend into such yards does not exceed one hundred fifty (150) square feet for the front and back yards and the extension into one (1) side yard cannot exceed one hundred (100) square feet. In all other zones, the maximum extension is one hundred (100) square feet for the front, back and one (1) side yard. In all cases the extension must be located at least five (5) feet from any property line. Handicap entrances hereafter constructed upon buildings existing as of the adoption of this chapter may be excepted from a strict application of this entrance porch limitation at the discretion of the Land Use Officer and in conformity with all applicable laws and regulations, including but not limited to the Americans with Disabilities Act (ADA). No yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.

6. Section 30-7.8: Electric, Telephone, Portable Water, Generators and other Utilities, is amended as follows:

For all site plans, subdivisions and new construction, the applicant shall arrange with the applicable utility companies for underground installation of the utilities (including but not limited to electric, telephone and cable service), distribution supply lines and service connections. No aboveground utility installation shall be permitted. All electric and gas generators installed upon the property may be installed within the garage and cellar or outdoors. Any generator installed outdoors shall be located within the building envelope, and shall not be considered an accessory structure. A generator located outdoors shall be screened with lattice, open board fence, shrubbery or plantings which allow the circulation of air and dispersal of fumes. All generators shall be equipped with sound attenuation devices to reduce the sound produced by the generator. Notwithstanding anything contained in the Revised General Ordinances of the Borough of Mantoloking to the contrary, for the purposes of this subsection a generator shall be able to be operated to a maximum of ~~seventy-five (75)~~sixty-five (65) decibels (dBA) at the property line nearest the generator. See N.J.A.C. 5:21-4.12 (underground wiring) and N.J.A.C. 5:21-5.1 et seq. (water supply system).

7. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.

8. This Ordinance shall be effective upon final adoption.

**ROLL CALL VOTE:**

10. **FINANCE COMMITTEE,** Councilman Gillingham will present the monthly finance report and moves the following resolutions:

A. **RESOLUTION: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**
**WHEREAS,** the Chief Finance Officer has presented a report on the status of the 2017 temporary Municipal budget as of April 30, 2017; and
**WHEREAS,** that report indicates the following status as of that date:

| ACCOUNT | ORIGINAL BUDGET | 2017 TEMPORARY BUDGET | EXPENDED | ENCUMBERED | BALANCE |
|---|---|---|---|---|---|
| 2017 Temporary Budget | | 2,333,709.83 | 1,380,975.36 | 102,576.12 | 850,158.35 |
| 2016 Appropriation Reserve | 5,789,080.20 | 501,386.73 | 162,877.52 | 44,031.76 | 294,477.45 |
| | | | | | |
| 2012 Emergency Appropriations | | | | | |
| Sandy Emergency #1 | 2,000,000.00 | | | | |
| Sandy Emergency #2 | 2,000,000.00 | | | | |
| Sandy Emergency #3 | 3,100,000.00 | 297,639.01 | 70,264.63 | 33,858.28 | 193,516.10 |
| Subtotal Sandy Emergency | | 297,639.01 | 70,264.63 | 33,858.28 | 193,516.10 |
| Capital | | 7,195,713.10 | 897,494.27 | 0.00 | 6,298,218.83 |

B. **RESOLUTION: PAYMENT OF BILLS**

**WHEREAS,** the municipal finance officer has presented

- A list of bills in the amount of $238,677.72 with the recommendation they be paid, and
- A list of bills in the amount of $95,730.59 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

**RESOLVED,** the council approves the payment of all the bills and directs that a copy of these lists be attached to and made part of the minutes of this meeting.

## C. RESOLUTION: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #5

**WHEREAS**, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.
**WHEREAS**, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total $4,097,240.00.
**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized

to make the following emergency temporary budget appropriations in the 2017 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.
**BE IT FURTHER RESOLVED** that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

| DEPARTMENT | S&W | OE |
|---|---|---|
| Municipal Clerk | $ 20,000.00 | $ 3,000.00 |
| Finance | $ 15,000.00 | $ 3,000.00 |
| Audit | | $ 11,000.00 |
| Tax Assessor | $ 5,000.00 | |
| Engineering | | $ 50,000.00 |
| Planning Board | $ 5,000.00 | |
| Police | $ 75,000.00 | |
| Municipal Prosecutor | | $ 3,000.00 |
| Road Repairs | $ 25,000.00 | |
| Beach Access | | $ 550.00 |
| Beach Maintenance | | $ 30,000.00 |
| Electricity | | $ 5,000.00 |
| Social Security | | $ 25,000.00 |
| Note Interest | | $ 2,464.17 |
| Bond Interest | | $ 104,750.00 |
| Payment of Bond Anticipation Notes | | $1,191,266.00 |
| TOTAL | $ 145,000.00 | $1,429,030.17 |
| GRAND TOTAL | $1,574,030.17 | |

## D. RESOLUTION: LEASE EXTENSION FOR TEMPORARY BOROUGH HALL

**WHEREAS**, the Borough and Rajpriya, LLC., desire to continue the leasehold until completion and occupancy of the new Borough Hall; and
**WHEREAS**, the terms and conditions of the Lease dated November 15, 2012 and subsequent Lease Extension Agreements, except for term and rental, continue to be mutually acceptable; and
**WHEREAS**, as a result of negotiations, it is proposed as follows:

1. The term of the Lease shall be extended one (1) year, to June 1, 2018. The Borough shall also have an additional six (6) month extension option during which the term may be extended in increments of one (1) month.
2. Monthly rental as of November 30, 2016 and continuing to June 1, 2018, shall be increased two (2%) percent, to $3,536.00. The monthly rental for the six (6) month option term shall be $3,606.00.

**IT IS NOW, THEREFORE**, this 20th day of June, 2017, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The proposed term of the Lease extension and rent are accepted.
2. The Mayor, upon advice of counsel, may execute such documents as may be necessary to effectuate the lease extension.

Councilman Laymon had a question regarding the Lease Agreement.

## E. RESOLUTION: ACCEPTING THE 2016 MUNICIPAL AUDIT REPORT

**WHEREAS,** N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,
**WHEREAS,** the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,
**WHEREAS,** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,
**WHEREAS,** the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

**WHEREAS,** such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,
**WHEREAS,** all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,
**WHEREAS,** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

> R.S. 52:27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED,** that the governing body of the Borough of Mantoloking, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**F. <u>RESOLUTION: PROVIDING FOR ENGAGEMENT OF PHOENIX ADVISORS, LLC AS CONTINUING DISCLOSURE AGENT FOR THE BOROUGH OF MANTOLOKING</u>**

**WHEREAS**, compliance with applicable regulations, rulemaking and good practice militates in favor of the utilization of Continuing Disclosure Agreements to facilitate sale, purchase and trade of municipal debt; and
**WHEREAS**, broker-dealers must be able to demonstrate to the Municipal Security Rulemaking Board that the issuer has complied with its continuing disclosure obligations; and
**WHEREAS**, Phoenix Advisors, LLC has offered to serve as Continuing Disclosure Agent for the Borough; and
**WHEREAS**, it appears that Phoenix Advisors, LLC is well qualified and is experienced in providing such services to hundreds of issuers (550+); and
**WHEREAS**, the proposed fee for such service is currently $950.00 per filing year; and
**WHEREAS**, the Agreement is subject to annual renewal and may be terminated on 30 days' notice (See attached form of Agreement).
**IT IS NOW, THEREFORE**, this 20th day of June, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, shall engage Phoenix Advisors, LLC to

serve as its agent. The Mayor is authorized to execute the attached form of Service Agreement.

Councilman Rzemieniewski wanted to know how Phoenix Advisors were selected. Councilman Gillingham advised that we have used their services for years. Councilman White also advised that we need them for several services pertaining to the reporting requirements for the bond.

## G. RESOLUTION: INTRODUCTION TO ORDINANCE NO. 670 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

**WHEREAS,** the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS,** N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS,** the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS,** the Mayor and Council hereby determined that a 3.5% increase in the budget for said year, amounting to $138,532.42 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS,** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Mantoloking in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to $138,532.42 and the CY 2017 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED,** that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED,** that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED,** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

**ROLL CALL VOTE:**

Councilman Gillingham explained to Councilman Rzemieniewski how the Cap Bank works.

## H. RESOLUTION: INTRODUCTION OF 2017 MUNICIPAL BUDGET

**WHEREAS,** the Finance Committee has proposed a municipal budget for 2017, a complete

copy of which is attached to the minutes of this meeting and is summarized as follows:

**Revenue and Appropriation Summaries**

| | Anticipated Revenues | |
|---|---|---|
| Summary of Revenues | 2017 | 2016 |
| 1. Surplus | $650,000.00 | $700,000.00 |
| 2. Total Miscellaneous Revenues | 2,636,783.69 | 1,766,707.20 |
| 3. Receipts from Delinquent Taxes | 60,274.00 | 66,000.00 |
| 4. Local Tax for Municipal Purposes | 3,470,566.00 | 3,256,373.00 |
| Total General Revenues | $6,817,623.69 | $5,789,080.20 |

| | Appropriations | |
|---|---|---|
| Summary of Appropriations | 2017 | 2016 |
| 1.Operating Expenses:Salaries and Wages | $1,950,030.00 | $1,835,514.00 |
| Other Expenses | 1,883,461.69 | 1,941,272.20 |
| 2.Deferred Charges and Statutory Expenditures | 1,333,666.00 | 1,530,842.00 |
| 3.Capital Improvements | 100.00 | 200,100.00 |
| 4.Debt Service | 1,375,366.00 | 33,550.00 |
| 5.Reserve for Uncollected Taxes | 275,000.00 | 247,802.00 |
| Total General Appropriations | $6,817,623.69 | $5,789,080.20 |

| | | |
|---|---|---|
| Total Number of Employees (full and part-time) | 70 | 62 |

**Balance of Outstanding General Debt Obligations**

| | |
|---|---|
| Interest | $55,100.00 |
| Principal | 0.00 |
| Outstanding Balance at December 31, 2016 | $2,755,000.00 |

Notice is hereby given that the budget and tax resolution was approved by the governing body of the Borough of Mantoloking, County of Ocean on June 20, 2017.

A hearing on the budget and tax resolution will be held at the Mantoloking Yacht Club located at 1224 Bay Avenue Mantoloking, New Jersey on July 18, 2017 at 5:30 PM at which time and place objections to the budget and tax resolution for the year 2017 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of Beverley A. Konopada, Municipal Clerk, at the temporary Borough Hall, 340 Drum Point Road (Yogi Plaza) 2nd Floor Brick, New Jersey 08723, 732-475-6983, during the hours of 8:30 AM to 4:30 PM.

**ROLL CALL VOTE:**

**PUBLIC HEARING:** Mayor George C. Nebel will open the meeting to the public on Ordinance No. 664

**I. RESOLUTION: ADOPTION OF ORDINANCE # 664 PROVIDING FOR THE CANCELLATION OF $108,000 IN NOTE PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND PREVIOUSLY USED TO DEFEASE SUCH NOTE**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain note proceeds in the aggregate amount of $108,000 provided for by the bond ordinances listed below are no longer needed for the purposes referenced therein. The Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") desires, therefore, to cancel the following note proceeds:

| Ordinance Number | Improvement Description and Date of Adoption | Amount to be Cancelled |
|---|---|---|
| 534 | Construction of Borough yard garage, finally adopted April 23, 2007. | $28,000.00 |
| 612 | Construction of Lyman Street walkover, finally adopted April 23, 2012. | $80,000.00 |

Section 2. The aggregate amount of $108,000, all of which represents funded debt authorizations in the bond ordinances listed in the above referenced chart and made available pursuant to N.J.S.A. 40A:2-39, is hereby cancelled and previously was used to pay $108,000 of the Borough's then outstanding bond anticipation note.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with

the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ROLL CALL VOTE:**

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O'Mealia will present the report of the Environmental Committee and moves the following resolutions.

A. **RESOLUTION: PROVIDING FOR EXERCISE OF CONTRACT EXTENSION OPTIONS UNDER AGREEMENT WITH REPUBLIC SERVICES OF NEW JERSEY, LLC d/b/a MARPAL DISPOSAL FOR SOLID WASTE AND RECYCLABLE REMOVAL**

**WHEREAS**, Republic Services of New Jersey, LLC, d/b/a Marpal, has offered to significantly reduce the cost of exercising the extension options for the final three (3) years of the existing Contract; and
**WHEREAS**, the performance by Republic Services of New Jersey, LLC, d/b/a Marpal, has been responsive and generally compliant with requirements; and
**WHEREAS**, the acceptance of the proposal would result in a cost reduction of approximately $167,868.00 below the existing contract options. More particularly, the fee for continuation of the current service: back door, seasonally, adjusted, shall be as follows:

| | |
|---|---|
| 2017-2018 | $136,432.00 |
| 2018-2019 | $140,525.00 |
| 2019-2020 | $143,054.00 |

**IT IS NOW, THEREFORE**, this 20th day of June, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Contract modification offered shall be and hereby is accepted. The Mayor, upon advice of counsel, is authorized to execute any document which may be required to finalize the proposed Contract modification.

Councilwoman O'Mealia advised that she will be having a meeting on June 22nd with Republics regarding service and asked that any concerns be brought to her attention prior to the meeting.

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski will present the report of the Mantoloking Relations Committee.

## 13. MAYOR AND COUNCIL COMMENTS

Councilman White advised the public that the power will be shut down by JCP&L on Downer Avenue and Bay Avenue on June 19th and 20th.

## 14. PUBLIC COMMENTS PERIOD

Robert Mainberger answered questions regarding rock revetment, dunes, beach maintenance and dune decks.

A notice should have been sent to ocean front homeowners regarding the dune and beach ordinance amendments. Ordinance should be modified to address ocean front homeowners concerns.

Dune Consultant authority, currently unlimited, should be addressed in the ordinance revision

Question regarding the anticipated size of the beach post beach replenishment

Traffic light on Lyman- safety issues

Status of abandoned houses

Consider ordinance regarding schools in a residential area

## 15. NEXT MEETING:

Regular Business Meeting, June 20, 2017 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

## 16. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Laymon to adjourn. The motion was seconded by Councilman White and approved by unanimous voice vote. At 6:33 p.m.

Respectfully submitted.

Beverley A. Konopada
Borough Clerk

# CHAPTER VII TRAFFIC

## 7-1 DEFINITIONS.

### 7-1.1 Words and Phrases.

Whenever any words and phrases are used in this chapter, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein. (Ord. No. 180 A I § 1-1)

### 7-1.2 Official Time Standard.

Whenever certain hours are named in this chapter, they shall mean either Eastern Standard Time or Eastern Daylight Savings Time as may be in current use. ~~(New)~~ (not completed by Mott MacDonald)

## 7-2 AUTHORIZATION FOR THE CLOSING OF ANY STREET.

a. The Chief of Police or, in his/her absence, disability or inability to act, the ranking member of the Police Department, is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours on any day or days whenever he/she finds that such closing is necessary for the preservation of the public safety, health or welfare.

b. Any regulations promulgated by the Chief of Police and in accordance with paragraph a. above, shall provide for the posting of proper warning signs of such closing on any street or portion thereof during the time the same is closed in pursuance thereof.

c. The penalty for violation of any temporary street closure effectuated pursuant to this section shall be a fine not to exceed five hundred ($500.00) dollars per violation.

d. Any regulation adopted that mandates the closing of any street for a period greater than forty-eight (48) consecutive hours shall not become effective unless and until it has been submitted to and approved by the Commissioner of the Department of Transportation.

e. In the event that any street in the Borough of Mantoloking is subject to temporary closure pursuant to this section as a result of an application for such closure by an interested party, such applicant shall be responsible for payment of any and all reasonable actual costs incurred by the Borough of Mantoloking in conjunction with the street closure.
(Ord. No. 414 § 1)

## 7-3 TOW-AWAY.

Any vehicle parked in violation of this chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any Police Officer may provide for the removal of that vehicle. The owner shall bear the reasonable costs of removal and storage which may result

from such removal before regaining possession of the vehicle. ~~(New)~~ (not completed by Mott MacDonald)

## 7-4 PENALTIES.

Unless another penalty is expressly provided by New Jersey Statute or in this chapter, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than fifty ($50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both. (Ord. No. 51 § 4; Ord. No. 180 A III § 3-1)

## 7-5 EFFECT OF CHAPTER.

If any part or parts of this chapter are, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

## 7-6 REPEAL.

All former traffic ordinances of the Borough of Mantoloking are hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this chapter are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter. (Ord. No. 180 A IV § 4-2)

## 7-7 TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS FOR ROADWAYS UNDER MUNICIPAL JURISDICTION AND ADOPTION OF MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.

### 7-7.1 Controls Established for Construction Zone.

The Governing Body hereby finds and declares that problems of traffic control occur and traffic must be moved through or around street construction, maintenance operations, and utility work, above and below ground which requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safety and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work force performing these operations.

The Borough of Mantoloking, in the County of Ocean, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices hereafter known as M.U.T.C.D., except as hereby supplemented and amended, as it controls and regulates whenever construction maintenance operations of utility work obstructs the normal flow of traffic. Any person,

contractor or utility who fails to comply with the provisions of M.U.T.C.D. while performing such work is in violation of this section. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.2 Pre-Construction Meetings.

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under a public utility agreement, wishing to conduct work on, under or above the roadway to contact the Police Department in order to arrange a pre-construction meeting in order to submit plans for the safe movement of traffic during such period of construction work. Any person, contractor or utility who fails to comply with this section prior to the start of such work or whose plans are not approved by the Police Department is in violation of this section. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.3 Emergency Contact Telephone Numbers.

The person, contractor, or utility shall provide the Police Department with at least two (2) emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct a hazardous condition, the Borough may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Borough shall be charged to the person, contractor, or utility for such condition. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.4 Hours.

There shall be no construction, maintenance operations, or utility work on any roadway in the Borough before the hour of 9:00 a.m. or after 4:00 p.m. This time limit may be adjusted to permit work prior to 9:00 a.m. or after 4:00 p.m. by the Officer in charge of the Police Department. If it is determined by the Officer in charge that the construction or maintenance operations prior to 9:00 a.m. or after 4:00 p.m. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 a.m. and 4:00 p.m. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.5 Road Closing and Detours.

Road closing and/or traffic detours shall not be permitted unless approved by the Police Department. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.6 Traffic Directors.

Traffic directors shall be posted at all construction or maintenance sites when determined by the Police Department that same is necessary to provide for the safety and expeditious movement of traffic. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.7 Stop Work.

The Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.8 Site Preparation.

It is to be expressly understood that no materials, vehicle or equipment are to be placed in the roadway or sidewalk or until all construction, signs, lights, devices and pavement markings are installed. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.9 Violations and Penalties.

Any person, contractor or utility who commits a violation of this section shall, upon conviction thereof for a first offense, pay a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days. For a second offense, the person, contractor or utility shall, upon conviction thereof, pay a fine of not less than two hundred fifty ($250.00) dollars and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.10 Inconsistent Regulations.

All ordinances or parts of ordinances which are inconsistent with the provisions of this section are hereby repealed to the extent of any such inconsistency. ~~(New)~~ (not completed by Mott MacDonald)

### 7-7.11 Approval by Commissioner of Transportation or Ocean County Engineer.

Parking restrictions or speed limits in the County Highway (Herbert Street) and the State Highway (Route 35, also known as Ocean Drive) are set by the County of Ocean and the NJDOT, respectively, and will be enforced by either Borough Police, the County or NJDOT Agents.

This section shall take effect after approval by the Commissioner of Transportation twenty (20) days after passage and publication as prescribed by law. ~~(New)~~ (not completed by Mott MacDonald)

## 7-8 PARKING.

### 7-8.1 Regulations Not Exclusive.

The provisions of this chapter imposing a time limit on parking shall not relieve any person of the duty to observe other more restrictive provisions prohibiting or limiting the stopping or

standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, any other New Jersey Statute or as hereinafter provided. ~~(New)~~ (not completed by Mott MacDonald)

**7-8.2 Parking Prohibited During State of Emergency; Emergency Prohibition.**

a. Upon declaration of an emergency, by the Mayor or Chief of Police, or his ranking subordinate, vehicular parking on public streets shall be prohibited wherever so designated by "Emergency - No Parking" signs (or tapes). The Mayor, Borough Emergency Management Officer, Chief of Police, or his ranking subordinate may declare a condition of emergency whenever weather conditions, accidents, road construction, fire, public celebrations or other conditions are present which may present public hazard and which will be ameliorated by prohibition of parking during the emergency. Vehicles parked prior to the declaration of emergency and posting shall not be deemed to be violative of this section unless, after notification, the owner thereof shall fail to remove the vehicle from the controlled area. Notification that EMERGENCY NO PARKING signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

b. The effectiveness of this subsection is contingent upon the signs being erected as required by law.

c. Any unoccupied vehicle parked or standing in violation of this subsection shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal, before regaining possession of the vehicle.

(Ord. No. 473 § 3)

**7-8.3 Temporary Parking Prohibition for Snow Plowing and Removal.**

a. No person shall park or leave any parked vehicle on a public street at any time when accumulated snow shall be of sufficient depth to warrant plowing of the streets, as determined by the Borough Superintendent or the Chief of Police or his ranking subordinate. This prohibition shall be continuous until such time that the snow plowing operations, for the storm event, shall be completed and the available travel way will readily accommodate normal traffic and emergency vehicles.

b. Any vehicle parked in violation of Section 7-8 may, at the discretion of the Mayor or a member of the Police Department, be removed at the cost and risk of the owner. Any and all costs of removal shall be paid by the owner as a condition of recovery of possession of the vehicle.

c. The effectiveness of this subsection is contingent upon signs being erected as required by law.

d. Unless other penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this subjection or any supplement thereto, shall be liable to a penalty of not more than fifty ($50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

(Ord. No. 473 § 2; New)

| *Name of Street* | *Sides* | *Location* |
|---|---|---|
| All Municipal Streets | Both | Entire length |

**7-9-7-10 RESERVED.**

**7-11 STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.**

No person shall stop or stand a vehicle between the hours specified on any day (except Sundays and public holidays) upon any of the streets or parts of streets described, except where other parking regulations have been provided for under Section 7-12.

| *Name of Street* | *Sides* | *Hours* | *Location* |
|---|---|---|---|
| | | (Reserved) | |

**7-12 PARKING TIME LIMITED ON CERTAIN STREETS.**

No person shall park a vehicle for longer than the time limit between the hours listed on any day upon any of the streets or parts of streets described in this Section. At the conclusion of the time limit, the vehicle must be relocated to an alternate allowable parking area in the Borough. The vehicle is allowed to be moved to another location on the same street if within permissible time restrictions. Should a street or a portion of the street, as described in the Location column of the following chart, be designated as No Parking or Unrestricted, this parameter shall override the above and be enforced. (Ord. No. 180 A II § 2-3; Ord. No. 220 Sch. II; Ord. No. 250 § II; Ord. No. 266 A 2; Ord. No. 315 A 1)

| Name of Street | Sides | Time Limit | Hours | Location |
|---|---|---|---|---|
| Albertson Street | North | No Parking | NA | Entire length |
| Albertson Street | South | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Between Runyon Lane and the westerly street end; between points that are 50 feet from the westerly end of Albertson Street and 50 feet west from the intersection with Runyan Lane |
| Albertson Street | South | No Parking | NA | Between Runyon Lane and the westerly street end; from a point beginning 50 feet from the westerly end of Albertson Street to the westerly end of the street, a point beginning 50 feet west from the intersection with Runyan Lane to the intersection |

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| | | | | with Runyan Lane |
| Albertson Street | South | No Parking | NA | Between Route N.J. 35 (Ocean Avenue) and Runyon Lane |
| Arnold Street | North | No Parking | NA | Entire length |
| Arnold Street | South | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length, except 10 feet from Bay Avenue |
| Arnold Street | South | No Parking | NA | From a point beginning 50 feet from the westerly end of Arnold Street to the westerly end of the street; and 10 feet from Bay Avenue |
| Barnegat Lane | Both | No Parking | NA | Entire length |
| Bay Avenue | West | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Between Princeton Avenue and Arnold Street, except 10 feet South of Arnold Avenue |
| Bay Avenue | East | No Parking | NA | Between Princeton Avenue and Arnold Street |
| Bay Avenue | West | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Between Arnold Street and Downer Avenue |
| Bay Avenue | East | No Parking | NA | Between Arnold Street and Downer Avenue |
| Bay Avenue | Both | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Between Downer Avenue and Herbert Street |
| Bergen Avenue | Both | No Parking | NA | Between Route N.J. 35 (Ocean Avenue) and Barnegat Lane |
| Bergen Avenue | North | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Between Barnegat Lane and Lagoon Lane |
| Bergen Avenue | South | No Parking | NA | Between Barnegat Lane and Lagoon Lane |
| Carpenter Lane (east -west orientation) | North | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length - Between Route N.J. 35 (Ocean Avenue) and a point approximately 210 feet west from Route35 (Ocean Avenue) |
| Carpenter Lane (east -west orientation) | South | No Parking | NA | Entire length - Between Route N.J. 35 (Ocean Avenue) and a point approximately 210 feet west from Route35 (Ocean Avenue) |

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|---|---|---|---|---|
| Carpenter Lane (north-south orientation) | Both | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Carrigan Place | North | No Parking | NA | Entire length |
| Carrigan Place | South | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m | Entire length |
| Chafey Place | North | No Parking | NA | Entire length |
| Chafey Place | South | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Channel Lane | North | No Parking | NA | Entire length |
| Channel Lane | South | 4 hours | Between 9:00 a.m. and 5:00 p.m. | From the easterly limit of the cul-de-sac to a point approximately 265 feet west from the westerly curb line of Lagoon Lane |
| Channel Lane | South | No Parking | NA | From a point approximately 265 feet west from the westerly curb line of Lagoon Lane to Lagoon Lane |
| Channel Lane (cul-de-sac) | Both | No Parking | NA | Entire cul-de-sac, from the westly end to a point 50 feet easterly |
| Downer Avenue* | Both | 4 hours | Between 9:00 a.m. and 5:00 p.m. | East of Route N.J. 35 (Ocean Avenue) |
| Downer Avenue | Both | No Parking | Between 9:00 p.m. and 5:00 a.m. | East of Route N.J. 35 (Ocean Avenue) |
| Downer Avenue* | North | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Between the westerly curb line of Route N.J. 35 (Ocean Avenue) and the firehouse |
| Downer Avenue* | North | 30 minutes | Between 9:00 a.m. and 5:00 p.m. | Between Bay Avenue and the firehouse |
| Downer Avenue* | South | 30 minutes | Between 9:00 a.m. and 5:00 p.m. | Between Bay Avenue and Route N.J. 35 (Ocean Avenue) |
| Downer Avenue* | North | Unrestricted | Between 6:00 a.m. and 2:00 a.m. | West of Bay Avenue |
| Downer Avenue | North | No Parking | Between 2:00 a.m. and 6:00 a.m. | West of Bay Avenue |
| Downer Avenue | South | No Parking | NA | West of Bay Avenue |
| East Avenue | East | No Parking | NA | Entire length |

| | | | | |
|---|---|---|---|---|
| East Avenue | West | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Lyman Street | Both | No Parking | NA | West of intersection with Barnegat Lane to and including westerly street end |
| Lyman Street | Both | No Parking | NA | Between Route N.J. 35 (Ocean Avenue) and Barnegat Lane |
| Lyman Street* | Both | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | East of Route N.J. 35 (Ocean Avenue); the entire length |
| Mathis Place | North | No Parking | NA | Entire length |
| Mathis Place | South | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Newman Place | North | No Parking | NA | Entire length |
| Newman Place | South | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | Entire length |
| North Lagoon Lane | West | No Parking | NA | Entire length |
| North Lagoon Lane* | East | Unrestricted | NA | Entire length |
| North Lagoon Lane | North | No Parking | NA | Northerly street end (drafting station area) |
| Old Bridge Street* | Both | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Princeton Avenue* | Both | 4 hours | Between 9:00 a.m. and 5:00 p.m. | East of Route N.J. 35 (Ocean Avenue) |
| Princeton Avenue | Both | No Parking | Between 9:00 p.m. and 5:00 a.m. | East of Route N.J. 35 (Ocean Avenue) |
| Princeton Avenue | North | No Parking | NA | West of Route N.J. 35 (Ocean Avenue) to westerly end |
| Princeton Avenue* | South | 4 hours | Between 9:00 a.m. and 5:00 p.m. | West of Route N.J. 35 (Ocean Avenue) to westerly end |
| Runyon Lane | West | No Parking | NA | Entire length |
| Runyon Lane | East | No Parking | Between 11:00 p.m. and 6:00 a.m. | Entire length |
| Runyon Lane* | East | 4 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |

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|---|---|---|---|---|
| Runyon Lane (including cul-de-sac) | Both | No Parking | NA | From the southerly end to a point 145 feet northerly |
| South Lagoon Lane | West | No Parking | NA | Entire length |
| South Lagoon Lane | East | No Parking | NA | Drafting station area along fence on east side, south end |
| South Lagoon Lane* | East | Unrestricted | NA | Entire length |
| Stephens Place | North | No Parking | NA | Entire length |
| Stephens Places | South | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Williams Place | North | No Parking | NA | Entire length |
| Williams Place | South | ~~Unrestricted~~ 4 hours | ~~NA~~ Between 9:00 a.m. and 5:00 p.m. | Entire length |

Note 1 - In addition to the restrictions above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of the street to the street end.

Note 2 - No person shall park a vehicle at any time upon any streets or parts thereof where curbing is painted yellow per the direction and approval of the Police department.

Note 3 - No person shall park a vehicle at any time within 10 feet of either side of a crosswalk or fire hydrant that has been properly designated or easily identified.

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| ~~*Name of Street*~~ | ~~*Sides*~~ | ~~*Time Limit*~~ | ~~*Hours*~~ | ~~*Location*~~ |
|---|---|---|---|---|
| ~~Albertson Street*~~ | ~~South~~ | ~~2 hours~~ | ~~Between 9:00 a.m. and 5:00 p.m.~~ | ~~Between Runyon Lane and the westerly street end~~ |
| ~~Arnold Street~~ | ~~South~~ | ~~2 hours~~ | ~~Between 9:00 a.m. and 5:00 p.m.~~ | ~~Entire length~~ |
| ~~Bay Avenue~~ | ~~West~~ | ~~2 hours~~ | ~~Between 9:00 a.m. and 5:00 p.m.~~ | ~~Between Princeton Avenue and Arnold Street~~ |
| ~~Bay Avenue~~ | ~~Both~~ | ~~2 hours~~ | ~~Between 9:00 a.m.~~ | ~~Between Downer Avenue and Herbert Street~~ |

| | | | | |
|---|---|---|---|---|
| | | | and 5:00 p.m. | (CR #528) |

*In addition to the restrictions above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of said street to the street end.

*Parking Time Limited on Certain Streets Con.*

| *Name of Street* | *Sides* | *Time Limit* | *Hours* | *Location* |
|---|---|---|---|---|
| Bergen Avenue | North | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Between Barnegat Lane and Lagoon Lane |
| Carpenter Lane | Both | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Chafey Place | South | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Carrigan Place | South | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Downer Avenue* | North | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Between the westerly curbline of Route N.J. 35 (Ocean Avenue) and the firehouse |
| Downer Avenue* | Both | 30 minutes | Between 9:00 a.m. and 5:00 p.m. | Between Bay Avenue and Route N.J. 35 (Ocean Avenue) west of firehouse to Bay Avenue |
| East Avenue | West | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |

*In addition to the restrictions above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of said street to the street end.

*Parking Time Limited on Certain Streets Con.*

| *Name of Street* | *Sides* | *Time Limit* | *Hours* | *Location* |
|---|---|---|---|---|
| Lyman Street* | Both | 2 hours | | West of Barnegat Lane from the western curb of Barnegat Lane 100 feet westerly |
| Lyman Street* | Both | 2 hours | | East of Route N.J. 35 (Ocean Avenue), entire length, except for the westerly 50 feet and that portion of said street lying east of a point 100 feet distant from the easterly curbline of East Avenue |
| Mathis Place | South | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Newman Place | South | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Old Bridge Street* | Both | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Princeton Avenue* | Both | 2 hours | Between 9:00 a.m. and 5:00 p.m. | East of Route N.J. 35 (Ocean Avenue) |
| Stephens Place | South | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |

*In addition to the restrictions above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of said street to the street end.

*Parking Time Limited on Certain Streets Con.*

| *Name of Street* | *Sides* | *Time Limit* | *Hours* | *Location* |
|---|---|---|---|---|
| Runyon Lane* | East | 2 hours | Between 6:00 a.m. | Entire length |

| | | | | |
|---|---|---|---|---|
| | | | and 11:00 p.m. | |
| South Lagoon Lane* | East | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |
| Williams Place | South | 2 hours | Between 9:00 a.m. and 5:00 p.m. | Entire length |

*In addition to the restrictions above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of said street to the street end.

## 7-13 PARKING PROHIBITED FOR STREET CLEANING.

No person shall cause or permit to be parked any motor vehicle upon any street between the specified hours and days described. (Ord. No. 180 A II § 2-2)

| *Name of Street* | *Side* | *Hours & Days* | *Location* |
|---|---|---|---|

(Reserved)

## 7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

**(Applicable information from this Section has been merged into Section 7-12)**

No person shall park a vehicle at any time upon any streets or parts thereof described. (Ord. No. 180 Sch. I; Ord. No. 220 Sch. I; Ord. No. 315 Sch. I; Ord. No. 562 § 1; Ord. No. 648-2015 § 1)

| *Name of Street* | *Sides* | *Location* |
|---|---|---|
| Albertson Street* | North | Entire length |
| Albertson Street* | South | Between Route N.J. 35 (Ocean Avenue) and Runyon Lane |
| Arnold Street | North | Entire length |
| Arnold Street | South | From a point beginning 50 feet from the westerly end of Arnold Street to the westerly end of the street |
| Bay Avenue | East | Between Princeton Avenue and Arnold Street |
| Bay Avenue | East | Between Arnold Street and Downer Avenue |

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|---|---|---|
| ~~Barnegat Lane~~ | ~~Both~~ | ~~Entire length~~ |
| ~~Bergen Avenue~~ | ~~Both~~ | ~~Between Route N.J. 35 (Ocean Avenue) and Barnegat Lane~~ |
| ~~Bergen Avenue~~ | ~~North~~ | ~~Between Barnegat Lane and Lagoon Lane~~ |
| ~~Lyman Street (Ord. No. 648-2015)~~ | ~~Both~~ | ~~West of intersection with Barnegat Lane to and including westerly street end~~ |
| ~~Mathis Place~~ | ~~North~~ | ~~Entire length~~ |
| ~~Newman Place~~ | ~~North~~ | ~~Entire length~~ |
| ~~North Lagoon Lane~~ | ~~West~~ | ~~Entire length~~ |
| ~~Old Bridge Street~~ | ~~Both~~ | ~~From a point beginning 50 feet from the westerly end of Old Bridge Street to the westerly end of the street~~ |
| ~~Princeton Avenue*~~ | ~~North~~ | ~~West of Route N.J. 35 (Ocean Avenue) to westerly end~~ |

~~*In addition to the restriction above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of said street to the street end.~~

~~*Parking Prohibited at all Times on Certain Streets—Continued*~~

| ~~*Name of Street*~~ | ~~*Sides*~~ | ~~*Location*~~ |
|---|---|---|
| ~~Runyon Lane~~ | ~~West~~ | ~~Entire length~~ |
| ~~Runyon Lane (including cul-de-sac)~~ | ~~Both~~ | ~~From the southerly end to a point 145 feet northerly~~ |
| ~~South Lagoon Lane~~ | ~~West~~ | ~~Entire length~~ |
| ~~South Lagoon Lane~~ | ~~East~~ | ~~Drafting station along fence on east side, south end~~ |
| ~~Stephens Places~~ | ~~North~~ | ~~Entire length~~ |
| ~~Williams Place~~ | ~~North~~ | ~~Entire length~~ |

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**7-15 ~~PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.~~**

**(Applicable information from this Section has been merged into Section 7-12)**

~~No person shall park or stand a vehicle between the hours specified any day upon any of the streets described. (Ord. No. 180 Sch. III; Ord. No. 206 § 1; Ord. No. 315 Sch. I)~~

| ~~*Name of Street*~~ | ~~*Sides*~~ | ~~*Hours*~~ | ~~*Location*~~ |
|---|---|---|---|
| ~~Bay Avenue~~ | ~~West~~ | ~~Between 9:00 a.m. and 5:00 p.m.~~ | ~~Between Arnold Street and Downer Avenue~~ |
| ~~Downer Avenue*~~ | ~~North~~ | ~~Between 2:00 a.m. and 6:00 a.m.~~ | ~~West of Bay Avenue~~ |
| ~~Downer Avenue~~ | ~~Both~~ | ~~Between 9:00 p.m. and 5:00 a.m.~~ | ~~East of Route N.J. 35 (Ocean Avenue)~~ |
| ~~Runyon Lane~~ | ~~East~~ | ~~Between 11:00 p.m. and 6:00 a.m.~~ | ~~Entire length~~ |

~~*In addition to the restriction above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of said street to the street end.~~

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**7-16 RESERVED.**

**7-17 RESERVED.**

**7-18 PARKING BY PERMIT DURING CERTAIN HOURS ON CERTAIN DAYS ON CERTAIN STREETS.**

No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the Borough of Mantoloking is displayed on said vehicle for those streets or parts of streets as described or listed within the following sections.

| *Name of Street* | *Location* | *Hours* | *Days* |
|---|---|---|---|
| | (Reserved) | | |

## 7-19 PARKING OF CERTAIN TRUCKS, VEHICLES, AND TRAILERS PROHIBITED.

No person shall park any truck or vehicle over three (3) tons gross vehicle weight (GVW), a school bus, any other type of bus, recreational vehicle, camper, boat or trailer between the hours specified upon any of the streets or parts of streets described.

| *Name of Street* | *Side(s)* | *Hours* | *Location* |
|---|---|---|---|
| | | (Reserved) | |

## 7-20 ANGLE PARKING.

The following streets or parts of streets are hereby established as Angle Parking at an angle so indicated below.

| *Name of Street* | *Side(s)* | *Angle* | *Location* |
|---|---|---|---|
| *Downer Avenue* | *North* | *90°* | *North side, West of Bay Avenue (see other restrictions Section 7-12)* |
| | | ~~(Reserved)~~ | |

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## 7-21 ROUTES FOR TRUCKS OVER FOUR TONS REGISTERED GROSS WEIGHT.

Pursuant to N.J.S.A. 40:67-16.1, the streets or parts of streets as described are hereby designated as route for vehicles OVER four (4) tons registered gross weight. All trucks having a total combined registered gross weight of vehicle plus load in excess of four (4) tons shall be excluded from all streets, except for those streets listed which form a part of the system of truck routes. Vehicles will be permitted on all streets for the purpose of the pick up and delivery of materials.

| *Name of Street* | *Location* |
|---|---|
| | (Reserved) |

## 7-22 VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS.

Vehicles over the registered gross weight are hereby excluded from the streets or parts of streets described except for the pick up and delivery of materials on such street, or the use of emergency vehicles on such street.

*Name of Street* *Weight*
*Location*

(Reserved)

## 7-23 TRUCKS OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS.

Trucks over the registered gross vehicle weight are hereby excluded from the streets or parts of streets described except for the pick up and delivery of materials on such streets.

| *Name of Street Location* | *Weight* |
|---|---|

(Reserved)

## 7-24 ONE-WAY STREETS.

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides indicated in Section 7-12~~below.~~ (Ord. No. 179 Sch. I)

| *Name of Street* | *Direction* | *Limits* |
|---|---|---|
| Arnold Street | Westbound | Entire length |
| Bay Avenue | Northbound | Between Princeton Avenue and Downer Avenue |
| East Avenue | Southbound | Entire length |

## 7-25 THROUGH STREETS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the streets or parts of streets described are hereby designated as Through Streets. Stop signs shall be installed on the near-right side of each street intersecting the Through Street except where Yield signs are provided for in the designation. (Ord. No. 51 § 1)

| *Name of Street* | *Limits* |
|---|---|
| Herbert Street (CR #528) | Between the westerly line of Route N.J. 35 (Ocean Avenue) and the easterly line of Barnegat Bay |
| NJ Route 35 | Entire Length |

## 7-26 STOP INTERSECTIONS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein. (Ord. No. 114 A1; Ord. No. 193 Sch III; Ord. No. 453 § 1; Ord. No. 491 § 1; Ord. No. 2013-631; Ord. No. 2013-632)

| *Intersection* | *Stop sign(s) on* |
|---|---|
| Barnegat Lane and Lyman Street | Lyman Street |
| Bergen Avenue and Barnegat Lane | Barnegat Lane |
| Bergen Avenue and North Lagoon Lane | North Lagoon Lane |
| Bergen Avenue and South Lagoon Lane | South Lagoon Lane |
| Downer Avenue and Bay Avenue | Bay Avenue |
| East Avenue and Carrigan Place | Carrigan Place |
| East Avenue and Chafey Place | Chafey Place |
| East Avenue and Mathis Place | Mathis Place |
| East Avenue and Newman Place | Newman Place |
| East Avenue and Stephens Place | Stephens Place |
| East Avenue and Stephens Place (Ord. No. 2013-631) | East Avenue |
| East Avenue and Williams Place (Ord. No. 2013-631) | East Avenue |
| East Avenue and Williams Place | Williams Place |
| Lagoon Lane and Channel Lane | Channel Lane |
| Lyman Street and East Avenue | East Avenue |
| Mathis Place and East Avenue (Ord. No. 2013-632) | East Avenue |

## 7-27 MULTI-WAY STOP INTERSECTIONS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as Multi-Way stop intersections. Stop signs shall be installed as provided herein. (Ord. No. 491 § 1; Ord. No. 648-2015)

| *Intersection* | *Stop Signs On* |
|---|---|
| Bay Avenue and Downer Avenue (Ord. No. 648-2015) | Bay Avenue and Downer Avenue |

## 7-28 YIELD INTERSECTIONS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Yield Intersections. Yield signs shall be installed as provided therein.

| *Intersection* | *Yield Signs On* |
|---|---|
| | (Reserved) |

## 7-29 TURN PROHIBITIONS.

No person shall make a turn at any location listed and only in the manner described. (Ord. No. 51 § 2; Ord. No. 104 § 2; Ord. No. 179 Sch. II)

| *Intersection* | *Turn Prohibited* | *Movement Prohibited* |
|---|---|---|
| Bay Avenue and Herbert Street (CR #528) | a. Left turn | From Northbound on Bay Avenue to westbound on Herbert Street (CR #528) |
| | b. Right turn | From Eastbound on Herbert Street (CR #528) to southbound onto Bay Avenue |
| Chafey Place and Route N.J. 35 (Ocean Avenue) | Left turn | From westbound on Chafey Place to southbound on Route N.J. 35 (Ocean Avenue) |

## 7-30 NO TURN ON RED.

No person shall make a right turn on the red signal at any location listed:

| *Intersection* | *Movement Prohibited* |
|---|---|
| | (Reserved) |

## 7-31 LOADING ZONES.*

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in these locations during the times indicated other than for the loading or unloading of goods and materials.

---

| *Name of Street* | *Time* | *Side* | *Location* |
|---|---|---|---|
| | | (Reserved) | |

**7-32 BUS STOPS.**

The locations described are hereby designated as Bus Stops. No vehicle other than an omnibus which is picking up or discharging passengers shall be permitted to occupy said location between the hours indicated.

| *Name of Street* | *Hours* |
|---|---|
| | (Reserved) |

Note: Below are minimum standards for bus stop length which are based on recommendations of the Institute of Transportation Engineers and studies conducted by the Bureau of Traffic Engineering and Safety programs. These standards include minimum lengths required for Bus Stops in order that buses may leave moving traffic lanes safely. Keep in mind that buses must stop alongside the curb within six inches thereof as provided by State Law pursuant to N.J.S.A. 39:4-125. These minimums are as follows:

NEAR SIDE-90' feet plus the distance from the curbline to the end of the curb return, property line or cross-walk approximately 105' to 120'. Minimum acceptable length is 105'.

FAR SIDE-85' plus the distance from the curbline to the end of the curb return, property line or crosswalk approximately 105' to 120'. Minimum acceptable length is 105'.

MID-BLOCK-No intersection on either side of roadway; minimum acceptable length is 135'.

FAR-SIDE-(AFTER BUS MAKES RIGHT TURN)-Minimum acceptable length is 150'. An additional 45' of length should be provided for each additional bus expected to stop simultaneously.

**7-33 TAXI STANDS.**

The locations described are hereby designated as Taxi Stands. No vehicle other than a taxi shall be permitted to occupy these locations during the times indicated. (New)

| *Street* | *Location* | *Hours* |
|---|---|---|
| | (Reserved) | |

Note: Minimum length of taxi stand near intersection is twenty-five (25) feet. Adding the sidewalk area of about ten (10) feet to the area where parking is prohibited by State Law would make the starting point approximately thirty-five (35) feet from the curbline. Other locations should be at least thirty (30) feet for one (1) taxi and an additional twenty-five (25) feet for each additional taxi.

No taxi stand may be established in any area where it is prohibited to stand or park pursuant to N.J.S.A. 39:4-136.

## 7-34 LANE USE RESERVATIONS.

The lane locations described are designated as Lane Use Reservations and traffic shall move as indicated.

*Intersection* *Movement*

(Reserved)

## 7-35 SPEED LIMITS.

Speed limits shall be established as follows: Regulatory and warning signs, conforming to the current Manual on Uniform Traffic Control Devices for Streets and Highways, shall be erected and maintained to effect the designated speed limit(s), as required by the Commissioner of Transportation of the State of New Jersey and as specified and authorized in writing from the Bureau of Traffic Engineering of the Department of Transportation. (Ord. No. 650-2015)

| *Name of Street* | *Speed Limit (MPH)* |
|---|---|
| All streets and roadways in the Borough of Mantoloking except N.J. Route 35 (Ord. No. 650-2015) | 25 |
| Route 35 (Ord. No. 650-2015) | As approved by the New Jersey Department of Transportation (NJDOT) |
| Herbert Street (County Route No. 528) | As approved by the Ocean County Engineer and NJDOT |

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## 7-36 MID-BLOCK CROSSWALKS.

A Mid-Block Crosswalk shall be established and maintained at the following locations:

*Name of Street* *Location*

(Reserved)

## 7-37 OLDER AND WALKING IMPAIRED PERSONS CROSSWALKS.

Pursuant to N.J.S.A. 39:4-183.1b, the following locations shall be established as "Crosswalks for the Older and Walking Impaired Persons".

| *Name of Street* | *Location* |
|---|---|
| | (Reserved) |

**7-38 NO PASSING ZONES.**

No Passing Zones are hereby established and shall be maintained upon the following described streets or parts thereof.

| *Name of Street* | *Sketch Dated* | *Sketch No.* |
|---|---|---|
| | (Reserved) | |

**7-39 HANDICAPPED PARKING.**

**7-39.1 Handicapped Parking on Streets.**

In accordance with the provisions of N.J.S.A. 39:4-197, the following street locations are designated as handicapped parking places. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces. (Ord. No. 390; Ord. No. 468 § 1)

| *Street* | *Number of Spaces* | *Location* |
|---|---|---|
| Bay Avenue | One space | East side, 25 feet north of the intersection of Bay and Downer Avenues |
| Downer Avenue | One space | Easterly end, 50 feet west of street end, north side |
| Downer Avenue | One space | West end, north side, (angle parking) |
| Lyman Street | a. One space | Easterly terminus, north side |
| | b. One space | Easterly Terminus South side |
| Princeton Avenue | One space | Easterly end, south side, 50 feet west of street end |

**7-39.2 Handicapped Parking on Streets for Private Residences.**

In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special



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identification cards or plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted in these spaces.

| *Street* | *Location* | *Permit Number* |
|---|---|---|
| | (Reserved) | |

**7-39.3 Handicapped Parking in Municipal Parking Lots and Board of Education Property.**

In accordance with the provisions of N.J.S.A. 39:4-197 the following off-street municipal parking yard and Board of Education property are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards issued by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

| *Property* | *Number of Spaces* | *Location* |
|---|---|---|
| | (Reserved) | |

**7-39.4 Handicapped Parking on Private Property Open to the Public and to Which the Public is Invited (Retail Business).**

In accordance with the provisions of N.J.S.A. 40:48-2.46, the following off-street parking locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

| *Property* | *Number of Spaces* | *Location* |
|---|---|---|
| | (Reserved) | |

**7-39.5 Handicapped Parking on All Other Private Property.**

In accordance with the provisions of N.J.S.A. 39:5A-1; the following off-street parking locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

| *Property* | *Number of Spaces* | *Location* |
|---|---|---|
| | (Reserved) | |

### 7-39.6 Handicapped Parking in Municipal Parks.

In accordance with the provisions of N.J.S.A. 39:5A-4, the following off-street parking locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

| *Property* | *Number of Spaces* | *Location* |
|---|---|---|
| | (Reserved) | |

## 7-40 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY.

### 7-40.1 Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property.

In accordance with the provisions of N.J.S.A. 39:4-197, the following Municipal and Board of Education property shall have the movement of traffic controlled by the type of regulation indicated. No person shall operate, or park a vehicle in violation of the regulations indicated.

| *Property* | *Regulation* |
|---|---|
| | (Reserved) |

### 7-40.2 Regulation for the Movement and the Parking of Traffic on Private Property Open to the Public and to Which the Public is Invited (Retail Business).

In accordance with the provisions of N.J.S.A. 40:48-2.46, on the following private property that is open to the public and to which the public is invited, the movement of traffic shall be controlled by the types of regulations indicated. No person shall operate or park a vehicle in violation of the following regulations.

| *Property* | *Regulation* |
|---|---|
| | (Reserved) |

**7-40.3 Regulation for the Movement and the Parking of Traffic on All Other Private Property.**

In accordance with the provisions of N.J.S.A. 39:5A-1, the regulations of Subtitle 1, Title 39 of the Revised Statutes are hereby made applicable to the properties listed below.

| *Property* | *Regulation* |
|---|---|
| | (Reserved) |

**7-40.4 Regulation for the Movement and the Parking of Traffic in Municipal Parks.**

In accordance with the provisions of N.J.S.A. 39:5A-4, the regulations of Subtitle 1, Title 39 of the Revised Statutes are hereby made applicable to the properties listed below.

| *Property* | *Regulation* |
|---|---|
| | (Reserved) |

**7-40.5 Signs, Pavement Markings, Installation and Maintenance.**

The owners of the premises referred to in subsections 7-40.2 and 7-40.3 shall provide and install signs and pavement markings as required, which signage and markings shall be in accordance with the Manual of Uniform Traffic Control Devices. The cost for the procurement and installation of signs and pavement markings shall be the responsibility of the owner of the property. The owner shall, subsequent to initial procurement and installation, maintain such signs and pavement markings in good condition at no cost of expense to the Borough of Mantoloking. The owner shall be responsible for the repair and restoration or replacement of same. (New)

**7-40.6 Violations and Penalties.**

The penalty for a violation and conviction of this section shall be not less than fifty ($50.00) dollars nor more than one thousand two hundred fifty ($1,250.00) dollars and/or imprisonment in the County Jail for a term not to exceed ninety (90) days, or by a period of community service not to exceed ninety (90) days.

**Additions (bold with yellow highlights)**
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# CHAPTER XI PROTECTION OF BEACHES AND DUNES*

## 11-1 PRESERVATION AND PROTECTION OF DUNES.

### 11-1.1 Findings, Declaration and Purpose.

Although there may be no long term defense for fixed oceanfront structures against a constantly rising ocean level, effective protection of the oceanfront and adjacent coastal areas in the intermediate term against high tides and flooding and against damage by the ocean under storm conditions requires sufficient elevation and breadth in the beach and dune areas, hereinafter defined, to dissipate the force of the waves. The dunes should provide an uninterrupted barrier and a source of sand to mitigate the effect of storm waves for the benefit of the entire Borough - interior lands as well as oceanfront premises - and a beach for the recreational purposes of all. Accordingly, the Borough has a vital interest in the continued maintenance and protection of the ocean Beach and Dune Areas and in the right to cause their restoration in the event of damage or destruction.

**Maintenance and protection of the ocean beach and dune areas are also a requirement of the Borough under a State Aid Agreement (SAA) exercised between the Borough and the New Jersey Department of Environmental Protection (NJDEP) and consistent with the conditions of the United States Army Corp of Engineers (USACE) 50-year duration Beach and Dune System Federal Shore Protection Program initiated in December 2016 and extending to December 2066.**

Dune Areas are vulnerable to erosion by wind, water, the absence of good husbandry by those responsible for their maintenance and preservation, and by indiscriminate trespass, construction or other acts which might destroy or damage them. A proven and available means of protecting Dune Areas against erosion is by preventing indiscriminate trespassing, construction or other acts which might destroy or damage them, and through the aggressive use of native plantings supplemented, when necessary, by sand fencing and other protective devices, or combinations thereof, designed to prevent the erosion of Dune Areas and to promote the root accumulations, normal contours and other features found in natural dune systems **and to aid in long term stabilization of engineered dune systems.**

The Beach Area and Dune Area are dynamic and are not capable of rigid definition or delineation, or of completely firm stabilization. They can and do migrate, so that particular sites, at one time free of dunes may, as the result of natural forces, become a part of the Dune Area declared to be in the interest of the Borough **and State of New Jersey to protect**. Persons owning, using or purchasing such property do so subject to the public interest therein **and also bound by the limitations and conditions of easements exercised by the previous owners with the Borough and NJDEP or obtained by the NJDEP under eminent domain.**

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It is a purpose of this chapter to define the areas so affected and to continue regulations to assure their effectiveness. This chapter does not attempt to define and regulate all parameters of dune delineation, function or management and the Borough Council declares its intent to review and update this chapter periodically to reflect appropriately new and beneficial knowledge; **and to be consistent with State and Federal agreements and regulations.** This chapter is declared to be an exercise of the police power in the interest of safety and welfare for the protection of persons and property. Further, this chapter is adopted in recognition of the knowledge and benefits realized by the implementation of prior enactments which have been operative since 1980 and which have been favorably endorsed by scientific and governmental authorities. By this enactment, it is the intention of the Borough to reflect and utilize the knowledge and experience gained in the administration of prior Beach and Dune Ordinances in the Borough of Mantoloking **to ensure a viable beach and dune system exists in the Borough for coastal protection to the benefit of all Mantoloking residents and the environment.**

In view of the fact that the Bar-Beach-Dune System provides **the primary protection** to property, public and private, and persons within the Borough, from the clearly present hazards of erosion and flooding caused by the Atlantic Ocean during periods of storm, and otherwise, all of the provisions of this chapter are deemed necessary, material, and substantial; therefore, they shall not be subject to waiver or variance.
(Ord. No. 407 § A.1)

## 11-2 DEFINITIONS.

### 11-2.1 Word Usage.

For the purpose of this chapter, certain words or phrases shall be interpreted in the following manner:

a. Words used in the present tense include the future tense.

b. Words used in the singular include the plural, and conversely words in the plural include the singular.

c. Words used in the masculine include the feminine.

d. The word "shall" is mandatory and not discretionary.
(Ord. No. 407 § 2.1)

### 11-2.2 Definitions.

All terms and language utilized in this chapter shall be accorded their common and customary meaning, except where specifically defined herein as follows:

**Appendix** shall mean that portion of this chapter entitled "Appendix", and is incorporated herein.

**Backslope of the Dune shall mean the area of the dune between the landward toe of the dune and the landward dune crest.**

**Beach Area** shall mean that area between the Mean High-Water Line of the Atlantic Ocean, and the Seaward Edge of the Dune as hereinafter defined.

**Borough** shall mean the Borough of Mantoloking, Ocean County, New Jersey.

**Borough Clerk** shall mean the Municipal Clerk of the Borough of Mantoloking, Ocean County, New Jersey.

**Borough Council** shall mean the Municipal Council of the Borough of Mantoloking, Ocean County, New Jersey.

**CAFRA** shall mean the Coastal Area Facilities Review Act, N.J.S.A. 13:19-1 et seq., and regulations issued thereunder at N.J.A.C. 7:7 et seq., as may be amended from time to time.

~~**Crestline of the Dune** shall mean a smoothly curving line connecting the highest points of the dune system, generally within ten (10) feet on either side of the scarp line.~~

**Deed of Dedication and Perpetual Storm Damage Reduction Easement shall mean that agreement exercised by the owners of each oceanfront property (past or present) or obtained for the oceanfront property by NJDEP eminent domain proceedings which sets forth the conditions of use and access to implement the USACE Beachfill and Dune Project.**

**Dune Area** shall mean that area between the seaward edge of the dune **as exists or as established by the USACE Beachfill and Dune Project or as may advance easterly through natural accretion from that initial point and the landward edge of the dune as exists; is constructed as part of the USACE Beachfill and Dune Project or as may be created by natural migration of the dune to the west.**

**Dune Consultant** shall mean an expert on dunes and their care retained by the Borough. In any periods during which no such expert is regularly retained, it shall mean such other person designated by Borough Council.

**Dune Inspector(s)** shall mean that person or those persons appointed by the Mayor with the consent of the Borough Council **to observe and regulate activities on the dune consistent with the Borough Dune Ordinance.**

**Dune Platform (Deck) shall mean a wooden construction platform (deck) placed in the dune area, in accordance with requirements set forth herein.**

**Dune Program Director** shall mean that person appointed by the Mayor with the consent of the Borough Council **designated to advance the Borough's Dune Ordinance goals and program and maintain consistency of same to meet NJDEP and USACE requirements.**

**Dune Vegetation** shall include all plant species found on beaches and dunes of northeastern United States, either native or introduced, which can build and stabilize sand dunes. Specifically, it shall include, but not be limited to, such species as American beachgrass (*Ammophilia breviligulata*), sea rocket (*Cakile edentula*), seaside spurge (*Euphorbia polygonifolia*), dune cordgrass (*Spartina patens*), seaside goldenrod (*Solidago semipervirens*), dusty miller (*Artemisia stelleriana*), bayberry (*Mryica Pennsylvaniea*), beach pea (*Lathyrus*

*japonicus*), salt spray rose (*Rosa rugosa*), beach plum (*Prunus maritima*), panicum grass, etc., which normally grow or may be planted on the slopes of the dunes or behind them, with no distinction being made as to how such plants are introduced into their location.

**Earth Anchor shall mean an auger type anchor utilized to protect against wind uplift of dune platforms typically constructed of galvanized or stainless steel.**

**Foreslope of the Dune** shall mean the **section of the dune face between the seaward crest of the dune and the seaward edge of the dune where it intersects the beach.**

**Landward Dune Crest shall mean the intersection line of the backslope of the dune and the top of dune, with a typical elevation 22.00 NAVD88 if constructed as part of the USACE Beachfill and Dune Project or higher if naturally developed.**

**Landward Edge of the Dune** shall mean the intersection line of the backslope of the dune and the **natural** grade of the land extending from the east boundary of New Jersey Route 35 or East Avenue, eastwardly, or the line joining the average landward edge of the dune of the adjoining oceanfront properties, ~~a line parallel to and sixty (60) feet west of the seaward edge of the dune~~ **or the dune easement line as shown on the official Dune Easement Line Map adopted by the Borough to meet USACE future dune limit needs,** whichever is the more westerly.

**Mean High-Water Line** shall mean the line found by the intersection of a plane at the elevation of mean high-water with the existing foreslope of the beach.

**Oceanfront** shall mean **lands** abutting the Atlantic Ocean. In the case of the Borough of Mantoloking, oceanfront properties are those located east of Ocean Avenue south of Lyman Street, and east of East Avenue north of Lyman Street.

**NJDEP shall mean the New Jersey Department of Environmental Protection.**

**Pathway** shall mean an improved, protective access way, at grade across the dune **in accordance with the specifications set forth within this Ordinance.**

**Sand Fence** shall include the term "snow fence" or "dune fence" of a barricade type established in a line or a pattern to accumulate sand and aid in the formation of a dune, such as picket construction consisting of wooden lath held together by wire and affixed to wooden posts. Alternate types of "sand fence" may be utilized if approved by the Dune Consultant.

~~**Scarp Line** shall mean a parallel continuous line of cliffs cut in the dune system by a storm. The scarp line of the Borough of Mantoloking's dune system is measured with reference to the December 1992 storm ("Scarp '92") and is memorialized on a map of the Borough.~~

**Seaward Dune Crest shall mean the intersection line of the foreslope of the dune and the top of the dune, typically elevation 22.00 NAVD88 as constructed as part of the USACE Beachfill and Dune Project.**

**Seaward Edge of the Dune** shall mean the intersection line of the foreslope of the dune and the gradient of the Beach Area, or the contour line at an elevation of **eight point five (8.5) NAVD88**, or the vegetation line, or whichever is the more easterly, except when the Borough

Engineer, **NJDEP or USACE** may have caused stakes to be driven to mark the seaward edge of the dune, in which case it is the line between such stakes.

**Setback Line** shall mean that line determined by the setback distances as may be specified in the Land Use Ordinance of the Borough.

**State Aid Agreement (SAA) shall mean the agreement made between the Borough and the NJDEP to participate in the USACE Beachfill Project.**

**Top of Dune shall mean the intersecting line of the seaward and landward dune crest; typically elevation 22.00 NAVD88 if constructed as part of the USACE Beachfill and Dune Project, or potentially higher if naturally accreted westerly of the USACE project dune construction limits.**

**USACE shall mean the United States Army Corps of Engineers.**

**USACE Beachfill and Dune Project shall mean the USACE Manasquan Inlet to Barnegat Inlet Storm Reduction Project authorized by the US Federal Government.**

**Upper Driftline (Rackline)** shall mean that line produced by the spring tides (highest tides of the year) which contains ocean debris (flotsam such as seaweed, etc.) and the seeds, rhizomes, or detached plants which can germinate and/or grow to produce a zone of new dune vegetation.

**Vegetation Line** shall mean that line connecting the most **westerly** or seaward naturally occurring perennial plants with other such plants or plants **placed by the USACE as part of the USACE Beachfill and Dune Project.**

**Walkway** shall mean a constructed means of crossing the dune area in accordance with specifications set forth herein.
(Ord. No. 407 § 2.2)

## 11-3 REGULATION OF BEACH AND DUNE AREAS.

### 11-3.1 Construction Prohibited.

Construction east of the landward edge of the dune and the placement there, except temporarily, of any object that would impede the flow of sand is prohibited, except as provided in this chapter and in accordance with any CAFRA regulations, the Land Use Ordinance of the Borough (setback), and subject to permits as may be issued pursuant to these enactments. (Ord. No. 407 § 3.1)

### 11-3.2 Access to Dune Areas.

No person shall be in the dune area unless:

a. Upon an improved pathway, walkway or dune platform; or

b. In the performance of such activities as may be reasonable and necessarily required to construct or maintain the dune, **dune vegetation** or allowed structures with the permission of the owner; or

c. For the purposes of inspection, topographical survey, or enforcement of this chapter; entry for these purposes shall not be deemed an actionable trespass; or
(Ord. No. 407 § 3.2)

**d. As authorized by the USACE for the construction and maintenance of the initial or subsequent beach and dune construction projects as part of the USACE 50-Year Program and consistent with the terms of the perpetual Beachfill and Dune Maintenance Easement executed with each oceanfront property owner (past or present) to meet the terms of the Federal USACE Beachfill and Dune Project.**

### 11-3.3 Dune Walkways, Pathways, Platforms and Foreslope Steps.

Only one (1) pathway or walkway, **and associated dune backslope and foreslope singular set of steps**, across the dune area is permitted for each residence. It shall run, generally, the shortest practical course between the residence and the seaward edge of the dune, and shall not exceed four (4) feet in width (see Appendix* for specifications). At street ends, wider pathways may be delineated by the Borough Engineer. In the event that any pathway or walkway shall be or become, in the opinion of the Dune Consultant, a substantial detriment to the development and maintenance of the continuous protective dune sought to be achieved by this chapter **of the Borough Ordinances and the USACE Beachfill and Dune Project** the owner of the premises shall be subject to the provisions of Section 11-4.

In addition to the pathway or walkway, each oceanfront lot shall be allowed one (1) "Dune Platform" not to exceed two hundred (200) square feet, situated within **the dune crest or dune landward slope area. If a dune walkway is constructed adjacent to a dune platform, a clear separation of a minimum of one-half inch (½ inch), shall be provided between the dune platform and the walkway for the walkway not to be included in the platform area calculation.**

Dune Walkways, Pathways, Platforms **and Foreslope Steps** shall comply with the **conditions included within each oceanfront properties Deed of Dedication and Perpetual Strom Damage Reduction Easement (with possible State approval required) and** the specifications as to construction details and location within the dune area as are set forth in the Appendix. (Ord. No. 407 § 3.3)

### 11-3.4 Removal of Dune Protection Devices Prohibited.

The removal, cutting, burning or destruction of dune vegetation, sand fence or such other types of ~~approved~~ dune protection devices approved by the Borough Council in the dune area is

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prohibited except as necessary for construction or maintenance **of the Dune or USACE Beachfill and Dune Project** and as authorized pursuant to this chapter. (Ord. No. 407 § 3.4)

### 11-3.5 Natural Deposits of Sand.

Sand that has been transported onto lands of **oceanfront lots** by action of wind, tides, storms or any combination thereof shall not be removed from the lot upon which it has been deposited. To the extent practicable considering the utilization of the premises, this sand may be relocated by the owner of the lot and may be moved eastwardly on the same lot **to become part of the beach and dune system.** Surplus sand deposited on any improved street ends shall be restored into the Beach and Dune Area. (Ord. No. 407 § 3.5)

### 11-3.6 Maintenance of Dune Elevation.

One of the purposes of this chapter is to achieve the maintenance of sand dunes at the highest practical height **and with a minimum dune crest elevation of 22.0 NAVD88 to match the USACE project dune crest design elevation.** To this end, no dune shall be directly or indirectly lowered or reduced in height by the action or inaction of any owner or his agent. However, if any dune shall be or become lower than the elevation deemed materially significant by the Dune Consultant who is applying recognized criteria with due regard to the intent of this chapter and reasonable use of the premises, the owner thereof shall be obliged to install such sand fence and plantings as are prescribed by this chapter. (See Appendix.) The owner shall have an obligation to maintain and replace, if necessary, such fences and plantings. If the dune is lowered or caused to be lowered by the direct or indirect action of any owner, then the dune shall, upon due notice to the owner, be restored to its prescribed elevation by the owner or at his expense **and subject to the provisions of Section 11-4.** The restored dune shall be planted and sand fenced in accordance with the specifications set forth in the Appendix. (Ord. No. 407 § 3.6) **However, in consideration of maintenance of views from existing structures which may be obstructed by accreting sand on top of the USACE dune crest above Elevation 22.0 NAVD88 an oceanfront owner has the potential right to apply to the Borough Dune Consultant, NJDEP and USACE to groom the top of the dune back to Elevation 22.0 NAVD88. If such activity is approved, the owner shall immediately plant Cape American Dune Grass in the groomed area on a spacing of 18" on center.**

**Crest grooming shall not be approved by the Borough unless the elevation of the dune is shown to be a minimum of one (1) foot above the Elevation 22.0 NAVD88 for a minimum of 50% of the dune crest area constructed as part of the USACE project. Dune elevation grooming shall not be permitted in natural dune areas.**

### 11-3.7 Vegetation and Sand Fencing.

In order to provide for effective protection and/or restoration of the dune area, each owner shall plant or cause to be planted in the dune area suitable vegetation and erect, or cause to be erected, suitable sand fencing all in accordance with such standards as are provided in the Appendix. (Ord. No. 407 § 3.7)

**11-3.8 Bulldozing and Mechanical Replenishment of Sand.**

a. No person or entity shall engage in the mechanical replenishment of the oceanfront beach dunes within the Borough without first obtaining a permit for such activity and proceeding in strict adherence with the terms and conditions of the permit. Mechanical replenishment shall be broadly defined to include the transport of sand from the berm by any mechanical means (bulldozing or like activity) to or into the dune area as well as the placement **of clean natural sand** obtained from off-site locations.

b. No permits shall be issued at such times when, in the opinion of the Dune Consultant, the beach area is not suitable for bulldozing.

c. The dune replenishment permit shall be issued by the ~~Borough Clerk~~ **Borough Dune Inspector** and shall be conditioned in accordance with CAFRA regulations and as follows:

1. No mechanical dune replenishment activity shall be allowed from April 1st to September 1st, inclusive, or as may be prescribed by CAFRA regulations, except in case of emergency circumstances which constitute an immediate threat to the public health, safety and welfare as declared by the Mayor or Borough Council;

2. No scraping or bulldozing of sand from the berm at a depth greater than one (1) foot from the grade existing prior to activity under the permit shall be allowed;

3. Transport of sand from below the low-water line shall not be allowed;

4. No person shall operate any motorized vehicle across or upon any dune area except as may be necessary for permitted construction or for dune maintenance in compliance with this chapter;

5. No person shall operate mechanical sand transfer equipment on the beach unless in possession of a valid permit and in compliance with the terms and conditions of the permit;

6. Permits shall be effective for six (6) months, **but are based on a one (1) time use only;**

7. All replenished dunes shall be immediately protected by the erection of sand fence **and vegetation** in accordance with specifications set forth in the Appendix to this chapter;

8. All replenished dunes shall be graded **to be consistent with the USACE Beachfill and Dune Project and/or approved by the Borough Dune Consultant** at the required slope and shall be protected by planting of appropriate vegetative cover all in accordance with specifications set forth in the Appendix to this chapter;

9. Any permit issued hereunder may, in the event of violation of the terms of the permit, or in the event of conditions of the beach and dune systems and weather, which are not, at that time, consistent with the attainment and maintenance of a proper protective dune system, be suspended by the Dune Inspector after consultation with a Dune Consultant. The action of the Dune Inspector shall be subject to review by the Borough Council upon written application of an aggrieved property owner. In the event of such application for review, the Borough

Council shall promptly, after public hearing, affirm, reverse, or modify the determination of the Dune Inspector;

10. The failure of any owner or contractor, or any agent of an owner or contractor, to obtain a permit for dune replenishment activities or to abide by the terms and conditions of the permit shall be deemed a violation of this chapter;

11. In the event that a dune maintenance or replenishment project involves the placement of sand upon the dune under circumstances where the additional sand or a portion thereof is obtained from any off-site location, the added sand shall be of such grain size, shape, color and other characteristics as will, in the judgment of the Dune Consultant or Dune Inspector, be compatible with the existing on-site sand. The placement of sand from off-site locations shall be by such methods as will avoid damage to existing dunes and shall, whenever reasonably practicable, as determined by the Dune Inspector, be placed upon the dune from the landward side of the dune;

12. The removal of sand from the beach or dune area **to an off-site location** is prohibited. The movement of sand from the dune area to the beach area is prohibited, **unless if conducted in accordance with an approved NJDEP/USACE/Borough dune grooming permit.**

13. The Dune Inspector may, in the public interest, revoke any permit. Appeal from any revocation may be taken to the Borough Council by written petition within fourteen (14) days of revocation.

**d. When dune replenishment activities are initiated, by either the homeowner, by the Borough or by the USACE, or USACE agents, any existing structures or improvements within the dune system are to be removed by the homeowner so that the replenishment services can be completed with limited disruptions. When replenishment activities are conducted by the Borough or as part of the USACE Beachfill and Dune Project, residents will be notified and all improvements are to be removed and replaced by the homeowner at their discretion. In the event, that these improvements are not removed by the homeowner, they will be removed by the Borough, USACE or USACE agents so initial construction or beach and dune replenishment activities can be completed. The Borough, USACE or USACE Agents will not be required to return removed improvements and are not subject to any damages to the improvements during their removal. Whether a private improvement or structure within the dune system is designated to be removed, it shall be at the sole discretion of the Borough or USACE's approved agent. A minimum of 10 days notice will be provided to homeowners if it is deemed that a private structure or improvement will interfere with Borough or USACE program initial construction or maintenance needs.**

(Ord. No. 407 § 3-8)

**11-3.9 Permits.**

A permit shall not be required for the planting of dune grass or other appropriate vegetation, or for the erection of sand fencing or the placement of temporary walkway protection in the dune area in compliance with approved standards set forth in the Appendix to this chapter. All other

construction, modification, alterations or like activity in the dune area, unless specifically exempted in this chapter, shall require that the owner or his agent obtain a Dune Area Permit. Activities requiring a permit include, but are not limited to, elevated walkways, dune platforms, bulldozing, sand replenishment from off-site sources and the placement of sand fencing more than three (3) feet seaward of the seaward edge of the dune. All permits are subject to revocation, suspension or modification in the event of changed site conditions, as determined by the Dune Inspector with the advice of the Dune Consultant. The Dune Area Permit shall be issued at no charge. **The permit application is to be accompanied by a sketch, to scale, of the proposed improvements. The sketch may be prepared by the owner with reference to a pre-existing survey in form satisfactory to the Dune Inspector. Other Borough, NJDEP or USACE Permits may be required depending on the activity.** The permittee or any agent shall promptly, upon request, allow any Borough official to examine the permit or a certified true copy thereof at any time. (Ord. No. 407 § 3.9)

~~**11-3.9.1 Reconstruction and Reinstallation of Permitted Dune Area Structures.**~~

~~The owner shall not be required to obtain a new dune area permit for the reconstruction, repair or identical replacement of elevated walkways or dune stairs for which a permit was previously issued. At least ten (10) days prior to commencement of the construction, repair or replacement, the owner shall provide written notice of the proposed activity to the Dune Inspector and to the Borough Clerk by personal delivery or certified mail return receipt requested. The notice shall include the owner's certification that the structure(s) will be constructed and placed in compliance with the terms of the previously issued permit. A copy of the permit shall be attached to the notice. Absent timely objection by the Dune Inspector following his receipt of the proper notice, the owner may proceed. In the event that the Dune Inspector shall take exception to the proposed project, no work shall commence until all issues are resolved. A building permit shall not be required for elevated walkways or dune stairs, new or replacement. The proposed construction, repair, modification or replacement of dune platforms shall require application for issuance of dune area permit. (Ord. No. 593)~~

**11-3.10 Dune Inspection.**

The Dune Program Director shall make periodic dune inspections and shall provide written advice to owners. These writings shall not be deemed as notice of violations of this chapter, but shall be maintained as part of the record for the subject property and may be considered by the Court in the imposition of penalties, upon conviction, under any subsequent complaint for violation of this chapter. Further, the Dune Program Director shall coordinate his efforts with those of the Dune Inspector(s) to the end that the purposes of this chapter may be achieved. (Ord. No. 407 § 3.10)

## 11-4 ENFORCEMENT AND PENALTIES.

**11-4.1 Enforcement.**

The Borough Dune Inspector or, in his absence, the Chief of Police, and in all events, the Borough Council shall enforce the affirmative duty of each oceanfront owner, as set forth in this

chapter. The initial enforcement effort shall be by service of a written notice, certified mail return receipt requested, upon the record owner at his last known address as set forth in the Borough tax rolls, requesting specific compliance with these obligations concerning dune protection and/or restoration, at the expense of the owner. The notice shall also advise that unless the owner shall take appropriate corrective action and complete the same within thirty (30) days from the day of mailing of the notice, the Borough may perform such acts of protection and/or restoration. Such expenditures by the Borough, if any, shall be due and payable by the owner upon demand. In the event that any such owner shall fail to pay, then the sum, together with interest at the highest legal rate thereon, shall become a lien upon the property and be collected in the same manner as delinquent real property taxes. The Borough may, in any event, seek injunctive relief from any violation of this chapter.

In addition to the action described above, or alternatively, the owner may, at the election of any enforcement official or the Borough Council, be prosecuted in the Municipal Court for violation of this chapter. (Ord. No. 407 § 4.1)

### 11-4.2 Copies of Regulations Furnished.

A copy of this chapter shall be furnished to all oceanfront property owners and to each applicant for a building permit for any construction east of Ocean Avenue south of Lyman Street and east of East Avenue, north of Lyman Street. Compliance with this subsection shall not be a jurisdictional prerequisite in any enforcement. (Ord. No. 407 § 4.2)

### 11-4.3 Penalties.

For each and every violation of this chapter or violation of the regulations or standards set forth in the Appendix to this chapter, or the terms and conditions of any permit issued hereunder, the owner of lands abutting the beach or dune area where such violation has been committed, and any contractor or agent of the owner, or the trespasser (if the violation is of subsection 11-3.2), shall for each and every violation be subject to the penalties set forth in Chapter I, Section 1-5. Each and every day that such violation continues shall be considered a separate violation of this chapter. (Ord. No. 407 § 4.3; New)

## 11-5 EFFECT OF CHAPTER.

### 11-5.1 Effect of Chapter.

If any part or parts of this chapter are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this chapter. (Ord. No. 407 § 5.1)

### 11-5.2 Repeal.

All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this chapter are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this chapter. (Ord. No. 407 § 5.2)

**11-5.3 Effective Date.**

This chapter shall take effect upon its final adoption. (Ord. No. 407 § 5.3 was adopted on August 16, 1999.) **Subsequent revisions will take effect pursuant to public hearings and periods as prescribed by public law.**

## APPENDIX TO CHAPTER XI PROTECTION OF BEACHES AND DUNES

**I. Appendix to subsection 11-3.3, Dune Walkways, Pathways, Platforms Backslope and Foreslope Steps.**

**a. *Pathways.***

**1. A singular path or walkway may be used to access the ocean, beach or any dune platform. If a walkway is used to access the ocean or any dune platform, the pathway shall be protected by placing suitable material on the sand surface with a maximum width of four (4) feet. This surface may be constructed on grade of natural I-5 soil aggregate gravel or temporary removable walkways or modular components. Temporary walkways may be placed directly on the dune surface and may remain in place as long as they are not found to be a detriment to the dune as determined by the Dune Inspector..**

**2. A crestline gap is a first point of entry for the ocean in a storm. The depth of a crestline gap is the vertical distance between the bottom of the pathway through the crest of the dune and a line connecting the highest points of the dune with twenty (20) feet on either side of the pathway. If the crestline gap depth is two (2) feet or more at any time, the area shall be restored with material of such grain size, shape, color and other characteristics as will, in the judgment of the Dune Consultant or Dune Inspector, be compatible with the existing on-site sand to its prescribed elevation by the owner at their own expense. Crestline gaps do not need to be addressed or remedied if the longest elevation of the gap is above the USACE prescribed Dune Crest Elevation of 22.0 NAVD88.**

**b. *Foreslope Steps.***

**1. An unprotected dune foreslope is particularly vulnerable to damage by foot traffic. Accordingly, where foot traffic is very light, the pathway may remain as sand or owners may use protective means such I-5 soil aggregate gravel, cleated ramps, or similar devices which may be removed when the premises are not occupied or during seasonal storms.**

**2. When, in the judgment of the Dune Consultant, foot traffic is causing more than minimal damage to the foreslope and, in all circumstances, whenever foot traffic has caused the pathway over the foreslope to be at least one (1) foot lower than the adjacent sand surface in any location, the area shall be restored with material of such grain size, shape, color and other characteristics as will, in the judgment of the Dune Consultant or**

**Dune Inspector, be compatible with the existing on-site sand to its prescribed elevation by the owner at their own expense;and more positive protective measures shall be installed as discussed in Section 1 above. In addition, if the owners are having difficulty in ascending the dune foreslope at the prescribed USACE slope of 1V to 5H, steps may to be erected by placing stringers directly onto the dune foreslope with steps consisting of up to 2" x 12" planks. Stringer dimensions shall not exceed 2" x 12" with the steps secured to notches in the stingers or cleats installed within the overall dimensions of the stringers. The steps cannot exceed 4' in width and should be constructed in a manner which will facilitate optional removal during the winter or the anticipation approach of strong seasonal storms or when the premises are not occupied; upon temporary removal, the pathway should be protected by sand fence. Steps may be secured in place to prevent wind uplift and sliding with earth anchors.**

**c.** ***Walkways.***

**1. On – Grade**

**a. Shall be constructed with the use of stringers of no greater than six (6) inches in vertical section placed directly on grade, the use of a singular handrail may be installed on one (1) side of a walkway or steps to facilitate stability when negotiating the steps or walkways. Handrails shall be no more than two (2) inches in vertical section, all to limit eroding wind turbulence. Planking no more than 6 inches in width and with a max gap area between planks of ½ inch. Walkway components shall be constructed to facilitate removal for periods of non-use, or dune development.**

**b. Posts shall not be utilized to secure walkway. Walkways shall be secured with earth anchors strapped to the frame to resist wind uplift.**

**c. When, in the judgment of the Dune Consultant, the walkway is deemed to be jeopardizing the integrity of the dune system , the area shall be restored with material of such grain size, shape, color and other characteristics as will, in the judgment of the Dune Consultant or Dune Inspector, be compatible with the existing on-site sand to its prescribed elevation by the owner at their own expense.**

**2. Elevated**

**a. Shall be constructed with the use of stringers and bridging of no greater than six (6) inches in vertical section, stringers may be sistered together horizontally for added strength. Handrails may be constructed as required by building code, but shall be no more than two (2) inches in vertical section. Planking shall be no more than 6 inches in width with a maximum gap area between planks of ½ inch. Top of planking shall not exceed elevation 22.666 NAVD88 for the entire walkway in USACE constructed dune crest areas but may exceed this height when crossing naturally higher dune elevations or connecting to decks, stairways or stairway landings attached to existing or approved primary residential structures. Elevated walkway structures shall be designed to facilitate removal for extended periods of non-use, and accommodate future dune development and maintenance where possible.**

**b. Walkways may only be elevated upon approval by the Borough dune permit and in accordance with Chapter XXIII Flood Damage Prevention Ordinance Section 23-5.3 through additional approval of the Borough's Construction Office by associated permitting procedures and if built within a "VE" Zone designed for wave forces and scour. Supports for elevated walkways shall be designed to address the impacts of, and to, the stone revetment installed within the dune system for properties North of Lyman Street or the steel sheet pile sea wall's geotextile scour apron within the dune system for properties South of Lyman Street.**

**c. When, in the judgment of the Dune Consultant, that the walkway is deemed to be jeopardizing the integrity of the dune system , the damaged area shall be restored with material of such grain size, shape, color and other characteristics as will, in the judgment of the Dune Consultant or Dune Inspector, be compatible with the existing on-site sand to its prescribed elevation by the owner at their own expense.**

**d. *Dune Platforms.***

**1. One (1) dune platform per property may be constructed within the dune system with neither length nor width greater than eighteen (18) feet, stringers or ledger boards shall be no greater than six (6) inches in vertical section placed directly on grade, handrails may be constructed but shall be no more than two (2) inches in vertical section and constructed of vertical supports to minimize visual obstructions to the views of adjoining properties. Planking shall be no more than 6 inches in width and the maximum gap area between planks shall not exceed ½ inch. Top of planking shall not exceed elevation 22.666 NAVD88 in USACE project constructed crest areas, however, may be a maximum of 8 inches above existing grade in natural dune areas of a higher grade. Structure shall be constructed to facilitate removal for periods of extended non-use, dune development and dune maintenance, etc.**

**2. Platforms shall be located such that the eastern edge is a minimum of ten (10) feet westerly of the seaward dune crest.**

**3. Posts shall not be utilized to secure platform to grade. Platform shall be secured either with earth anchors strapped to the frame or in accordance with Chapter XXIII Flood Damage Prevention Ordinance Section 23-5.3. Utilizing of Chapter XXIII Flood Damage Prevention Ordinance Section 23-5.3 to secure the platform will necessitate additional approval of the Borough's Construction Office by associated permitting procedures, platform supports and foundation shall be designed to address impacts to the stone revetment installed within the dune system for properties North of Lyman Street or the geotextile scour apron within the dune system for properties South of Lyman Street. Foundations for platforms must address wave forces and scour as deemed required by Code.**

**4. When, in the judgment of the Dune Consultant, the platform is deemed to be jeopardizing the integrity of the dune system, the area shall be restored with material of such grain size, shape, color and other characteristics as will, in the judgment of the**

**Dune Consultant or Dune Inspector, be compatible with the existing on-site sand to restore it to its prescribed elevation by the owner at their own expense. Restoration activities will not be required should the result cause the top of the planking to exceed elevation 22.666 NAVD88, or if the surface of the dune crest is found to be above Elevation 22.0 NAVD in the USACE project construction area.**
(Ord. No. 407 App. to 11-3.3)

**II. Appendix to subsection 11-3.7, Vegetation and Sand Fencing.**

a. *Dune Planting.*

1. For initial planting, or replanting sparse areas, "Cape" American beachgrass (Ammophilia breviligulata) should be used. The entire Dune Area (including the crest and the **Backslope and Foreslope of the Dune**) shall be planted. **In addition, at the owner's discretion** up to fifty (50%) percent of Panicum Grass (panic grass) can be mixed in the planted area.

2. Planting may take place any time between October 15th and April 1st, if the ground is not frozen. Spring planting should be accompanied by frequent watering. Initial and subsequent fertilization is recommended at the rate of approximately two (2) pounds of slow-release 10-10-10 fertilizer per one thousand (1000) square feet. If the ph is lower than seven (7), then a treatment to raise ph should be applied (ph+ or limestone).

3. Only fresh planting stock cut back to sixteen (16) to eighteen (18) inches long shall be utilized. Spacing shall be no greater than eighteen (18) inches, two (2) stems to a hole, at least seven (7) inches deep. If not planted with a water flooding method, the sand shall be compacted to eliminate air pockets.

4. Sand placed by earth moving equipment shall be allowed to become compacted by rains before planting commences.

5. After beachgrass has been established, other appropriate vegetation may be added.

b. *Sand Fencing.*

1. Fencing shall be standard four (4) foot wood sand (snow) fence, or cut in half for half fence, in good condition, secured to wooden posts of a minimum cross-section of four (4) square inches and a minimum length of two and one-half (2.5) feet more than the height of the fence, with maximum span between posts of twelve (12) feet. Alternate fencing, as approved by the Dune Inspector with advice of the Dune Consultant, prior to installation, may be utilized.

2. **A row of fencing shall be permitted at the easterly toe of the dune and the westerly limit of the dune, and also on each side of any beach path, if desired. In raw sand dunes which are reconstructed by the owner following a storm event, there shall be at least two (2) lines of fencing in the top half of the Foreslope of the Dune, for the length of the Dune Area of each property. Both lines of the fencing should be in a zig-zag pattern with alternate posts offset by at least five (5) feet. Half-height fencing is recommended.**

**If the dune is fully planted and vegetation fully established, specifically as a result of the USACE Beachfill and Dune Project work, no additional fencing will be required.**

3. A straight (or zig-zag) line of fencing may be erected adjacent to the seaward toe of the dune to prevent pedestrian intrusion into the Dune Area, but if it is more than three (3) feet fromseaward side of the dune, a permit is required and such fencing must be removed during the winter months.
(Ord. No. 407 App. to 11-3.7)

**III. Appendix to subsection 11-3.8, Bulldozing and Mechanical Replenishment of Sand.**

a. *Dune Location and Other Dune Parameters.*

1. A severe storm may cut a sharp cliff or scarp in the dune system, as a straight or slightly curving continuous line the length of the beach, although there may be gaps in the line where the ocean has broken through. Successive storms cut scarp lines that are essentially parallel, the more severe the storm the more westerly the scarp line. Remedial action after a severe storm consists of bulldozing about the same amount, depending upon the amount of sand available in the post-storm berm, up against the scarp line, leaving the Seaward Edge of the Dune in an approximately parallel continuous line. ~~This was the case with the most recent severe storm, that of December 11 and 12 of 1992. Its scarp line ("Scarp 92") has been memorialized on a map of the Borough and thus provides an appropriate reference line for the dune system. After the '92 storm, in which the dune line was eroded some sixty (60) feet, bulldozing of some thirty (30) feet took place, leaving the dune by natural forces, aided by beachgrass planting and fencing, to build higher and to seaward.~~ Therefore;

2. It is desirable to have a continuous dune system ~~with reference to Scarp '92~~. No bulldozing permit will be granted if to do so would result in displacement of the Seaward Edge of the Dune of that property more than five (5) feet seaward of the prevailing Edge of the Dune **as initially constructed under the USACE Beachfill and Dune Project or as approved by the Dune Consultant in potential non-USACE project areas, unless the toe of the dune has migrated easterly by natural accretion. If natural accretion has occurred the dune shall match the toe on adjacent lots;**

3. When a severe storm erodes past the prevailing Dune Crestline ~~(defined, for the purposes of this Appendix, to be a smoothly curbing line connecting the highest points of the dune system, generally with ten (10) feet either side of Scarp '92~~, it can potentially break through the dune system to flood the Borough and/or wash away neighboring houses; therefore it is important to define a minimum Dune Height and other parameters of dune dimension;

4. Therefore, the Dune Inspector, in consultation with the Dune Consultant, shall require an owner to achieve certain standards of minimum dune height and dimensions, by affirmative action, including the transport to the Dune Area of suitable off-site sand, if, in the opinion of the Dune Consultant, achieving those criteria by natural processes would be protracted or would present unacceptable risk to the public interest. The standards are hereby established as ~~(a) a Seaward Edge of the Dune of between twenty five (25) and thirty five (35) feet to seaward of Scarp '92; (b) a dune foreslope or face with a slope (vertical horizontal)~~

~~of 5:1 or less; (c) a minimum dune height, at the prevailing Dune Crestline of eighteen (18) feet; and (d) a minimum elevation of sixteen (16) feet between Crestline and (e) a distance westerly of Scarp '92 of twenty-five (25) feet. In the event that the Mayor and Council shall, in the future, declare a beach emergency as the result of a storm event "Scarp 92'" may, by resolution, be replaced by such other scarp line as may be established.~~ **that of the United States Army Corp of Engineers dune profile developed during the Manasquan Inlet to Barnegat Inlet, New Jersey Hurricane and Storm Damage Reduction Project, which is on file with the Borough, but basically includes: a dune crest a minimum of 25' wide at Elevation 22.0 NAVD88; a foreslope and backslope with a 5H:1V ratio extending from Elevation 22.0 NAVD88 to Elevation 8.5 NAVD88 or existing grade of the beach or landward limit whichever is lower. The dune configuration and minimum criteria shall also include full vegetation with Cape American Beach Grass spaced at 18 inches on center on the dune crest and foreslope and at 24 inches on center on the dune backslope with the placement of sand fence at the seaward and landward toe of the dune.**
(Ord. No. 407 Appendix to 11-3.8)

**IV. Appendix to Section 11-3.9, Permits.**

a. *Permits.*

1. Permits required under this chapter shall be issued at no charge by the Borough Clerk in the Borough's form and requiring such application data as shall be prescribed by the Dune Program Director after consultation with the Dune Consultant. No permit shall be issued unless approved by the Dune Inspector.

2. Any permit may, in the discretion of the Dune Inspector, with due regard to the then existing conditions of beach and dune, be more restrictive than the criteria set forth herein if, in the judgment of the Dune Inspector, upon consultation with the Dune Program Director and Dune Consultant to do so would more appropriately enhance attainment of the goals to be achieved by this chapter.

3. Any owner aggrieved by the terms, conditions, denial or revocation of a permit issued or applied for under this chapter may appeal the action by written petition to the Borough Council within fourteen (14) days of the issuance or denial of any permit. Council may, upon hearing, and in summary fashion, modify, affirm or rescind the permit or the decision of the Administrative Officials.
(Ord. No. 407 Appendix to 11-3.9)