

**ORDINANCE 23-**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND  
SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF  
MANTOLOKING, SO AS TO CREATE CHAPTER 14 ENTITLED  
“BULKHEADS”**

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the  
Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Borough Code of the Borough of Mantoloking is hereby  
amended and supplemented so as to create Chapter 14, which shall be entitled “Bulkheads”  
and which shall read as follows:

**§ 14-1 Purpose.**

The purpose of this ordinance is to create regulations for the significant replacement of  
existing private and public bulkheads and the construction of new public and private  
bulkheads.

**§ 14-1 Bulkhead Location.**

The horizontal location for the construction of any bulkheads shall be along an alignment  
as approved by the New Jersey Department of Environmental Protection (NJDEP).

**§ 14-2 Permit Required, Application**

A. A permit shall be required prior to construction, reconstruction, repairs, or renovation  
of any bulkhead on any waterfront within the Borough of Mantoloking. Applications  
for a bulkhead permit shall be submitted to the Borough’s Engineering Department  
with attention to the Borough Engineer. The fee for said permit shall be \$75.00.  
Bulkhead plans and specifications must be designed by an engineer licensed to  
practice in the State of New Jersey and signed and sealed by such engineer. Two  
copies of the submission documents shall be provided along with an electronic copy  
in pdf format.

B. All applications shall include:

- 1) The appropriate Bulkhead Permit Application Form provided by the  
Borough.
- 2) Plan(s) showing the size, shape, configuration, and the horizontal and vertical  
location of such bulkheads.
- 3) The specifications of material to be used in construction, reconstruction,  
repairs, or renovation. Materials are to be in accordance with the requirements  
of the appropriate State or Federal agencies having jurisdiction over the work.



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- 4) The manner in which materials shall be incorporated into the bulkhead.
- 5) A valid permit received from appropriate State or Federal agencies having jurisdiction over the work.
- 6) Exact cash or a check made payable to the Borough of Mantoloking for the permit fee.

C. .Permit Approval. The Borough Engineer shall review the plans and grant or deny the application within 20 business days upon receipt of a completed application. The review by the Borough Engineer shall be in conformity with this Section, consistent with the minimum specifications and performance standards contained herein. For bulkhead repairs valued at less than 50% of the cost for a full replacement (contractor's construction cost including overhead and profit), the requirements for meeting the minimum specifications and performance standards of this Section, including the requirements for engineered plans, shall be waived in writing by the Borough Engineer. Notwithstanding the foregoing exception, when the value of all repairs made to the bulkhead on a particular property after the effective date of this ordinance exceeds 50% of the cost for a full replacement (contractor's construction cost including overhead and profit), the minimum specifications and performance standards of this Section, including the requirements for engineered plans shall apply to any future repairs.

**§ 14-3 Notification of Commencement of Construction.**

The Borough Engineer shall receive notice of commencement of construction at least two business days in advance of said construction.

**§ 14-4 Notification of Completion.**

Notice of project completion shall be given to the Borough Engineer within seven (7) days of substantial completion of the project and include a certification from a licensed engineer or land surveyor of the as-built elevations of the completed top of bulkhead.

**§ 14-5 State and Federal Approvals.**

Application for bulkhead work must be made to appropriate agencies of the State or Federal government including but not limited to the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers. No permit for work shall be issued until a valid permit is received from appropriate State or Federal agencies having jurisdiction over the work or an Exemption (Zane) Letter is provided for the records.

**§ 14-6 Minimum Specifications.**

The minimum specifications for construction, reconstruction, repair, or renovation of bulkheads are as follows:

1. All new bulk heads shall be designed by a New Jersey licensed professional



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engineer.

2. The minimum elevation for the top of the bulkhead shall be elevation 4.50' in the North American Vertical Datum of 1988 (NAVD 88).
3. Bulkhead design shall provide for potential or expected toe scour or proposed dredge depth and shall be shown on plans.
4. The exposed components of the bulkhead system located above the adjacent elevation of the upland or landward final grade shall be constructed to be watertight.
5. Bulkhead construction, reconstruction, renovation, or repair shall not adversely affect or negatively impact adjoining properties or public rights-of-way.
6. All design materials herein shall be subject to the requirements of the appropriate State or Federal agencies having jurisdiction over the work.
7. Any portion of the tie-back anchor affiliated with the bulkhead shall have a minimum distance of five (5) feet from any swimming pool exterior wall.
8. All private storm sewer outfall pipes require written approval from the Borough Engineer and the NJDEP prior to construction. If drainage conditions require new outfalls for private lots, all new storm sewer outfalls must have an approved check valve.
9. Any existing privately owned outfall pipes shall be fitted with an approved check valve.
10. Any existing Borough owned storm drain outfalls that penetrate private bulkheads within easements shall be maintained and reconstructed by the Borough.
11. Bulkhead construction shall not adversely affect the depth of the adjacent water body.

#### **§ 14-7 Performance Standards.**

All bulkhead construction, reconstruction, repair, or renovation must meet the following performance standards in addition to the minimum specifications set forth above. Applicants utilizing innovative methods of construction must be prepared to show how such methods will meet the performance standards:

1. Bulkheads also function as flood protection. All bulkheads shall be designed to function as such.



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2. All bulkhead reconstruction shall utilize generally accepted engineering principles and practices.
3. Material selection must include evaluation of environmental impacts that are caused by the materials.
4. Bulkhead construction shall not adversely affect or negatively impact adjacent properties or public rights-of-way.
5. Bulkhead shall extend the entire length of the property with returns at any terminal ends and with watertight connections to any existing adjacent bulkheads.
6. Bulkhead construction shall meet the requirements of the New Jersey Department of Environmental Protection.

**§ 14-8 Utilities.**

It is the responsibility of the applicant to protect all existing utilities. The applicant is responsible for obtaining current "utility mark-out" for appropriate State or local agencies prior to commencement of construction.

**§ 14-9 Maintenance, Duty to Repair and Replace.**

All bulkheads within the Borough of Mantoloking shall be maintained so they shall not pose a danger to the health, safety, or welfare of the citizens of the Borough of Mantoloking or to any property or any public right-of-way within the Borough of Mantoloking. The bulkheads shall be kept in a good state of repair to prevent erosion or damage to abutting, adjacent or adjoining properties or public rights-of-way. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the upland or landward property or to the adjoining properties or public rights-of-way, the Code Enforcement Officer shall notify the property owner, in writing, of the nature of the deterioration and, if necessary, the applicable code violation and require the owner to make the necessary repairs or reconstruction. Said repairs or reconstruction shall be made in conformance with this Section. The property owner shall submit a plan of corrective action to the Borough Engineer no later than 60 calendar days from receipt of the notice. Upon approval of the corrective action by the Borough Engineer, the property owner shall complete all necessary repairs or construction forthwith. If permits are required from the State of New Jersey or the Federal government, such permits shall be applied for and procured by the applicable outside approval agency prior to construction. In the event the property owner(s) fails to submit a corrective action plan to the Borough or fails to implement an approved corrective action plan, the property owner(s) shall be liable for the penalties and violations contained herein.

**§ 14-10 Violations; Penalties.**

Anyone violating any of the provisions of this Section shall be subject to a fine not to exceed the sum of \$2,000 for each violation. Each day of a continuing violation



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shall be a separate offense and shall be punishable as a separate offense.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Mantoloking held on the \_\_\_\_ day of \_\_\_\_\_, **2023**, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the \_\_\_\_\_ day of \_\_\_\_\_, **2023**, at 5:30 p.m., in the Council Chambers of the Mantoloking Borough Hall located at 202 Downer Avenue in Mantoloking, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Beverley A. Konopada, RMC, CMR  
BOROUGH OF MANTOLOKING

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Honorable E. Laurence White, MAYOR

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