

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 018-2018

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XVII (CONSTRUCTION OF BULKHEADS) OF THE CODE OF
UPPER TOWNSHIP**

WHEREAS, the Township Committee desires to amend the ordinance regulating the construction of bulkheads; and

WHEREAS, the Township Committee desires make the Strathmere bulkhead more resilient to flooding and protect property from storm surge; and

BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. Chapter 17 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

CHAPTER 17. CONSTRUCTION OF BULKHEADS

17-1 PURPOSE. No change.

17.2 BULKHEAD REQUIRED. No change.

17.3 PERMIT REQUIRED. No Change.

17-4 PERMIT APPROVALS. No Change.

17-5 NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION. No Change.

17-6 FINAL INSPECTION. No Change.

17-7 STATE AND FEDERAL APPROVALS. No Change.

Revise Section 17-8 MINIMUM SPECIFICATIONS as follows:

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

- a. Bulkhead design shall provide for expected toe scour or proposed dredge depth and shall be shown on plans.
- b. Non-Oceanfront Bulkheads
 1. The minimum elevation of the top of the bulkhead shall be as follows:
 - (a) Along Strathmere Bay (Blocks 825, 826, 841, 842, 849 and 850): 8.0' NAVD, 1988 Datum.
 - (b) Along Strathmere Bay (Blocks 750, 756, 757 and 762): 8.0' NAVD, 1988 Datum.

- (c) Along Great Egg Harbor (Block 479, 682 and 735): 10.0' NAVD, 1988 Datum.
- (d) Along Tuckahoe River (Block 12, 15, 19 and 310): one (1') above the existing bank along the spring high tide line.
- (e) Along Tuckahoe River (Block 348): 9.0' NAVD, 1988 Datum.
- 2. Additional outfall piping requires written approval from the Municipal Engineer. If drainage conditions require piping, all new infrastructure must have an approved tide-control device.
- 3. Existing privately owned outfall piping will be extended and fitted with an approved tide-control device.
- 4. Existing Township owned storm drains that penetrate private bulkheads shall be extended and maintained by the private property owner.
- 5. Bulkhead construction shall not adversely effect the depth of the adjacent water body.
- c. Oceanfront Bulkheads
 - 1. Oceanfront Bulkheads shall be required when adjacent to the Atlantic Ocean and extending along Corson's Inlet to the Corson's Inlet Bridge.
 - 2. The minimum elevation of the top of the bulkhead shall be 11.0' NAVD, 1988 datum. The existing timber bulkhead along the oceanfront shall be considered grandfathered as meeting these standards.
 - 3. If the proposed construction methods shall require access and/or disturbance of Township property, a detailed plan outlining the proposed limits of disturbance and proposed restoration shall be provided for approval by the Township Engineer. Township property shall be restored to a condition equal to preconstruction conditions.

17-9 PERFORMANCE STANDARDS. No Change.

17-10 UTILITIES. No Change.

Replace Section 17-11 MAINTENANCE, DUTY TO REPAIR with the following:

17-11 MAINTENANCE, DUTY TO REPAIR AND REPLACE.

- a. All private bulkheads within the Township of Upper shall be maintained so they shall not pose a danger to the health, safety or welfare of the citizens of the Township of Upper or to property within the Township of Upper. The bulkheads shall be kept in a state of repair to prevent erosion or damage to abutting, adjacent or adjoining properties. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the property, or adjoining properties, or a bulkhead has not been constructed in conformance with this ordinance by January 1, 2029 as required by 17-11b. below, the Municipal Engineer shall notify the property owner, in writing, of the nature of the deterioration or violation and require the owner to make the necessary repairs or construction. Said repairs or construction shall be made in conformance with this Chapter. The property owner shall submit a plan of corrective action to the Municipal Engineer no later than thirty (30) days from receipt of the notice. Upon approval of the corrective action by the Municipal 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 immediately applied for. In the event the property owner fails to submit a corrective action plan or fails to implement that plan, he shall be liable for the penalties and violations contained herein.
- b. Any property listed in 17-8b1(a) above must have a bulkhead constructed in conformance with this Chapter 17 by January 1, 2029.

17-12 VIOLATION; PENALTIES. No Change.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapters 17 of the Upper Township Code.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 5TH DAY OF NOVEMBER, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 3RD DAY OF DECEMBER 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: November 5, 2018

Publication: November 9, 2018

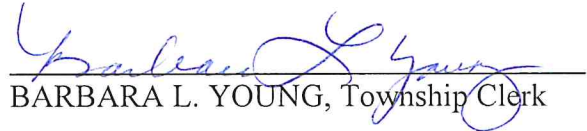
Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: December 3, 2018

Final Adoption: December 3, 2018

Final Publication Date: December 6, 2018

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on December 3, 2018 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on December 6, 2018.


BARBARA L. YOUNG, Township Clerk