

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE II OF CHAPTER 75 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "PROTECTION OF BEACHES AND DUNES"

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

SECTION 1. The Borough Code of the Borough of Bay Head is hereby amended and -supplemented so as to amend §75-7G(1), entitled "Dune Pathways or Walkways". Section §75-7G(1) is hereby amended to read in its entirety as following:

G. Dune Pathways or Walkways.

- (1) One pathway or walkway across the dune area is permitted for each residence in accordance with N.J.A.C. 7:7-10.4(e). 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. The pathway or walkway may, at the property owner's discretion, run from the landward side of the dune to the dune crest in order to provide access to a permitted dune platform. Dune pathways or walkway shall be at least ten (10) feet from each sideline of the property. Fencing is optional for pathways and walkways. Any fencing installed shall be consistent with NJDEP Coastal Zone Management Rules as set forth at N.J.A.C. 7:1-1 et seq.


SECTION 2. The Borough Code of the Borough of Bay Head is hereby amended and supplemented so as to amend §75-7H(2), entitled "Dune platforms; permit". Section §75-7H(2) is hereby amended to read in its entirety as following:

- (2) The dune platform shall, in all events, be maintained in the same fashion and subject to the same regulations as may govern use of pathways and walkways. Dune platforms may not be constructed without a dune platform permit, to be issued by the Dune Consultant, with additional approvals by the Zoning Officer and Construction Official and upon payment of all applicable permit fees. Prior to the issuance of a dune platform permit, the owner shall submit a sketch or plot plan showing the exact location of the platform with respect to the property boundary lines and the dune crest and a detailed drawing or sketch of the proposed platform. The Dune Consultant shall have the authority to require any additional information or approvals to show compliance with any zoning or applicable construction code requirements. A walkway or pathway, not to exceed four feet in width, shall be provided for access east and west of the platform to minimize damage to vegetation by pedestrian traffic, but must have a clear separation of a minimum of one-half inch (1/2 inch) for the walkway not to be included in the platform area calculations. Platforms shall be located such that the eastern edge is a minimum of five (5) feet westerly of the seaward dune crest and the northerly or southerly edge is a minimum of ten (10) feet from the property line.

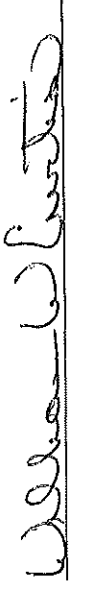
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the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

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

ATTEST:


Patricia M. Applegate, Municipal Clerk

APPROVED:



William W. Curtis, Mayor

Introduced on First Reading: February 1, 2021

Introduced on Second Reading: April 5, 2021

Approved on Second Reading: April 5, 2021

ATTEST:


Patricia M. Applegate, Municipal Clerk

APPROVED:


William W. Curtis, Mayor