

**ORDINANCE NO. 2021-20**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 ENTITLED “ZONING” AND CHAPTER 16 ENTITLED “LAND SUBDIVISION” AS IT PERTAINS TO BULKHEAD PERMITS AND LOT ELEVATION REFERENCES**

**WHEREAS** the Borough of Harvey Cedars is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP); and

**WHEREAS** the Borough is complying with said requirement by repealing Section 12-8 entitled “Flood Damage Prevention” in Chapter 12 “Building and Housing”, and adopting a new Chapter 24 entitled “Floodplain Management Regulations”; and

**WHEREAS** with the repeal of Section 12-8 in Chapter 12 certain sections of that code in must be incorporated within the Zoning Code, and all references to the repealed section made in Chapters 13 and 16 must be updated accordingly.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS,** as follows:

Section 1. Repealed Section 12-8.4 entitled “Bulkheads” is hereby re-adopted in Chapter 13 entitled “Zoning” as new Section 13-7.14 entitled “Bulkheads” as follows:

**13-7.14 Bulkheads.**

- a. Permit required. Before any work of the type described in this section may begin, a bulkhead permit must be obtained. Plans and specifications showing compliance with the bulkhead design standards shall be provided. Work in progress shall be subject to inspection by the Code Enforcement Officer to assure compliance.
- b. All new bulkheads shall be constructed in accordance with all applicable Borough and State statutes and amendments. The top of all bayside and lagoon bulkheads shall have a minimum elevation of five feet (5') Mean Sea Level NAVD 1988.

Section 2. All references to Section 12-8.11 entitled “Lot Elevation” in Chapter 13 are hereby replaced as Section 24-11.10 entitled “Lot Elevation”.

Section 3. All references to Section 12-8.11 entitled “Lot Elevation” in Chapter 16 are hereby replaced as Section 24-11.10 entitled “Lot Elevation”.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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.

Section 6. This Ordinance shall take effect upon final adoption after publication in accordance with law.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **November 5, 2021**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **December 3, 2021** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

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Daina Dale, Municipal Clerk