SENATE, No. 1382

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator CHRISTOPHER J. CONNORS
District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Authorizes municipalities to adopt ordinances requiring maintenance and repair of certain wharves, piers, docks and bulkheads.

CURRENT VERSION OF TEXT

As introduced.

AN ACT authorizing municipalities to adopt ordinances requiring the maintenance and repair of wharves, piers, docks and bulkheads along navigable waterways within a municipality, and supplementing Title 12 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. The governing body of each municipality may adopt, by ordinance, requirements for the maintenance and repair of wharves, piers, docks and bulkheads along navigable waterways within the municipality, pursuant to standards established by the Department of Environmental Protection. The standards shall be developed by the department to ensure that the potential for harm to public health and safety and to the environment is minimized, taking into consideration the location, the surroundings and the use of the wharf, pier, dock or bulkhead.

b. The governing body of each municipality adopting an ordinance pursuant to subsection a. of this section may prescribe penalties for the violation of the ordinance, either a fine not to exceed $500, or imprisonment in the county jail for a term not to exceed 90 days, or both for a first offense. For a second or subsequent offense, a municipality may prescribe penalties of either a fine not to exceed $2,000, or imprisonment in the county jail for a term not to exceed 90 days, or both.

The court before which a person is convicted of violating any such ordinance shall have the power to impose any fine or term of imprisonment not exceeding the maximum fixed in the ordinance.

A person convicted of a violation of the ordinance may, in the discretion of the court by which the person was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the county jail for a term not to exceed 90 days.

2. a. Within 18 months after the effective date of this act, the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations establishing criteria and minimum standards necessary for the maintenance and repair of wharves, piers, docks and bulkheads along navigable waterways within a municipality.

b. The department shall develop technical guidance materials to assist municipalities, which shall include: (1) procedures for the inspection and evaluation of existing wharves, piers, docks and bulkheads along navigable waterways within a municipality; (2) notification procedures to owners in non-compliance with minimum maintenance and repair standards established by local ordinance, to perform required remediation; and (3) verification and inspection processes necessary to ensure compliance with minimum standards adopted by the municipality.

3. Section 1 of this act shall take effect upon the adoption by the Department of Environmental Protection of the rules and regulations required pursuant to section 2 of this act, and the remainder of this act shall take effect immediately.

STATEMENT

This bill would authorize municipalities to adopt ordinances requiring the maintenance and repair of wharves, piers, docks and bulkheads along navigable waterways within a municipality, pursuant to standards established by the Department of Environmental Protection. These standards would be developed to minimize potential harm to the public and to the environment, considering the location, surroundings and the use of the wharf, pier, dock or bulkhead.

The governing body of each municipality adopting such an ordinance may prescribe penalties for the violation of the ordinance, either a fine not to exceed $500, or imprisonment in the county jail for a term not to exceed 90 days, or both. For a second or subsequent offense, a municipality may prescribe penalties of either a fine not to exceed $2,000, or imprisonment in the county jail for a term not to exceed 90 days, or both.

Within 18 months after the effective date of the bill, the department would be required to adopt regulations establishing minimum standards for maintenance and repair of wharves, piers, docks and bulkheads along navigable waterways within a municipality.

Further, the department would be required to develop technical guidance materials to assist municipalities in: (1) inspecting and evaluating existing wharves, piers, docks and bulkheads along navigable waterways within a municipality; (2) notifying owners in non-compliance with minimum maintenance and repair standards established by local ordinance, to perform required improvements; and (3) verifying and inspecting maintenance repairs necessary to ensure compliance with minimum standards adopted by the municipality.

The standards developed by the department and the requirements imposed by municipalities pursuant to this bill would be in addition to those established or prescribed pursuant to any other law, rule or regulation pertaining to wharves, piers, docks and bulkheads.