

**ASSEMBLY, No. 1759**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman BRIAN E. RUMPF**

**District 9 (Ocean)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

18 b. The governing body of each municipality adopting an  
19 ordinance pursuant to subsection a. of this section may prescribe  
20 penalties for the violation of the ordinance, either a fine not to exceed  
21 \$500, or imprisonment in the county jail for a term not to exceed 90  
22 days, or both for a first offense. For a second or subsequent offense, a  
23 municipality may prescribe penalties of either a fine not to exceed  
24 \$2,000, or imprisonment in the county jail for a term not to exceed 90  
25 days, or both.

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

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

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

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

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

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STATEMENT

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

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

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

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

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