

SENATE, No. 1904

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator CARMEN F. AMATO, JR.

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.



S1904 AMATO

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.

5

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.

