

**BOROUGH OF BEACH HAVEN  
COUNTY OF OCEAN**

**ORDINANCE #2025-7C**

**AN ORDINANCE AMENDING Chapter 57, “Beach Protection”, Article I, “Protection of Beaches and Dunes” of in the Borough Code of the Borough of Beach Haven, County of Ocean, State of New Jersey**

**PURPOSE**

The purpose of this ordinance it to require all parts of a private dune walkover to be removed in the off-season and planting of native vegetation on the west side of the dune as a condition of continued use.

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE BOROUGH  
OF BEACH HAVEN DO ORDAIN:**

**SECTION I**

Chapter 57-4C(2), “Beach Protection”, Article I, “Protection of Beaches and Dunes”, Section 4, “Regulatory Provisions” shall be amended as follows (underscores represent additions; ~~strikethroughs~~ represent deletions):

- (a) The provisions of § 57-4C(2), above, shall not apply to any oceanfront lot if the owner of that oceanfront lot has executed the perpetual storm damage reduction easement required in order for the United States Army Corps of Engineers to undertake its beach protection and restoration program on Beach Haven's oceanfront.

[1] In such cases, the owner of such lot shall only be permitted to install and utilize a rollover beach access walkway between the first of April and the first of November of any year. Such rollover walkways, fencing, and signage shall be rolled up and safely and securely stored during the period of November 1 through March 31 of each year. Such rollover walkways shall be constructed only pursuant to the provisions of this chapter.

- (b) Dune walkways.

[1] Permit required. Commercial/multifamily units (over two units) only are required to obtain written approval from the New Jersey Department of Environmental Protection Division of Land Use Regulation prior to obtaining a zoning permit from the Borough of Beach Haven. All applicants for a single-family/duplex walkway must, before any work of the type described in this section may begin, obtain a zoning permit after submission of plans, including location and dimensions, and a survey to ensure compliance with the provisions hereof; and the work and progress shall be subject to inspection by the Director Superintendent of Public Works, or their designee, to assure compliance therewith. Permits shall expire December 31 annually.

[2] Permit fee. Each annual application for a permit under the provisions thereof shall be accompanied by a fee of \$100, which sum shall include payment for inspection by the Director—of Public Works Superintendent or their designee and the processing of

the application for a permit. Each permit holder shall be subject to an annual reinspection fee of \$75.

- i. **Condition of approval.** Permit applications will ONLY be accepted if the property has previously been granted a walkover permit from the Borough of Beach Haven between the years 2018-2024 consecutively.
- ii. Permit applications will NOT be accepted if a walkover permit has been previously revoked for any reason.
- iii. Permits will ONLY be granted if all conditions provided herein have been met.
- iv. Property owners utilizing a properly permitted private walkover shall be required to plant a mix of natural vegetation, as defined herein, on the west side of the dune and water regularly to ensure proper success of the vegetation. Any such planting shall be subject to and in compliance with N.J.A.C. 7:7-9.16(b)(4) and N.J.A.C. 7:7-10.

[6] Any private dune walkway within the limits of the USACE footprint are considered subordinate to the construction, operation maintenance, repair, rehabilitation, and replacement of the Project. The NJDEP, USACE, and Borough of Beach Haven are not to be held responsible for any damage to and/or repairs or reconstruction of any damaged subordination features. Additionally, any other non-project structure (temporary or permanent) including but not limited to sprinkler systems within the easement area and limits of USACE footprint that were not previously approved in writing by DEP and/or USACE, are also considered subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the Project.

## **SECTION II**

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

## **SECTION III**

If any word, phrase, clause, sections, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

## **SECTION IV**

This Ordinance shall take effect upon publication thereof after final passage according to law.

## NOTICE


Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on April 14, 2025 at 6:00 p.m. A copy of the ordinance can be obtained, without cost, by any member of the general public, at the Office of the Municipal Clerk, 300 Engleside Avenue, Beach Haven, New Jersey 08008 Monday through Friday, 9:00 a.m. to 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on April 30, 2025 at 6:00 p.m. at the Beach Haven Municipal Building, 300 Engleside Avenue, Beach Haven, New Jersey 08008.

## CERTIFICATION

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted by the Borough Council of the Borough of Beach Haven at a public meeting held on the 14<sup>th</sup> of April 2025, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand an official seal this April 14, 2025.

A handwritten signature in cursive script, appearing to read "Sherry Mason", written over a horizontal line.

Sherry Mason, RMC, Borough Clerk

<b><i>Introduction:</i></b>	<b><i>April 14, 2025</i></b>
<b><i>First Publication:</i></b>	<b><i>April 24, 2025</i></b>
<b><i>Adoption:</i></b>	<b><i>April 30, 2025</i></b>
<b><i>Second Publication:</i></b>	<b><i>May 8, 2025</i></b>
<b><i>Effective Date:</i></b>	<b><i>May 20, 2025</i></b>