



Township of Middle
 33 Mechanic Street
 Cape May Court House, NJ 08210
 Phone: 609-465-8732 Fax: 609-465-4459



BULKHEAD APPLICATION / PERMIT

PERMIT # _____

- NEW CONSTRUCTION RECONSTRUCTION / REPAIR MINOR RECONSTRUCTION / REPAIR (<\$5,000.00)

BLOCK _____ **LOT** _____

PROPERTY ADDRESS _____

OWNER(s) _____

OWNER'S ADDRESS _____

TELEPHONE _____ **CELL** _____ **EMAIL** _____

APPLICATION CHECKLIST

- PLANS AND SPECIFICATIONS SIGNED AND SEALED BY A NJ LICENSED PROFESSIONAL ENGINEER
- SURVEY OF SUBJECT PROPERTY
- COPY OF ALL RECEIVED PERMITS FROM APPROPRIATE AGENCIES (NJDEP / US ARMY CORP OF ENGINEERS SOIL CONSERVATION DISTRICT) OR LETTER FROM SAME INDICATING PERMIT NOT REQUIRED
- NOTICE OF APPLICATION TO ADJACENT PROPERTY OWNERS (PER Mid Twp ORDINANCE # 1431-12)

DESCRIPTION OF WORK

CONTRACTOR _____

CONTRACTOR'S ADDRESS _____

CONTRACTOR'S LICENSE # _____

PERMIT FEE _____ (CHECK # _____)

(NEW CONSTRUCTION - \$100 FOR THE 1ST 50 FEET OF BULKHEAD TO BE CONSTRUCTED, AND THEREAFTER \$15 PER FOOT OR ANY PORTION THEREOF)

INSPECTION FEE ESCROW _____ (CHECK # _____)

(THE INSPECTION FEE SHALL BE 5% OF THE ESTIMATED PROJECT COST AS DETERMINED BY THE TOWNSHIP ENGINEER OR \$500, WHICHEVER IS GREATER)

* - INSPECTION FEE ESCROW SHALL NOT BE CHARGED IF THE BULKHEAD PROJECT IS PART OF A PLANNING OR ZONING BOARD APPROVAL FOR WHICH ESCROW WAS ALREADY REQUIRED

In absence of any environmental (NJDEP / ACOE / SCD) permits / approvals, I swear and certify the only marine construction submitted to Middle Township for approval is for the repair or replacement of existing marine construction.

This is to certify, pursuant to Middle Township Ordinance No. 1431-12, that the materials to be delivered to the project site for construction of bulkhead at the subject property site substantially conforms in all respects in size, quantity and quality to the permit requirements and plans for the bulkhead construction approved by the design engineer in accordance with the permit referenced herein.

Any violation of the Middle Township Ordinance No. 1431-12 and any amendments thereto, may subject permittee to penalties as set forth in said Ordinance.

SIGNATURE OF OWNER / RESPONSIBLE PARTY _____ DATE _____

FOR OFFICIAL USE ONLY

APPROVED DENIED REQUIREMENTS WAIVED

TOWNSHIP ENGINEER

DATE

CONDITIONS / COMMENTS:

- 1.
- 2.
- 3.
- 4.
- 5.

(ATTACHMENTS - ORDINANCE #1431-12, NOTICE FORM FROM TOWNSHIP CLERK)

TOWNSHIP OF MIDDLE
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO. 1431-12

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY ESTABLISHING
UNIFORM REGULATIONS FOR CONSTRUCTION AND REPAIR OF BULKHEADS

BE IT ORDINANCE BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF
CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. Purpose.

It is the purpose and intent of this chapter to establish uniform regulations for the construction,
reconstruction, renovation or repair of existing or new bulkheads within the Township of Middle.

Permits.

- A. Permit required. No person or legal entity shall construct, reconstruct, renovate or repair any bulkhead within the Township of Middle without first obtaining and having in possession a valid permit to do such work that has been issued by the office of the Township Clerk upon approval of the Township Engineer.
- B. Permit Application.
 - (1) Applications for bulkhead permits shall be made on an application form obtained from the Township Clerk. Completed applications shall be returned to the Township Clerk with the required fee along with the following items in quadruplicate:
 - a. Plans and specifications of the bulkhead that have been prepared, signed and sealed by a New Jersey licensed professional engineer.
 - b. A property survey.
 - c. Authorization for the New Jersey Department of Environmental Protection and any other state of federal agency having jurisdiction over the property affected by the proposed work.
 - d. Proof of Notice of application to adjoining property owners.
 - (2) The Township Engineer may relax or waive any or all of the requirements that are set forth above within the application for a permit pertains to reconstruction, renovation or repair work for which the cost of completion is less than \$5,000; however, in relaxing or waiving any such requirements, the Township Engineer shall have the authority to require the submission of such plans, drawings and contract documents as the Engineer, in his sole and absolute discretion, determines will accurately depict the reconstruction, renovations or repair work to be performed.
- C. Notice of application.
 - (1) Notice of application for a bulkhead permit, the form of which is to be obtained from the Township Clerk, shall be given by the applicant to the owners of all real property, as shown on the current tax duplicate, within 100 feet and whose property is adjacent to the same or similar tidal waters as is the applicant's property; provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it; or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by mailing a copy thereof by regular, first class mail and by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association because of its ownership of common elements or areas located with 100 feet of the property which is the subject of the bulkhead application may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
 - (2) Upon written request of an applicant, the Tax Assessor, within seven days, shall make and certify a list from said current tax duplicate of names and addresses of owners to whom the

applicant is required to give notice pursuant to this section. A sum not to exceed \$.25 per name or \$10, whichever is greater, may be charged for preparation of such list. The Tax Assessor shall also verify the certified mailing costs.

- D. Permit issuance. Upon receipt by the Township Clerk of an application for a bulkhead permit, the Clerk immediately shall transmit copies of the application and all accompanying documents to the Township Engineer for review. No permit shall be issued by the Township Clerk unless the permit is approved for issuance by the Township Engineer. In the event that, upon review of the permit application, deficiencies are noted by the Township Engineer the Township Clerk shall be informed of the nature of the deficiencies and the Township Clerk shall provide written notice, by regular first class mail, of the deficiencies to the applicant at the address set forth on the application and the applicant then shall be afforded the opportunity to correct any application deficiencies.
- E. Permit fee. The permit fee shall be calculated in the following manner:
- (1) For new construction: \$100.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
 - (2) For renovation, reconstruction and repairs: \$100.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
- F. Inspection fee Escrow. The inspection fee shall be 5% of the estimated project cost (as determined by the Township Engineer) or \$500.00, whichever is greater. However, said inspection fee escrow shall not be charged if the bulkhead project is part of a Zoning or Planning Board approval for which an escrow is already required.
- G. Appeal of permit denial. Any applicant aggrieved by the denial of a bulkhead permit may appeal the permit denial to Township Committee by submitting to the Township Clerk written correspondence appealing the permit denial. Such written appeal correspondence briefly shall describe the reason for the appeal. Such written appeal correspondence shall be submitted to the Township Clerk within 20 days of the permit denial. Upon receipt of the appeal correspondence, the Township Clerk shall transmit to Township Committee copies of the permit application, all attachments thereto and any copies of any documents that have been generated by the Township Engineer in connection with review of the permit application. Thereafter, the Township Clerk shall schedule a date for the hearing of the appeal, and notice of the hearing dated shall be provided to the permit applicant. In all instances the Township Clerk shall endeavor to schedule the appeal hearing date not later than 30 days after receipt of the appeal correspondence. The hearing of the appeal shall be conducted by the Township Committee at a public meeting. The applicant shall be permitted to produce evidence to Township Committee in support of the permit application. Township Committee may consider evidence presented to it by the Township Engineer or any other individual that Township Council deems to have relevant information. The decision of Township Committee to approve or deny the permit application shall be through adoption of a formal resolution.

Notification of commencement of construction.

The permittee shall provide to the Township Engineer and to the Township Zoning Officer notice of commencement of construction not less than two business days in advance of said commencement of construction. Not less than 14 days in advance of commencement of construction, the permittee shall provide notice of commencement of construction, on a form to be obtained from the Township Clerk, to all property owners to whom the permittee would be required to provide notice of bulkhead permit application if the permittee were, at the time, making application for a bulkhead permit. Such notice shall be given in the same manner as is required for notices of permit application.

Final Inspection

Prior to the backfilling of any bulkhead construction, reconstruction, renovation or repair, the Township Engineer shall perform an inspection to ascertain that the bulkhead has been built pursuant to the plans that were submitted with the permit application. Written notice of project completion shall be given to the Township Engineer and to the Township Zoning Official within seven business days of substantial completion of the project, but prior to backfilling, and that written notification shall be accompanied by a certification from a licensed engineer or land surveyor of the elevations of the completed bulkhead height. If the Township Engineer determines that the work that was performed pursuant to the

bulkhead permit and the subject bulkhead fail to comply with the plans, drawings or documents that were submitted with the permit application or fail to comply with the provisions of this chapter, then written notice of final inspection failure shall be transmitted by the Township Engineer by regular first class mail to the permittee at the address set forth on the permit application. The notice of final inspection failure shall detail the reasons for inspection failure. Permittees shall correct all deficiencies that resulted in final inspection failure within 20 days of the date of the written notice of final inspection failure. If, upon the expiration of those 20 days, the bulkhead is not approved upon inspection by the Township Engineer then the permittee is deemed to be in violation of the duty to maintain and repair the subject bulkhead as established by this chapter.

Bulkhead Specification.

All bulkheads constructed, reconstructed renovated or repaired within the Township of Middle shall conform to the following minimum specifications:

- A. All new bulkheads shall be designed by a New Jersey licensed professional engineer.
- B. All piles shall have a butt diameter of not less than 12 inches and a tip diameter of eight inches.
- C. All piles will be Douglas Fir or Southern Yellow Pine and shall be treated with an acceptable preservative for marine construction according to the latest American Wood Preservers' Association (A.W.P.A.) specifications.
- D. Sheet piles shall be wood, steel or vinyl. Wales shall be Douglas Fir or Southern Yellow Pine. Wood sheet piles shall be a minimum of two inches thick. Wood sheet piles shall be constructed in two rows with staggered joints. All timber materials shall be treated with an acceptable preservative designed for use in a salt-water environment.
- E. All hardware shall be hot-dipped galvanized steel in accordance with latest standards for salt-water applications.
- F. All out fall piping shall be fitted with a tide-control device that is approved by the Township Engineer.
- G. Bulkhead construction, reconstruction, renovation or repair shall not adversely affect adjoining property.
- H. All existing utilities shall be protected from damage during any work performed pursuant to a bulkhead permit. The bulkhead permittee shall be responsible for obtaining current "utility markout" from all appropriate state and local agencies prior to commencement of work.
- I. Deviations from construction materials set forth herein are allowed so long as all specifications and technical data concerning the proposed construction material are submitted to the Township and are approved in writing by the Township Engineer. The use of any construction material that is not specifically set forth above or approved by the Township Engineer is strictly prohibited.
- J. All design materials herein shall be subject to the dictates of the NJDEP and USACOF

Height of Bulkheads.

The top elevation of any bulkhead to be constructed or reconstructed shall be set at a minimum elevation of 8.0 msl Datum 1929.

Maintenance: duty to repair.

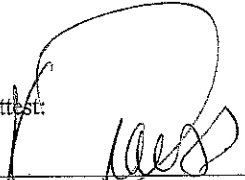
All bulkheads within the Township of Middle shall be maintained in such a condition so that they shall pose no danger to the health, safety or welfare of the residents of the Township of Middle or to public or private property within the Township of Middle. Bulkheads shall be kept in a state of repair so as to prevent erosion or damage to abutting, adjacent or adjoining properties. Whenever a bulkhead has deteriorated or suffered damage to such a degree that a danger to the property or adjoining properties is present, the Township Engineer or Zoning Official or Code Enforcement Officer shall notify the property owner, in writing, by regular first class mail to the address that is set forth on the Township's tax records, of the nature of the deterioration or damage and require the owner to make the necessary repairs. The property owner shall apply for a bulkhead permit no later than 30 days from the date of the notice. The application for a bulkhead permit shall include a plan of corrective action. Upon issuance of the bulkhead permit and approval of the plan of corrective action, the property owner immediately shall complete all necessary repairs. In the event that the property owner fails to submit a corrective action plan, fails to obtain a bulkhead permit to implement the corrective action plan or fails to implement the corrective action plan, the property owner shall be subject to the penalties set forth herein.

Violations and Penalties.

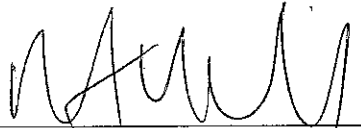
Any person violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$1,250 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

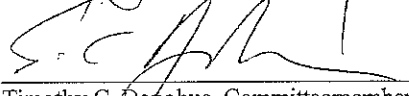
Section 3. This ordinance shall take effect after final adoption and publication as required by law.

Attest:


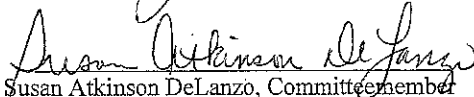
Kimberly D. Krauss, Township Clerk



Daniel D. Lockwood, Mayor



Timothy C. Donohue, Committeemember



Susan Atkinson DeLanzo, Committeemember