

November 7, 2018

Special Meeting Minutes  
November 7, 2018

The following are the minutes of the Special Meeting of the Mayor and Council of the Borough of Ship Bottom, which was held on Wednesday, November 7, 2018, in the Borough Hall Council Chambers, located at 1621 Long Beach Boulevard, Ship Bottom, New Jersey.

Mayor Huelsenbeck called the Meeting to order at 9:00 a.m. and asked the Clerk to take attendance. The following were present:

Councilmen Rossi, Hartman, Tallon, English, Valyo and Butkus.

Kathleen Flanagan, Chief Finance Officer, was present.

Mayor Huelsenbeck asked the Clerk to read the Statement of Notice. It is as follows

The time, date and location of this special meeting was sent to the Asbury Park Press and the Atlantic City Press by e-mail on October 29, 2018 It was published in the Beach Haven Times on November 1, 2018, and also posted in the Municipal Building on October 29, 2018. This is in accordance with the Open Public Meetings Act.

Mayor Huelsenbeck talked about the flooding of the berm on 28<sup>th</sup> St. and Central Ave. on November 6<sup>th</sup>. Councilman Hartman said he saw the County repairing the berm this morning.

There was discussion regarding the bulkhead at Ship Bottom Ave.

Mayor Huelsenbeck called for Ordinance 2018-13: Introduction by Title, first reading; Beach and Boat Ramp fees. On a motion by Councilman Rossi, seconded by Councilman English, this was approved by Title as follows:

**ORDINANCE 2018-13  
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 12.12 OF  
TITLE 12 OF THE BOROUGH CODE OF THE BOROUGH  
OF SHIP BOTTOM ENTITLED "BEACH AND BAY AREA  
USE REGULATIONS" SO AS TO REVISE VARIOUS  
REGULATIONS PERTAINING TO THE USE OF BEACH  
AND BAY AREAS OF THE BOROUGH**

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Ordinance 2018-12: Second reading, public hearing and adoption; Beach and Dune Maintenance and Protection/Bulkheads. On a motion by Councilman English, seconded by Councilman Butkus and all in favor vote, all aye, the hearing was opened to the public.

1. Barbara Bishop, 1302 Ocean Ave., questioned whether the dune walkovers were removed from the ordinance.

On a motion by Councilman Rossi, seconded by Councilman Hartman and all in favor vote, all aye, the hearing was closed to the public.

On a motion by Councilman Butkus, seconded by Councilman English, Ordinance 2018-12 was adopted as follows:

**ORDINANCE 2018-12  
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
ESTABLISHING TITLE 4 OF THE BOROUGH CODE OF  
THE BOROUGH OF SHIP BOTTOM ENTITLED "BEACH  
AND DUNE MAINTENANCE AND  
PROTECTION/BULKHEADS" AND REPEALING VARIOUS**

**SECTIONS OF TITLE 16 OF THE BOROUGH CODE  
ENTITLED "LAND DEVELOPMENT"**

**BE IT ORDAINED**, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** There is hereby established new Title 4 of the Borough Code of the Borough of Ship Bottom, entitled "Beach and Dune Maintenance and Protection/Bulkheads" which shall read as follows:

**Title 4**

**BEACH AND DUNE MAINTENANCE AND PROTECTION/BULKHEADS**

**Chapters:**

**4.04 Beach Protection/Bulkheads**

**4.08 Beach and Dune Maintenance**

**Chapter 4.04**

**BEACH PROTECTION/BULKHEADS**

**Sections:**

**4.04.010 Beach protection/bulkheads.**

A. Preamble. Certain portions of the beachfront and strand bordering on the Atlantic Ocean the entire length of the oceanfront from the center line of 3rd Street to the centerline of 31st Street, inclusive, and those portions of the beachfront and strand being the boundary lines of the Borough of Ship Bottom, New Jersey, have in the past severely suffered from damage caused by storm tides and storms, at which time the sea has encroached upon the land and caused serious damage to public and private property and endangered the safety and welfare of the public at large; and

The situation created along the beach by reason of such storm tides and resulting damage has been so serious that many thousands of dollars of both public and private funds have been expended for the erection of groins, bulkheads and other devices intended to prevent encroachment by the sea; and

The erosion of the beachfront during the storms of March 6 and 7, 1962, and December 11, 1992 created an immediate and imminent threat and danger to life of persons and property in the borough by reason of the destruction of sand barriers which protect the borough's oceanfront; and

The interference with or the depletion of the beach and sand dunes tends to more easily permit encroachment by the sea, and in the opinion of the mayor and council of the borough, the conditions stated above make it imperative that the governing body regulate and control the removal of sand from the beach or dunes or any other interference with or depletion of the protective barrier on the oceanfront of the borough;

The governing body of the borough of Ship Bottom adopts the following provisions for the protection of the beachfront and strand bordering on the oceanfront of the borough pursuant to N.J.S.A. 40A:60-1, et seq., and R.S. 40:48-1, 2.

B. Definitions. For the purpose of this chapter unless the text indicates otherwise, the following words and terms shall have the meanings given in this subsection.

"Beach" means the zone of unconsolidated material that extends landward from the low water line to the place where there is marked change in material or physiographic form, i.e., dune or bulkhead.

"Beach dune area" means the district set off by this chapter to include all areas bounded on the southeasterly side by the Atlantic Ocean and on the northwesterly side by a line parallel width of one hundred fifty (150) feet northwesterly from the oceanfront building line or by the nearest north-south street, whichever is the lesser distance.

"Bulkhead line" means a line established by the borough engineer as shown on maps of the borough and on file as public record in the office of the borough clerk; such line running parallel with and twenty (20) feet eastwardly from the oceanfront building line.

"Dune" means a hill of sand accumulated along the beachfront, usually by natural means. It shall extend from the crest of the hill to the line where the normal leeward slope interacts the established grade of the hinterland.

"Dune area" means the area actually or normally occupied by dunes, whether natural dunes or manmade dunes. For the purpose of this chapter, it shall be construed to include its actual dimensions, but not less than a minimum of fourteen (14) feet elevation above mean sea level at the bulkhead line and a minimum of sixteen (16) feet elevation above mean sea level at the oceanfront building line.

"Oceanfront building line" means a line established by the borough engineer and shown on the maps of the borough on file as public records in the office of the borough clerk, which shall mark the easterly limits of any permissible building construction.

Slope, Leeward. "Leeward slope" means the face or surface of the dune going from its crest away from the ocean.

"Strand" means that area which extends landward from the low water line to the dune line, being the same area defined above as "Beach."

**C. Construction.**

1. Construction Prohibited. Construction of any type, southeastwardly of the oceanfront

building line, except protective works approved and/or undertaken by the borough, county, state or federal governments is prohibited.

2. Construction Permitted. Construction is permitted in the remainder of the beach dune area subject to the provisions of this chapter and subject to the following restrictions and regulations:

a. No dwellings or any part of such dwellings shall be constructed eastwardly of the oceanfront building line. Every application for a building permit for construction within one hundred (100) feet of the oceanfront building line shall be accompanied by a plot plan prepared by a licensed engineer or surveyor showing the oceanfront building line, bulkhead line, placement and elevation of the proposed structure and all existing grades.

b. All construction in this area must maintain the minimum grades and elevations as set forth in the definition of the dune in subsection B of this section. In addition, such construction shall be accompanied by minimum elevations which will maintain a straight decline westerly from the oceanfront building line to the existing elevation of the westerly adjacent graded lot or street as the case may be; where no street or graded lot exists within one hundred fifty (150) feet of the building line, the decline shall be to a minimum of twelve (12) feet elevation above mean sea level along a line one hundred (100) feet westerly from the oceanfront building line and parallel with such line.

c. Excavation for purpose of placement of piling during construction is permitted, provided it is not greater than a depth of ten (10) feet above mean sea level, and provided further, that such excavation shall not remain open longer than one week.

d. A bulkhead designed to replace or supplement the dunes is permitted, provided that before any permit is issued or may be effective for the construction of any such bulkhead, it shall be demonstrated by competent engineering studies and design that such bulkhead will:

- i. Be located in accordance with the bulkhead line as defined in this chapter;
- ii. Create, increase or prolong no condition likely to be detrimental to the maintenance of an adequate dune area;
- iii. Conform adequately with the overall beach protection plans of the borough and the Bureau of Navigation;
- iv. Be constructed in accordance with accepted engineering standards as applied to all of the circumstances.

#### D. Permits Required.

1. Bulkhead Construction. The construction of a bulkhead shall be allowed to replace or supplement dunes as described in this section upon the granting of a permit which shall be issued only if all water permits are obtained from the borough and it is demonstrated by competent engineering studies and design that such construction will be in accordance with the following provisions:

- a. Will provide in every respect as much protection as the dunes intended to be in such area would maintain;
- b. Would not create, increase or prolong any conditions likely to be detrimental to the maintenance of an adequate dune line;
- c. Will conform with the overall beach protection plans of the borough, the bureau of navigation and the United States Army Corps of Engineers;
- d. Be constructed in accordance with accepted engineering standards.

2. Beach Front Bulkheading. All timber piles, sheet piles, wales and other timber utilized in the bulkhead construction shall be treated in accordance with the Specifications of the American Wood Code, Appendix A; the Standard Building Code, Appendix C; and the Uniform Construction Code, Standard 2512. Treatment with CCA Type A shall be two and one-half pounds per cubic foot for timber piles, sheet piles and wales and one pound per cubic foot for anchor piles and drag. All sheathing shall be twenty (20) feet in length by two inches by eight inch, T & G and back up with sheathing sixteen (16) feet in length by two inch by eight inch, T & G. If single sheathing is to be used the length shall be twenty (20) feet by three inch by eight inch T & G. Three six inch by six inch wales running horizontal to sheathing with two top wales size four inch by six inch running directly in back of the sheathing and bolted through to the front wales with three-quarter inch hot-dipped galvanized bolts. This fastening will take place at every piling. The piling shall not be less than thirty (30) feet in length with a minimum top butt of twelve (12) inches. Piling shall be placed on not less than four feet centers. All tie rods shall be not less than three-quarter inches in diameter, and not less than sixteen (16) feet in length. All rods, bolts, and other fastening materials shall be hot-dipped galvanized. All anchor pilings or key logs shall be not less than twelve (12) feet in length with butts not less than ten (10) inches in diameter. Lines and grades of bulkheads shall be set by the borough engineer.

3. Bay Front Bulkheading. All timber piles, sheet piles, wales and other timber utilized in the bulkhead construction shall be treated in accordance with the Specifications of the American Wood Code, Appendix A; the Standard Building Code, Appendix C; and the Uniform Construction Code, Standard 2512. Treatment with CCA Type A shall be two and one-half pounds per cubic foot for timber piles, sheet piles and wales and one pound per cubic foot for anchor piles and drag. All sheathing shall be sixteen (16) feet in length by two inch by eight inch, T & G. Two six inch by six inch wales running horizontal to sheathing and bolted through to the front wales with three-quarter inch hot-dipped galvanized bolts. This fastening

will take place at every piling. The piling shall be not less than twenty (20) feet in length with a minimum top butt of ten (10) inches. Piling shall be placed on not less than five feet centers. All tie rods shall be not less than three-quarter inches in diameter, and not less than sixteen (16) feet in length. All rods, bolts and other fastening materials shall be hot-dipped galvanized. All anchor pilings or key logs shall be not less than twelve (12) feet in length with butts of not less than eight inches in diameter.

4. Lagoon Bulkheading. All timber piles, sheet piles, wales and other timber utilized in the bulkhead construction shall be treated in accordance with the Specifications of the American Wood Code, Appendix A; the Standard Building Code, Appendix C; and the Uniform Construction Code, Standard 25-12. Treatment with CCA Type A shall be two and one-half pounds per cubic foot for timber piles, sheet piles and wales and one pound per cubic foot for anchor piles and drag. All sheathing shall be fourteen (14) feet in length by two inch by eight inch T & G. Two six inch by six inch wales running horizontal to sheathing and bolted through to the front with three-quarter inch hot-dipped galvanized bolts. This fastening will take place at every piling. The piling shall be not less than eighteen (18) feet in length with a minimum top butt of eight inches. Piling shall be placed on not less than five feet centers. All tie rods shall be not less than three-quarter inch diameter, and not less than sixteen (16) feet in length. All rods, bolts and other fastening materials shall be hot-dipped galvanized. All anchor pilings or key logs shall be of not less than twelve (12) feet in length with butts of not less than eight inches in diameter.

5. Substitution for Timber Bulkhead Materials. Whenever timber bulkhead materials are referenced within this chapter, it is to be understood that the reference is for the purpose of defining the performance or other salient requirements and that other products of equal capacities, quality and function may be considered. If, in the opinion of the borough engineer, such material is of equal substance and function to the specified, the borough engineer may approve its substitution and use.

6. Minimum Elevation Top of Bulkhead Top Wale. As used in this chapter, "mean sea level" is that elevation established by the U.S. Coast and Geodetic Survey at Sandy Hook. The elevation of oceanfront bulkhead shall be fourteen (14) feet above mean sea level. The elevation of bay front and lagoon front bulkhead shall be five (5) feet above mean sea level. It is suggested that in those cases where difficulty in connection with construction arises, the borough engineer should be consulted.

7. Removal of Sand From Personal Properties. Where, by act of high winds and/or tides, sand is blown or washed upon lands, including street ends lying westwardly from the dune area, such sand shall not be removed from such lands unless a permit has been issued for such removal by the borough governing body pursuant to an application containing the following information:

- a. Name and address of the applicant;
- b. Location of sand to be moved or displaced;
- c. The nature and purpose of the proposed moving or displacement;
- d. Proposed method by which the applicant desires to move or displace the sand, including a description of the equipment, machinery or other apparatus to be used;
- e. Estimate in terms of cubic yards as to the quantity of sand to be moved or displaced; and
- f. Such other information as may be required by the mayor and borough council.

No such permit shall be issued without a determination by the mayor and borough council that such removal will not create or increase a danger or hazard to life or property.

8. Fee for Permit. A permit from the borough shall be required for any removal of soil from, or construction on, the beach dune area. When a permit is sought for soil removal only and no construction is proposed, the cost for the permit shall be fifty dollars (\$50.00). However, when a permit is sought for any construction of any type, the cost for the permit shall be one hundred fifty dollars (\$150.00); except that the fee for a permit for bulkhead construction shall four dollars (\$4.00) per linear foot. The cost of any such permit shall be in addition to the applicable fee for a building permit issued by the building inspector.

E. Regulations. To further protect the beach dune area of the borough as defined in this chapter, the following regulations are established:

1. No person shall remove, cart away or redistribute sand, or cause the removal, caring away or redistribution of sand, by any mechanical or other means from the strand, beach, dune line or beach dune area of the borough.
2. Except for the purposes noted and referenced in subsection (E)(4) of this section, no person shall use or occupy the beach or beach dune areas of the borough except for the removal of trash and the planting of dune grass.
3. No persons shall at any time remove, cut, burn or destroy any snow fence or vegetation placed upon the dunes of the borough. If, for any reason, the owner of the lot or parcel of land upon which the snow fence or vegetation and dune are located, removes, cuts, burns or destroys the vegetation or snow fence on the sand dune, or causes the same to be removed, cut, burned or destroyed, the borough, at the owner's expense, shall replace the snow fence or replant the dune vegetation in order to preserve the integrity of the entire dune area.
4. Nothing contained in this subsection shall be construed to prevent or prohibit the use of the beach of the borough for recreational purposes, subject to express regulations as provided

in this Chapter.

5. The borough will locate, erect and maintain snow fencing on the dune area and/or will plant additional vegetation as it deems fit.

F. Administration.

1. The borough engineer shall plot the bulkhead line and the oceanfront building line, as defined in this chapter, upon the tax maps of the borough. The tax maps shall be on file in the office of the borough clerk and available for inspection.

2. The bulkhead line and the oceanfront building line shall be included in all tax maps and zoning maps of this borough published following the effective date of this amendment.

3. A copy of this chapter shall be available to each applicant for a building permit to effect any construction within the beach-dune areas of the borough.

4. The code enforcement officer, zoning officer and/or the police department is designated as the person(s) responsible for the enforcement of this chapter.

G. Time Limitation.

Work to be performed under the terms of this chapter shall be permitted during the period of October 15th through May 15th of each year, such date to be inclusive.

**Chapter 4.08**

**BEACH AND DUNE MAINTENANCE**

**Sections:**

<b>4.08.010</b>	<b>Title.</b>
<b>4.08.020</b>	<b>Findings and declarations-Purpose.</b>
<b>4.08.030</b>	<b>Definitions.</b>
<b>4.08.040</b>	<b>Base profile map</b>
<b>4.08.050</b>	<b>Beach and dune maintenance responsibility of property owner.</b>
<b>4.08.060</b>	<b>Notice to property owners-Improvements by borough.</b>
<b>4.08.070</b>	<b>Restoration permit-Application-Fee.</b>
<b>4.08.080</b>	<b>Notice to proceed-Time for completion.</b>
<b>4.08.090</b>	<b>Determination of costs-Lien.</b>
<b>4.08.100</b>	<b>Pre-existing dunes on private property.</b>
<b>4.08.110</b>	<b>Conflict of laws.</b>
<b>4.08.120</b>	<b>Violations and penalties</b>

**4.08.010 Title.**

This chapter shall be known and cited as the "Beach and Dune Maintenance Ordinance."

**4.08.020 Findings and declarations—Purpose.**

The mayor and governing body of the Borough of Ship Bottom finds and declares that the protection of the ravages of the Atlantic Ocean's storms, hurricanes, high tides, etc., is essential to the protection of persons and property and for the protection of the public health, safety and welfare of the municipality and its inhabitants. That the beach-dune system is the front line of protection for the life and property of the borough. The mayor and governing body further finds and declares that contouring of the beach-dune system is essential to proper beach and dune maintenance and that a properly maintained contour of the beach-dune system is essential in diminishing wave wash and wind velocity erosion. It is the purpose of this chapter to protect the people and property of the borough and to preserve the health, safety and welfare of the borough and its inhabitants by regulating and promoting beach-dune system protection. That the maintenance of the beach-dune system, when necessary on private property, is the responsibility of the property owner(s) and, in the absence of such maintenance, the borough, in consultation with its municipal engineer, shall take the necessary measures to restore that portion of the beach-dune system that falls upon private property in order to protect the interests of the borough. (Ord. 2007-02 § 1 (part), 2007)

**4.08.030 Definitions.**

As used in this chapter:

"Beach-dune system" means that area which extends from the mean high water line of the Atlantic Ocean at elevation 1.5 NAVD 1988 to a point west of the bulkhead line at elevation 6.0 NAVD 1988.

"Bulkhead line" means a line established by the borough engineer as shown on maps of the borough.

"Dune" means a hill of sand accumulated along the beachfront by natural or manmade means.

"NAVD" means North American Vertical Data.

"Restoration" means construction, improvements, repairs, and maintenance activities, which may include but are not limited to the placement of beach sand, fill, geotubes or other material(s) in conformance with the requirements of this chapter.

**4.08.040 Base profile map.**

The municipal engineer shall prepare a base profile map of the beach-dune system which shall set forth the slopes, grades, contours and elevations of the beach-dune system. The

base profile map shall be approved by resolution of the governing body and shall be utilized as the basis for all beach-dune system restoration.

**4.08.050 Beach and dune maintenance responsibility of property owner.**

The owner or owners of lands that have been diminished by wave wash, wind or any other conditions that would reduce the beach-dune system below the standards set by the engineer's base profile map shall, subject to the notice as hereinafter provided, restore at his or her or their own proper cost and expense, the beach-dune system in accordance with the grades, slopes and contours as set forth in the base profile map and pursuant to the specifications of the borough engineer.

**4.08.060 Notice to property owners— Improvements by borough.**

Whenever in the opinion of the borough engineer the conditions along the beach-dune system have been diminished so as to require beach-dune system restoration in order to maintain the necessary grades, slopes or contours as established by the base profile map, a notification of deficiency shall be made to the property owners of the affected properties or lands upon which the restoration is required. Notice shall be given by: (1) Serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) Mailing a copy thereof by certified mail and regular mail to the property owner at his address as Shown on the 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 his president, a vice-president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Property owners who wish to perform their own beach-dune system restoration shall be able to do so at their own cost and expense and must apply to the borough for a restoration permit in accordance with the provisions of Section 4.08.070 of this chapter within ten (10) days of receipt of the notice of deficiency. If an owner who has received notice in accordance with the provisions of this section fails to perform the restoration activities as set forth herein, then in that event, the borough shall have the right to perform the required restoration by or under the direction of an officer of the municipality.

**4.08.070 Restoration permit—Application—Fee.**

No property owner shall commence any restoration to the beach-dune system as required by this chapter unless he or she shall have first obtained a restoration permit from the borough upon application on forms prescribed by the borough clerk or borough engineer. The application shall include a description of the restoration activities to be performed, the equipment to be used, and any other information which in the opinion of the borough engineer is necessary to properly review the proposed restoration work. A restoration permit application fee shall be paid to the borough in the amount of twenty-five dollars (\$25.00) which sum shall be used for review of the application and inspection of the work to be performed. Property owners performing beach-dune system restoration at their own cost and expense shall be responsible for obtaining any and all other permits as may be required by state or federal law.

**4.08.080 Notice to proceed—Time for completion.**

Upon approval of the application for a restoration permit by the governing body or its designee, the borough shall issue a notice to proceed to the property owner. All restoration work approved under the permit shall commence within ten (10) days of the issuance of the notice to proceed, and all work must be completed by the owner within thirty (30) days of the issuance of the notice to proceed unless such time for commencement or completion has been extended by approval of the governing body. In the event that the owner fails to either commence or complete the restoration work within the approved times, then, in that event, the borough shall have the right to perform the required restoration work, the cost of which shall be charged against the property restored in accordance with the provisions of Section 4.08.090 of this chapter. In no event shall restoration take place between May 15th and October 15th. All work authorized shall be finished by May 15th and may be started no earlier than October 15th unless otherwise approved by the governing body.

**4.08.090 Determination of costs— Lien.**

In all cases where any beach-dune system restoration has been performed by the borough under the provisions of this chapter on private lands, the borough engineer or officer of the borough in charge of the beach-dune system restoration shall certify the costs thereof to the governing body. Upon receipt of the certificate of costs, the governing body shall examine the same and, if found correct, shall cause the cost as shown thereon to be charged against the property on which the beach-dune system restoration was performed. The amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the tax collector of the borough.

**4.08.100 Pre-existing dunes on private property.**

Notwithstanding any provision to the contrary, nothing in this chapter shall be construed to require property owners to increase the height or elevation of dunes

found on private property as of the date of enactment of this section provided, however, the property owner(s) provide to the borough a survey of the existing dune profile setting forth the dune elevation and contours which survey shall be performed by a licensed engineer or surveyor and submitted to the borough within thirty (30) days from the enactment of this section. The survey, when properly submitted, shall be included as part of the base profile map of the borough and shall be used as the basis for beach-dune system restoration on said property unless, in the opinion of the borough engineer, the existing grades, profiles, contours or elevations of the existing beach-dune system as set forth in the survey are inadequate for the proper protection of the beach-dune system or the borough.

**4.08.110 Conflict of laws.**

In the event that it shall be determined that any provision of this chapter shall conflict with the provisions of any other sections or chapters of the municipal code of the Borough of Ship Bottom, the provisions of this chapter shall control.

**4.08.120 Violations and penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall upon conviction thereof, be punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment or community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of any provision of this chapter shall be subject to abatement summary judgment or a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 2.** Chapter 16.72 of Title 16 of the Borough Code of the Borough of Ship Bottom entitled “Beach Protection” is hereby repealed in its entirety and designated “reserved”.

**SECTION 3.** Chapter 16.73 of title 16 of the Borough Code of the Borough of Ship Bottom entitled “Beach and Dune Maintenance” is hereby repealed in its entirety and designated “reserved”.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for the request from the Ship Bottom Republican Club to use the Council Room for a meeting on Thursday, November 8<sup>th</sup> at 7:00 pm. On a motion by Councilman Tallon, seconded by Councilman English, this was approved.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

On a motion by Councilman Rossi, seconded by Councilman Butkus and all in favor vote, all aye, Mayor Huelsenbeck opened the meeting to the public. Having no response from the public, on a motion by Councilman Rossi, seconded by Councilman Butkus and all in favor vote, all aye, Mayor Huelsenbeck closed the meeting to the public.

On a motion by Councilman English, seconded by Councilman Tallon and all in favor vote, all aye, Mayor Huelsenbeck adjourned the meeting at 9:35 am.

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Kathleen Wells, RMC, Municipal Clerk

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William Huelsenbeck, Mayor