

SENATE, No. 1942

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Senators CIESLA and BENNETT

1 AN ACT concerning the construction of certain docks and amending  
2 R.S.12:5-3.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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7 1. R.S.12:5-3 is amended to read as follows:

8 12:5-3. a. All plans for the development of any waterfront upon  
9 any navigable water or stream of this State or bounding thereon, which  
10 is contemplated by any person or municipality, in the nature of  
11 individual improvement or development or as a part of a general plan  
12 which involves the construction or alteration of a dock, wharf, pier,  
13 bulkhead, bridge, pipeline, cable, or any other similar or dissimilar  
14 waterfront development shall be first submitted to the Department of  
15 Environmental Protection [and Energy]. No such development or  
16 improvement shall be commenced or executed without the approval of  
17 the Department of Environmental Protection [and Energy] first had  
18 and received, or as hereinafter in this chapter provided.

19 b. The following are exempt from the provisions of subsection a.  
20 of this section:

21 (1) The repair, replacement or renovation of a permanent dock,  
22 wharf, pier, bulkhead or building existing prior to January 1, 1981,  
23 provided the repair, replacement or renovation does not increase the  
24 size of the structure and the structure is used solely for residential  
25 purposes or the docking or servicing of pleasure vessels;

26 (2) The repair, replacement or renovation of a floating dock,  
27 mooring raft or similar temporary or seasonal improvement or  
28 structure, provided the improvement or structure does not exceed in  
29 length the waterfront frontage of the parcel of real property to which  
30 it is attached and is used solely for the docking or servicing of pleasure  
31 vessels; and

32 (3) Development in the coastal area, as defined in section 4 of  
33 P.L.1973, c.185 (C.13:19-4), landward of the mean high water line of  
34 any tidal waters.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1       c. The Department of Environmental Protection shall prohibit the  
2 construction of any new dock that would result in the destruction,  
3 condemnation or contamination of shellfish habitat or submerged  
4 vegetation habitat, except that the department shall approve the  
5 construction of a proposed new dock if:

6       (1) The proposed new dock is located within 100 feet of, and on  
7 the property immediately adjacent to, an existing legal dock;

8       (2) The length of the proposed new dock does not extend any  
9 further offshore than the adjacent, existing legal dock, as measured  
10 from a point at the mean high water line to the end of the adjacent,  
11 existing legal dock;

12       (3) The proposed new dock has no more than two designated slips  
13 or mooring areas;

14       (4) The width of the proposed new dock does not exceed 5 feet,  
15 except for the portion of the dock that serves as a mooring area, where  
16 the width and length shall not exceed six and twenty feet, respectively;

17       (5) A minimum water depth of three feet at mean low water is  
18 maintained in the mooring area of the proposed new dock, except that  
19 if the water depth in the mooring area is less than three feet, a  
20 mechanical lift shall be provided to lift the boats from the water at  
21 mooring;

22       (6) There is no alternative mooring area at the site that would have  
23 less impact on the shellfish habitat or the submerged aquatic  
24 vegetation; and

25       (7) No dredging is performed or is necessary for the use of the  
26 proposed new dock.

27       The department shall not approve more than one proposed new  
28 dock on a buildable lot. In the case where two or more lots have been  
29 assembled for the purpose of building a single family dwelling, the  
30 department shall approve only one proposed new dock pursuant to this  
31 subsection. In no case shall the department approve a proposed new  
32 dock pursuant to this subsection if the approval results in more than  
33 one new dock on lots assembled for the purpose of building a single  
34 family dwelling.

35       d. The owner of any new dock approved pursuant to the provisions  
36 of subsection c. of this section shall not moor a boat at an area of the  
37 dock not designated as a slip or mooring area, as provided pursuant to  
38 paragraph (3) of subsection c. of this section, or at an offshore point  
39 beyond the allowable length of a new dock, as provided pursuant to  
40 paragraph (2) of subsection c. of this section. Any person who  
41 violates these provisions shall be subject to the provisions of section  
42 8 of P.L.1952, c.157 (R.S.12:7-51).

43       e. For the purposes of this subsection and subsections c. and d. of  
44 this section, "dock" means a dock, pier, a floating dock, mooring raft  
45 or similar structure; and "new dock" means a dock that did not legally  
46 exist on the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(now before the

1 Legislature as this bill).

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3 2. This act shall take effect immediately.

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STATEMENT

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8 This bill would amend the Waterfront Development Act (R.S.12:5-1  
9 et seq.) to require the Department of Environmental (DEP) to approve  
10 the construction of a proposed new dock under certain conditions.  
11 The bill establishes guidelines for new dock construction that would  
12 require that: (1) the new dock is located within 100 feet of an  
13 existing, adjacent dock; (2) the length does not exceed that of the  
14 adjacent dock; (3) the new dock has no more than two mooring areas;  
15 (4) the width of the new dock does not exceed 5 feet, with an  
16 exception for the mooring area, which could be somewhat wider; (5)  
17 the water depth in the mooring area of the new dock is at least three  
18 feet, and if it is lower, a mechanical lift be provided to lift boats from  
19 the water; (6) there is no alternative mooring area that would have less  
20 environmental impact; and (7) dredging is not performed to construct  
21 the new dock. If all of these guidelines are met, the DEP would be  
22 required to approve construction of the new dock.

23 The bill would restrict such approvals to one proposed new dock  
24 per buildable lot. In the case where two or more lots have been  
25 assembled for the purpose of building a single family dwelling, the  
26 department would only be allowed to approve one proposed new dock  
27 pursuant to the bill's provisions.

28 The bill further prohibits the owner of any new dock approved  
29 pursuant to the provisions of the bill from mooring a boat at an area  
30 of the dock not designated as a mooring area or at an area offshore  
31 from the end of the dock. Violations of these provisions would be  
32 subject to the penalty provisions established pursuant to R.S.12:7-51,  
33 which provide fines of \$25, \$50 and \$100 for the first, second and  
34 third or subsequent offenses, respectively.

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39 Requires DEP to approve new dock construction under certain  
40 conditions.