

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE II OF CHAPTER 75 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED “PROTECTION OF BEACHES AND DUNES”

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Bay Head is hereby amended and supplemented so as to repeal in its entirety Article II of Chapter 75, entitled “Protection of Beaches and Dunes,” and to replace with a new Article II of Chapter 75, which shall be entitled “Protection of Beaches and Dunes” and which shall read as follows:

Article II Protection of Beaches and Dunes

§ 75-5 Findings; declarations; purpose.

- A. Although there may be no long term defense for fixed oceanfront structures against a constantly rising ocean level, effective protection of the oceanfront and adjacent coastal areas in the intermediate term against high tides and flooding and against damage by the ocean under storm conditions requires sufficient elevation and breadth in the beach and dune areas to dissipate the force of the waves. The dunes should provide a continuous barrier and a source of sand to mitigate the effect of storm waves for the benefit of interior lands, as well as oceanfront premises and the recreational beach area. Beach erosion will be less damaging if the dune area is protected by sand fencing and the planting of dune grass. Accordingly, the Borough has a vital interest in the continued maintenance and protection of the beach and dune areas and in the right to cause their restoration in the event of damage or destruction.
- B. Maintenance and protection of the ocean beach and dune areas are also a requirement of the Borough under a State Aid Agreement (SAA) between the Borough and the New Jersey Department of Environmental Protection (NJDEP) and consistent with the conditions of the United States Army Corp of Engineers (USACE) 50-year duration Beach and Dune System Federal Shore Protection Program initiated in December 2016 and extending to December 2066.
- C. Dune areas are vulnerable to erosion by wind, water, the absence of husbandry, by those responsible for their maintenance and preservation, and by indiscriminate trespass, construction or other acts which might destroy or damage them. A proven and available means of protecting dune areas against erosion is by preventing indiscriminate

trespassing, construction or other acts which might destroy or damage them, and through the aggressive use of indigenous plantings supplemented, when necessary, by sand fencing and other protective devices, or combinations thereof, designed to prevent the erosion of dune areas and to promote the root accumulations, normal contours and other features found in natural dune systems and to aid in long term stabilization of engineered dune systems.

- D. The beach area and dune area are dynamic and are not capable of rigid definition or delineation or of completely firm stabilization. They can and do migrate so that particular sites, at one time free of dunes, may, as the result of natural or other forces, become a part of the dune area declared to be in the interest of the Borough to protect. Persons owning, using or purchasing such property do so subject to the public interest therein and also bound by the limitations and conditions of easements exercised by the previous owners with the Borough and NJDEP or obtained by the NJDEP under eminent domain.
- E. It is the purpose of this article to define the areas so affected and to establish regulations to assure their continued effectiveness and provide storm and flood protection.
- F. This article does not attempt to define and regulate all parameters of dune delineation, function or management, and the Borough Council declares its intent to review and update this article periodically to reflect appropriately new and beneficial knowledge; and to be consistent with State and Federal agreements and regulations relating to the objectives of this article.
- G. This article is declared to be an exercise of the police power in the interest of safety and welfare for the protection of persons and property.

§ 75-6 Definitions.

For the purpose of this article, the following words shall have the meaning given herein.

BACKSLOPE OF THE DUNE

Shall mean the area of the dune between the landward toe of the dune and the landward dune crest.

BEACH AREA

That area between the mean high-water line of the Atlantic Ocean, in the reference to the 1929 Sea Level Datum, as established by the United States Coast and Geodetic Survey, and the seaward edge of the dune as hereinafter defined.

CAFRA

Shall mean the Coastal Area Facilities Review Act, N.J.S.A. 13:19-1 et seq., and regulations issued there under at N.J.A.C. 7:7 et seq., as may be amended from time to time.

CREST LINE GAP

The vertical distance between the bottom of any path to the beach and a line connecting the highest points of the dune crest within 20 feet to either side of the midpoint of the path.

CZM REGULATIONS

Shall mean the present NJDEP Coastal Zone Management Rules adopted by the NJDEP under N.J.A.C. 7:7 or as may be amended.

DUNE

A wind or wave deposited or man-made formation of vegetated or drifting windblown sand that lies generally parallel to and landward of the beach and between the upland limit of the beach and the foot of the most inland dune slope. "Dune" includes the foredune, secondary and tertiary dune ridges, as well as man-made dunes, where they exist. Formations of sand immediately adjacent to beaches that are stabilized by retaining structures and/or sand fences, planted vegetation and other measures are considered to be "dunes" regardless of the degree of modification of the dune by wind or wave action or disturbance by development.

DUNE CONSULTANT

An expert on dunes and their care approved by the Mayor and Council of the Borough of Bay Head. The Dune Consultant shall be retained on a consulting basis and will not be a full-time employee.

DUNE INSPECTOR

That person approved by the Mayor and Council of the Borough of Bay Head to observe and regulate activities on the dune consistent with this article.

DUNE PLATFORM (Deck)

A wooden construction platform (deck) placed in the dune area, in accordance with requirements set forth herein and consistent with NJDEP exemption status under the prevailing NJDEP Coastal Zone Management Regulations; or as previously approved by the Borough; or as constructed prior to the Borough's initial Beaches Ordinance adoption.

EARTH ANCHOR

An auger type anchor utilized to protect against wind uplift of dune platforms typically constructed of galvanized or stainless steel with a minimum penetration below the dune surface of 30".

ELEVATED WALKWAY

Shall mean an improved walkway connecting to the dune crest which is supported on timber posts, piles, etc. and which must meet New Jersey Department of Community Affairs foundation requirements consisting of a foundation designed by a Professional Engineer licensed in the State of New Jersey to address wave forces and wave scour. Elevated walkways may only be installed westerly of the prevailing dune crest.

FEMA

Shall mean the Federal Emergency Management Agency

FORESLOPE OF THE DUNE

Shall mean the section of the dune face between the seaward crest of the dune and the seaward edge of the dune where it intersects the beach.

LANDWARD DUNE CREST

Shall mean the intersection line of the backslope of the dune and the top of dune, with a typical elevation 22.00 NAVD88 if constructed as part of the USACE Beachfill and Dune Project or higher if naturally developed.

LANDWARD EDGE OF THE DUNE

For the purpose of this article and for establishing controls in Chapter 147, Land Use, the "landward edge of the dune" shall be 20 feet landward of the center of the rock revetment.

MEAN HIGH-WATER LINE

Shall mean the line found by the intersection of a plane at the elevation of mean high-water with the existing foreslope of the beach.

NATURAL VEGETATION

Includes the terms "native vegetation" or "indigenous vegetation." Specifically, it shall include such plants as beachgrass (*Ammophila breviligulata*), dust miller (*Artemisia stelleriana*), sea rocket (*Cakile edentula*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Myrica pensylvanica*), beach pea (*Lathyrus japonicus*), beach salt spray rose (*Rosa rugosa*), shore juniper (*Juniperus conferta*) and seaside spurge (*Euphorbia polygonifolia*) which normally grow or may be planted on the slopes of dunes or behind them, no distinction being made as to how such plants are introduced into their location.

NJDEP

Shall mean the New Jersey Department of Environmental Protection.

PATHWAY

An at-grade passage over the dunes.

SAND FENCE

Includes the term "snow fence" and fences of a barricade-type established in a line or a pattern to accumulate sand and aid in the formation of a dune, such as the picket-type consisting of light wooden fence held together by wire, which may be supported by posts. The use of metal as posts is not permitted. Fences containing metal posts in existence at the time of adoption of this section shall be permitted but should conform to this definition upon replacement or reconstruction.

SEAWARD DUNE CREST

Shall mean the intersection line of the foreslope of the dune and the top of the dune, typically elevation 22.00 NAVD88 as constructed as part of the USACE Beachfill and Dune Project.

SEAWARD EDGE OF THE DUNE

The intersection line of the foreslope of the dune and the gradient of the beach area, or the vegetation line, whichever is the more easterly.

SETBACK LINE

That line determined by the setback distances as may be specified in the Land Use Ordinance of the Borough to define the limits of development on a buildable lot.

TOP OF THE DUNE

Shall mean the intersecting line of the seaward and landward dune crest; typically elevation 22.00 NAVD88 if constructed as part of the USACE Beachfill and Dune Project, or potentially higher if naturally accreted westerly of the USACE project dune construction limits.

UPPER DRIFT LINE

That line produced by the winter spring tides (highest tides of the year) which contains oceanic debris (flotsam, such as seaweed, etc.) and the seeds, rhizomes or detached plants which can germinate and/or grow to produce a zone of new dune vegetation.

VEGETATION LINE

Shall mean that line connecting the most westerly or seaward naturally occurring perennial plants with other such plants or plants placed by the USACE as part of the USACE Beachfill and Dune Project, or as placed under a Borough implemented project or Borough approved private property owner planting program.

WALKWAY

A constructed (improved) at-grade or elevated means of crossing the dune

US ARMY CORPS OF ENGINEERS (USACE) BEACHFILL AND DUNE PROJECT

The beach and dune project originally constructed by the US Army Corps of Engineers in 2019 and subject to all applicable construction and maintenance easements and agreements with the New Jersey Department of Environmental Protection.

§ 75-7 Regulations; lien; permits; notices; fees.

- A. Construction east of the setback line is prohibited, except as provided in Subsection G and H, and except as specifically allowed herein or by Chapter 147, Land Use, and Chapter 126, Flood Damage Prevention, and in accordance with any NJDEP Coastal Zone Management Rules, CAFRA Regulations, and subject to permits as may be issued pursuant to these enactments.
- B. No person shall be in the dune area unless:
 - (1) Upon an approved pathway, walkway or dune platform;
 - (2) In the performance of such activities as may be reasonably and necessarily required to construct or maintain the dune or allowed structures with the permission of the owner.

- (3) For the purposes of inspection or enforcement of this chapter; or
- (4) As authorized by the USACE and/or the NJDEP and the Borough for the construction and maintenance of the initial or subsequent beach and dune construction projects as part of the USACE 50-Year Program and consistent with the terms of the perpetual Beachfill and Dune Maintenance Easement applicable to each oceanfront property owner (past or present) to meet the terms of the Federal USACE Beachfill and Dune Project; or any subsequently Borough or NJDEP approved Beachfill and Dune project as may be implemented by the Borough pending unavailability of federal funds.
- C. The removal, cutting, burning or destruction of natural vegetation, sand fence or such other types of dune protection devices as may be approved by the Borough Council in the dune area is prohibited, except as necessary for construction authorized pursuant to Subsections G and H.
- D. The removal of sand from the beach or dune area is prohibited, except in those cases where sand redistribution within the beach and dune area is permitted to occur pursuant to applicable NJ DEP regulations with the proper permits.
- E. Sand which is transported upon lands by action of winds, tides, storms or any combination thereof shall not be removed from the lot upon which it is deposited by such action. To the extent practicable, considering the utilization of the premises, such sand as may be relocated by the owner upon the lot shall be moved eastwardly. Clean sand deposited upon any improved street ends shall be restored into the beach and dune area.
- F. One of the purposes of this article is to achieve the maintenance of sand dunes at the highest practical height and with a minimum dune crest elevation of 22.0 NAVD88 to match the USACE project dune crest design elevation or any subsequent Borough adopted dune crest elevation as may be established by the Borough's due diligence in the future to address changing environmental conditions. To this end, no dune shall be directly or indirectly lowered or reduced in height by the action or inaction of any owner or his agent.
- (1) On any dune on private property which was not created as part of the USACE project, each owner shall plant or cause to be planted in the dune area adjoining his property suitable vegetation and erect or cause to be erected suitable sand fencing all in accordance with acceptable standards. If any such dune, through natural causes, shall be or become lower than the elevation deemed materially significant by the Dune Consultant, applying recognized criteria, with due regard to the intent of this article and reasonable use of the premises, the owner thereof shall be obliged to install sand fences and plantings as required by the Dune Consultant. The owner shall have an obligation to maintain and replace, if necessary, these fences and plantings.

- (2) If any dune, including but not limited to a dune created as part of the USACE project, is lowered or caused to be lowered by the direct or indirect action of any owner (specifically not including natural causes), then the dune shall, upon due notice to the owner, be restored as soon as reasonably possible to its preexisting elevation by the owner at his expense. The restored dune shall be planted and sand fenced as required by the Dune Consultant.

G. Dune Pathways or Walkways.

- (1) One pathway or walkway across the dune area is permitted for each residence in accordance with N.J.A.C. 7:7-10.4(e). It shall run, generally, the shortest practical course between the residence and the seaward edge of the dune and shall not exceed four (4) feet in width. Fencing, as provided in N.J.A.C. 7:7-10.4(e)3 is not required, but may be required by the Dune Consultant, at the time of construction or at any other time, for the protection of the dune and surrounding areas and/or to properly delineate the pathway or walkway from the dune area. Dune pathways or walkway shall be at least eight (8) feet from each sideline of the property. At street ends or public access ways, wider pathways or walkways may be delineated and constructed by the Borough, and/or USACE as part of the approved USACE Beachfill and Dune Project. In the event that any pathway or walkway shall be or become, in the opinion of the Dune Inspector or Consultant, a substantial detriment to the development and maintenance of the continuous protective dune sought to be achieved by this article, the owner of the premises shall be subject to the provisions of Subsection K, if dune repair or maintenance projects are needed in response to major storm damage.

(a) Pathways

A singular natural path for each residence may be used to access the ocean, beach or any dune platform. Natural sand pathways are permissible unless they demonstrate that significant use is causing a chronically occurring crest line gap; which will subsequently require that the owner correct the issue and install an improved walkway. The pathway may be protected by placing suitable wear resistant material on the sand surface with a maximum width of four (4) feet as limited under NJDEP CZM Regulations. This surface shall be constructed on-grade and be composed of natural I-5 soil aggregate gravel or temporary removable walkways, geotextile access surface mats, or other modular components. Pathways may be placed directly on the dune surface and may remain in place as long as they are not found to be a detriment to maintaining the minimum dune crest elevation consistent with the USACE Beach and Dune project elevation of Elevation 22.0 NAVD88 as measured by the Dune Consultant or Dune Inspector.

(b) Walkway

- (1) At-grade walkways shall be constructed with the use of stringers of no greater than six (6) inches in vertical section placed directly on grade, the use of a singular handrail may be installed on one (1) side of a walkway or steps to

facilitate stability when negotiating the walkway. Handrails shall be no more than two (2) inches in vertical cross section, all to limit debris if swept away in any storm surge and also to limit visual interference of the dune and ocean to the views of adjoining properties. Planking no more than 6 inches in width and with a maximum gap area between planks of ½ inch may be secured to the top of the stringers. Walkway components shall be constructed, as possible, to facilitate optional removal for periods of non-use, anticipated storm impacts or future dune development or maintenance.

- (2) Posts shall not be utilized to vertically support walkways, but only for lateral stabilization. Walkways may be secured with earth anchors strapped to the frame to resist wind uplift at the owner's discretion.
- (3) The portion of the walkway located on the backslope of the dune may be elevated to transverse the low lying area between the covered / exposed rock revetment and dune manufactured as part of the USACE Beachfill and Dune Project and shall meet the following conditions.

[a] The elevated walkway shall, in all events, be maintained in the same fashion and subject to the same regulations as may govern use of pathways and walkways. Elevated walkways may not be constructed without an elevated walkway permit, to be issued by the Dune Consultant, with additional approvals by the Zoning Officer and Construction Official and upon payment of all applicable permit fees. Prior to the issuance of an elevated walkway permit, the owner shall submit a plot plan showing the exact location of the walkway with respect to the property boundary lines and the crest of the dune and a detailed drawing or sketch of the proposed elevated walkway. The Dune Consultant shall have the authority to require any additional information to show compliance with any zoning, uniform construction, CAFRA, FEMA or USACE regulations.

[b] The elevated walkway shall be constructed with the use of stringers and bridging of no greater than six (6) inches in vertical section, stringers may be sistered together horizontally for added strength. Handrails may be constructed as required by building code, but shall be no more than two (2) inches in vertical cross section. Planking shall be no more than 6 inches in width with a maximum gap area between planks of ½ inch. The public policy of the Borough is the elimination of elevated walkways to the maximum extent practicable. However due to topographic conditions, elevated walkways may be required. Accordingly, the top of the planking shall be no higher than as is reasonably necessary to bridge any gap between the rock revetment and the dune constructed as part of the USACE Beachfill and Dune Project, but may exceed this height when crossing naturally higher dune elevations or connecting to decks, stairways

or stairway landing attached to existing or approved primary residential structures. Elevated walkway structures shall be designed to facilitate removal for extended periods of non-use, and accommodate future dune development and maintenance where possible. The vertical maximum 6" vertical section and maximum walkway height shall be maintained to minimize visual adverse impact to the views of the dune and ocean from adjoining properties. All necessary Borough and Regulatory permits shall be obtained prior to any construction of elevated walkways.

[c]Walkways may only be elevated upon approval under a Borough elevated walkway permit and in accordance with the Borough's Chapter 126 Flood Damage Prevention Ordinance, Section 126-16 with additional approval of the Borough's Construction Office by associated permitting procedures and if built within a "VE" Zone designed for wave forces and scour. Supports for elevated walkways shall be designed to address the impacts of, and to, the stone revetment installed within the dune system.

- (4) When, in the reasonable judgment of the Dune Inspector, the walkway or walkway supports are deemed to be jeopardizing the integrity of the dune system, by allowing the desired dune crest grade or dune slope surfaces to be lowered by more than one (1) foot below the improved USACE dune template surface, the area shall be restored with material of such grain size, shape, color and other characteristics as will, in the reasonable judgment of the Dune Consultant or Dune Inspector, be compatible with the existing on-site sand to its prescribed elevation by the owner at their own expense.
- (2) A pathway or walkway is exempt from any provisions requiring a dune pathway or walkway permit, provided that it:
 - (a) Does not extend eastward of the seaward edge of the dune;
 - (b) Is not wider than four feet;
 - (c) Complies with all provisions contained in Section § 75-7G(1) with the exception of Section § 75-7G(1)(b)(3).
- (3) The fee for a dune pathway or walkway permit, if required, or an elevated walkway permit shall be seven hundred and fifty (\$750.00) dollars for the first submission and four hundred (\$400.00) dollars for each additional submission.

H. Dune platforms; permit.

- (1) Each oceanfront lot shall be allowed a dune platform not to exceed two hundred (200) square feet, with a maximum length of twenty (20) feet, situated within the dune area, with the following exception:
 - (a) In the event that a legally existing dune platform exists in a location landward of the USACE Beachfill and Dune Project at the time of the adoption of this ordinance, a second dune platform not to exceed 200 square feet shall be allowed upon the crest of the dune created as part of the USACE Beachfill and Dune Project.
 - (b) Legal, preexisting dune platforms may exceed a length or width of 20 feet; however, in the event that such a platform is more than partially destroyed, any replacement platform shall not exceed a length or width of 20 feet.
 - (c) Flagpoles that are located on or immediately adjacent to a dune platform and are not located within the limits of the USACE Beachfill and Dune Project are permitted structures that are not subject to these provisions. No flagpoles are permitted within the limits of the USACE Beachfill and Dune Project.
- (2) The dune platform shall, in all events, be maintained in the same fashion and subject to the same regulations as may govern use of pathways and walkways.

Dune platforms may not be constructed without a dune platform permit, to be issued by the Dune Consultant, with additional approvals by the Zoning Officer and Construction Official and upon payment of all applicable permit fees. Prior to the issuance of a dune platform permit, the owner shall submit a plot plan showing the exact location of the platform with respect to the property boundary lines and the crest of the dune and a detailed drawing or sketch of the proposed platform. The Dune Consultant shall have the authority to require any additional information to show compliance with any zoning, uniform construction, CAFRA, FEMA or USACE regulations. A walkway or pathway, not to exceed four feet, shall be provided for access east and west of the platform to minimize damage to vegetation by pedestrian traffic, but must have a clear separation of a minimum of one-half inch (1/2 inch) for the walkway not to be included in the platform area calculations. Platforms shall be located such that the eastern edge is a minimum of five (5) feet westerly of the seaward dune crest and the northerly or southerly edge is a minimum of ten (10) feet from the property line.
- (3) The dune platform shall be constructed at-grade with neither length nor width greater than twenty (20) feet, stringers or ledger boards shall be no greater than six (6) inches in vertical section placed directly on grade. No handrails or built-in seating are permitted. Planking shall be no more than 6 inches in width and the maximum gap area between planks shall not exceed ½ inch. Top of planking shall not exceed elevation 22.7 NAVD88 in USACE Beachfill and Dune Project constructed crest areas, however, may be a maximum of 8 inches above existing grade in natural dune areas of a higher grade or lower grade. Structure shall be constructed to facilitate

removal for periods of extended non-use, dune development and dune maintenance, where possible. All necessary Borough and Regulatory permits shall be obtained prior to any construction of elevated walkways.

(4) Notwithstanding any other provision of this Code, platforms shall be secured with earth anchors strapped to the frame.

(5) The fee for a dune platform permit shall be two hundred (\$200.00) dollars.

I. In order to provide for effective protection and/or restoration of the dune area, on any dune on private property, which was not created as part of the USACE project, each owner shall plant or cause to be planted in the dune area suitable vegetation and erect or cause to be erected suitable sand fencing all in accordance with Section F. of this Article and applicable state regulations. Fencing across the dune, with the exception for fencing provided for walkways, is not permitted.

J. Dune mechanical replenishment; permit.

No person shall engage in mechanical replenishment on ocean beach dunes within the Borough without first obtaining any and all permits for such activity and proceeding in strict adherence with the terms and conditions of the permit. Mechanical replenishment shall be broadly defined to include the transport of sand from the berm, above mean high water, by any mechanical means (bulldozing or like activity) to or into the dune area.

K. The Borough Dune Inspector and, in his absence, the Chief of Police shall enforce the affirmative duty of each oceanfront owner, as set forth in this article, by service of a written notice, certified mail, return receipt requested, upon the record owner westward of the dune at his last known address requiring specific compliance with obligations concerning dune protection and/or restoration. The notice shall also advise that, unless the owner shall take appropriate corrective action and complete the same within 45 days from the date of mailing said notice, the Borough may perform such acts of protection and/or restoration at the expense of the owner. Such expenditures by the Borough, if any, shall be due and payable upon demand. In the event that any such owner shall fail to pay, then the sum together with interest at the highest legal rate thereon shall become a lien upon the property and be collected in the same manner as delinquent real property taxes. In addition to the action described above, the owner may, at the election of the enforcement officials, be prosecuted for violation of this article in accordance with § 75-8.

L. No person shall operate a motor vehicle (as defined in Article I) across or upon any beach and dune area except as may be necessitated for police and beach operations, or for allowed construction or inspection and beach and dune maintenance.

M. No person shall walk across or upon any dune area except as may be necessitated for allowed construction, inspection or for dune maintenance or at designated beach access areas.

§ 75-8 Violations and Penalties.

Except as otherwise provided, for any and every violation of this article, the owner of lands abutting the beach, or dune area where such violation has been committed or the trespasser if the violation is of § 75-7B, or any violator shall, for each and every violation, be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days or a period of community service not exceeding 90 days, or any combination thereof, at the discretion of the court having jurisdiction in this matter. Each and every day that a violation continues shall be deemed a separate offense.

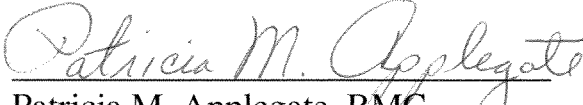
SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 5th day of August, 2019, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 9th day of September, 2019, at 7:00 p.m. at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


Patricia M. Applegate, RMC
Borough Clerk, Borough of Bay Head