

BOROUGH OF AVALON  
CAPE MAY COUNTY  
NEW JERSEY

ORDINANCE NO. 699-2014

AN ORDINANCE AMENDING CHAPTER 9 PARKS,  
BEACHES AND RECREATION FACILITIES) OF THE  
CODE OF THE BOROUGH OF AVALON  
REGULATING THE STORAGE AND USE OF KAYAKS  
AT THE NORTHWEST CORNER OF 57<sup>TH</sup> STREET IN  
THE BOROUGH OF AVALON

**WHEREAS**, Chapter 9 entitled (Parks, Beaches and Recreation Facilities) of the Code of the Borough of Avalon establishes rules and regulations for the use of municipal recreational facilities in the Borough of Avalon; and

**WHEREAS**, Section 9-12 (Kayaks) sets forth rules and regulations for the storage and use of kayaks on the Northwest corner of 57<sup>th</sup> Street and for the impounding of kayaks not removed as required by the ordinance; and

**WHEREAS**, the Borough desires to amend Section 9-12 (Kayaks) to require registration of kayaks in order to store kayaks at the Avalon Kayak Park and limit eligibility for registration stickers to Borough property owners and Borough residents and set forth rules and regulations for the storage and use of kayaks on the Northwest corner of 57<sup>th</sup> Street and for the impounding of kayaks not removed as required by the ordinance.

**BE IT ORDAINED** by the Borough Council of the Borough of Avalon in the County of Cape May and State of New Jersey as follows:

**SECTION 1.** Section 9-12 entitled (Kayaks), shall be amended to establish a new Section 9-12, which shall provide as follows:

9-12 KAYAKS.

9-12.1 Kayak Storage Facilities.

The Borough may provide kayak storage facilities consisting of metal racks located on the Northwest corner of 57th Street for the convenience of Borough residential property owners and Borough residents. Each rack shall contain separate berths for the storage of one kayak per berth. The area on which the kayak racks are located shall be referred to as the Kayak Park. Any residential property owner or Borough resident who desires to store a kayak at the Kayak Park shall be required to register the kayak and obtain a registration sticker from the Borough which shall be affixed to the kayak that will be stored at the Kayak Park and shall be valid for the entire season. These facilities will be available for the use of Borough residential property owners and Borough residents, at no cost. Registration shall be on a first come, first served basis. No kayaks shall be left unattended on the ground in the Kayak Park at any time. Any kayaks stored on the storage facility without a current registration sticker and any kayaks left on the ground or chained to fencing or to signage, will be impounded and held by the Borough until claimed by the owner, subject to the payment of an impound fee as set forth in

Subsection 9-12.4 of this Ordinance.

All kayaks stored at the Kayak Park shall be at the owner's risk. The Borough does not assume liability, and will not be responsible, for the theft of any kayak or for any damage or vandalism to any kayak. All park registered kayak owners are permitted to lock their kayaks to the appropriate storage rack and berth with their own lock and cable or other device, provided said lock, cable or device does not interfere with the use of any other portions of the kayak storage facilities by other users and does no damage to racks and berths.

The kayak storage facilities may only be used for the storage of kayaks. Any other personal property stored or attached to the kayak storage facilities, such as bicycles or other personal property, shall be impounded, held, and disposed of, in accordance with the provisions of Subsection 9-12.4, Subsection 9-12.5 and Subsection 9-12.6 below.

#### 9-12.2 Registration of Kayaks

A. No one shall be permitted to use the kayak storage facilities unless they have registered a kayak and obtained a registration sticker that has been affixed to the kayak.

B. Only Borough residential property owners and Borough residents are permitted to register kayaks and utilize the kayak storage facilities. An applicant can establish residential property ownership by producing an appropriate real estate tax bill number and a valid, current driver's license for purposes of identification. An applicant can establish residency by providing a valid, current driver's license for purposes of identification that shows an Avalon address for the applicant and/or a written lease that shows a term of at least three months for a residential property in the Borough.

C. Registration of kayaks shall begin at 9:00 a.m. On April 12 of each year and continue until all kayak berths have been assigned.

D. Applicants for a registration sticker may apply on-line at the Borough of Avalon website or in person at Avalon Community Hall beginning April 12 of each year. Registration stickers will be granted on a first come, first serve basis, at no cost to the registrant.

E. Registration stickers shall only be valid until October 31 of the year in which the kayak is registered. Registration stickers shall designate the specific rack and berth in the kayak storage facility in which the registered kayak shall be stored.

F. There shall be no fee for the issuance of a registration sticker.

G. Registration stickers are non-assignable and non-transferrable.

H. No more than two registration stickers shall be issued for any property.

I. A kayak registration sticker shall not be required for Kayak Park use on a daily basis in order to gain kayak access to and egress from the bay; provided the kayak is not left unattended at any time.

#### 9-12.3 Permitted Period of Use.

Only registered Kayaks may be stored beginning May 1. Any unregistered kayaks, sailing vessels, paddleboards, surfboards, bicycles canoes or other such watercraft left in

the Kayak Park between November 1 and April 30 will be impounded by the Borough and held by the Borough until claimed by the owner or disposed of in accordance with applicable statutes. Only one kayak may be stored in each kayak berth. If more than one kayak is stored in a berth all but the kayak registered to be stored in the berth shall be impounded, held, and disposed of, in accordance with the provisions of Subsection 9-12.4, Subsection 9-12.5 and Subsection 9-12.6.

#### 9-12.4 Impounding of Kayaks.

The Chief of Police or any member of the Police Department designated by him is hereby authorized to remove or have removed any kayak left at the Kayak Park in violation of this section and any other personal property that may be stored or attached to the rack in violation of Subsection 9-12.1. Such kayak or other personal property shall be impounded until lawfully claimed by the owner or disposed of in accordance with applicable statutes. The Chief of Police, or any member of the Police Department acting for him, shall notify the legal owner in writing by personal service or by certified mail, at the last known address of the owner, of the removal of the kayak or other personal property and the reason for the same, and the location of the kayak or other personal property if the kayak or other personal property contains the name and contact information of the owner on it. Any owner of a kayak or other personal property who seeks to recover an impounded kayak or other personal property will be required to establish proof of ownership to the satisfaction of the Avalon Police Department and pay the impound fee established herein.

#### 9-12.5 Impound Fees.

Kayaks and other personal property impounded pursuant to Subsection 9-12.4 shall be retained until the owner or his duly authorized agent shall have paid the sum of fifty (\$50.00) dollars as an impound fee plus an additional impound storage fee in the amount of twenty (\$20.00) dollars for each and every day thereafter that such kayak or other personal property is retained and impounded.

#### 9-12.6 Disposal of Unclaimed Abandoned Kayaks.

Disposal of unclaimed, abandoned kayaks or other personal property shall be in accordance with State statutes governing the sale of surplus municipal property and abandoned property. Where a kayak or other personal property comes into the possession of the Borough Police Department as provided herein, and if the owner or the owner's whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to claim the kayak or other personal property and pay the fees as provided herein, then the kayak or other personal property shall not be disposed of for six (6) months. After six (6) months the Borough Council may, by resolution and as provided in N.J.S.A. 40A:14-157, provide for the sale of the kayak or other personal property at public auction, after notice of a designated time and place therefor, not less than ten (10) days prior thereto, published in a newspaper circulating within the Borough.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3. SEVERABILITY. If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: The amendments to Chapter 9 (Parks, Beaches and Recreational Facilities) shall become effective upon final passage, publication as required by law.

### **NOTICE OF PENDING ORDINANCE**

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on March 12, 2014. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 26<sup>th</sup> day of March, 2014 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 7:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

GEORGANN M. BERARDIS  
Borough Clerk