

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 734-2016

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 9 – 12 OF THE CODE OF THE BOROUGH OF AVALON, 2013 PERTAINING TO KAYAKS

WHEREAS, the Borough Council has determined that certain amendments are required with respect to Chapter 9 of the Code of the Borough of Avalon, 2013 pertaining to kayaks as hereinafter provided;

NOW, THEREFORE, BE IT ORDANED 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 of the Code of the Borough of Avalon, 2013 pertaining to Kayaks shall be amended and supplemented as hereinafter specified and shall hereafter read as follows:

9-12.2 Registration of Kayaks.

a. [No change]

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 showing lot and block 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 (3) months for a residential property in the Borough. The term "property" as used herein shall mean any residential property located within the Borough of Avalon with an individual Lot and Block number assigned by the Office of the Borough Tax Assessor. (Ord. No 734-2016)

c. Registration of kayaks shall begin on the first business day of March and continue through March 31 unless such date falls on a Saturday, Sunday or Legal Holiday in which event registration shall close on the next business day following March 31. (Ord. No. 734-2016)

d. Applicants seeking to participate in the lottery for a registration tag must complete an application prepared by the Borough either on-line at the Borough of Avalon Website (www.avalonboro.net) or in person at Avalon Community Hall during such dates and times established in subsection 9-12.2. Registration tags will be awarded by a lottery process at no cost to the registrant. Only one application shall be accepted per property as that term is defined herein. (Ord. No. 734-2016)

e. [No change]

f. [No change].

g. [No change].

h. No more than one registration tag shall be issued for any property as that term is defined herein. (Ord. No. 734-2016)

i. Registered and properly tagged kayaks must be placed on designated berth no later than June 30. After June 30 any empty berths will be forfeited for the balance of that season and the empty berth will be offered for use by another kayak owner from the waiting list unless, prior to June 30, the berth holder shall have made acceptable arrangements with the Recreation Department, in writing, for a later placement date. Any registrant who, for whatever reason, does not plan to use the kayak berth for the entire season from May 1 until October 31 but only for a portion thereof, shall notify the Recreation Department of such fact and the dates of expected occupancy of the berth. Vacant dates shall then be offered to another kayak owner from the waiting list. (Ord. No. 734-2016)

j. A kayak registration tag shall not be required for use of Kayak Park 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.

(Ord. No. 699-2014; Ord. No. 716-2015)

9-12.3 Permitted Period of Use.

Only registered kayaks may be stored beginning May 1 through October 31 inclusive. Any registered or 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 the provisions of subsections 9-12.4, 9-12.5 and 9-12.6 or applicable statutes. Only one kayak may be stored in each kayak berth at any time. 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. (Ord. No. 671-2012; Ord. No. 699-2014; Ord. No. 716-2015; Ord. No. 734-2016)

9-12.4 Impounding of Kayaks.

[No change]

9-12.5 Impound Fees.

[No change]

9-12.6 Disposal of Unclaimed Abandoned Kayaks.

[No change]

9-12.7 Lottery Procedure.

At the conclusion of the registration process described in subsection 9-12.2 hereof:

a. Each of the registration forms submitted shall be reviewed by a Recreation Division Staff Member to verify residency and other eligibility requirements.

b. The registration forms meeting residency and other eligibility requirements shall be placed in the lottery drawing.

c. The lottery drawing shall take place on a date to be determined by the Recreation Department between April 5 and April 15 Saturdays, Sundays and Legal Holidays excluded. The date of the lottery will be made known to the public via the Borough's website, the posting of notice in Borough Hall and at the Avalon Community Center. The lottery shall commence at 10:00 am, prevailing time, and will be held at the Avalon Community Hall. The lottery drawing shall be open to the public. (Ord. No. 734-2016)

d. The lottery process shall draw a total of two hundred and fifty registration forms – one for each of the available berths plus a kayak waiting list to be used in the event of vacancies or other circumstances. Currently, there are two hundred sixteen (216) berths available. As each form is drawn it shall be assigned a number from 1 through 250. The process will continue until all 216 berths are tentatively filled and 250 forms have been drawn. Once all berths are tentatively filled, the process will continue but each form drawn thereafter, up to the maximum of 250 forms, shall constitute the Kayak Waiting List. Such waiting list shall expire on October 31 of each year. (Ord. No. 734-2016)

Successful registrants and those on the Kayak Waiting List will then be notified by mail. The kayak tag must then be picked up in person by the successful registrant who must, at that time, sign a document entitled "Avalon Kayak Storage Receipt". The various dates and times for pick-up of the Kayak Registration Tag and the signing of the "Avalon Kayak Storage Receipt" shall be specified in the notice sent to the successful registrants following the conclusion of the lottery. Any successful registrant who does not sign the "Avalon Kayak Storage Receipt" and pick up the Kayak Registration Tag by June 30, unless other acceptable arrangements are made with the Recreation Department, in writing, shall forfeit the right to store a kayak at the Kayak Park and that berth shall be offered to the next person on the Kayak Waiting List established in accordance with the provisions of this section. (Ord. No. 734-2016)

e. **Deleted by Ordinance 734-2016.**

f. The list of names and addresses assigned berths as well as the names on the Kayak Waiting List shall be available from the Recreation Department and available for public inspection. Copies may also be obtained in accordance with Borough procedures. (Ord. No. 734-2016)

9-12.8 Certain Parties Ineligible to Participate in Lottery.

Any resident or applicant from any residential address from which there are any outstanding and unpaid charges due from a prior season or seasons arising from kayak impoundment or other kayak park violation shall not be eligible to participate in a seasonal lottery until such time as all such outstanding charges, assessments or fines have been paid in full. Any resident who has violated this section in the prior season shall be ineligible to participate in the lottery process in the next season immediately following the season of violation. (Ord. No. 716-2015; Ord. No. 734-2016)

9-12.9 Rules and Regulations.

[No change]

9-13 Vacancies; Abandonment for Non-Use.

Any kayak berth which is vacant for 15 or more continuous days shall be deemed abandoned unless the berth holder shall provide written advance notice to the Recreation Department advising of the dates of any proposed non-use of the kayak berth.

The Recreation Department is hereby authorized to make such berth available on a temporary or interim basis during the period of absence or non-use to an individual on the Kayak Waiting List to be selected in accordance with the order on which they may appear on such list.

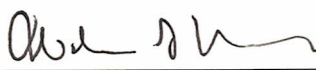
Any berth abandoned, or deemed abandoned in accordance with this subsection, shall be offered to the next applicant on the Kayak Waiting List. (Ord. No. 734-2016)

9-14—9-16 RESERVED.

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.

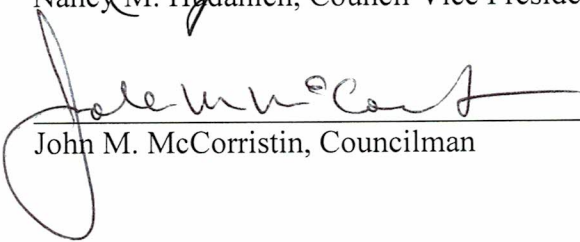
SECTION 4: EFFECTIVE DATE . This Ordinance shall take effect immediately upon final adoption and publication as required by law.

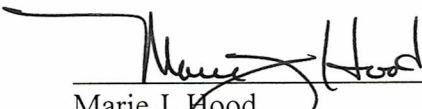

William G. Burns, Jr., Councilman


Charles P. Covington, Councilman


Richard E. Dean, Council President


Nancy M. Hudanich, Council Vice President


John M. McCorristin, Councilman


Marie J. Hood
Borough Clerk

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Burns			✓			
Covington		✓	✓			
Dean			✓			
Hudanich			✓			
McCorristin	✓		✓			

Ordinance Adoption Date: March 9, 2016

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 February 24, 2016. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 9th day of March, 2016 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 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.

MARIE J. HOOD
Borough Clerk