

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE No. 785-2019

SUBJECT: AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS PROVISIONS OF THE AVALON BOROUGH CODE, TO WIT: CHAPTER 2, ARTICLE 7 (FEES) PERTAINING TO TAX COLLECTOR FEES AND ELECTRIC VEHICLES; CHAPTER 8 (TRAFFIC) PERTAINING TO ELECTRIC VEHICLES AND BICYCLE ROUTES AND CHAPTER 10 (LICENSES AND PERMITS) PERTAINING TO THE BUREAU OF LICENSES

WHEREAS, Borough Council has determined that various amendments to the Code of the Borough of Avalon are necessary and intends to make certain amendments as hereinafter set forth;

NOW, THEREFORE, 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. Chapter 2 (Administration) Article 7 (Fees) of the Code of the Borough of Avalon is hereby amended and supplemented and shall hereafter provide as follows:

Article 7 Fees

2-74 MISCELLANEOUS FEES.

2-74.1 VITAL STATISTICS FEES; RECORDS.

- a. Marriage License (State and Municipal fees) – the Borough will charge the amount established by the State Department of Health and Senior Services, Office of the State Registrar
- b. Certified copies of Birth, Death, Marriage, Civil Union and Domestic Partnership Records – twenty (\$20.00) dollars per copy
- c. Correction of Birth, Death, Marriage, Civil Union and Domestic Partnership Records – ten (\$10.00) dollars
(Ord. No. 657-2012)

NEW SECTIONS AS FOLLOWS:

2-74.2 TAX COLLECTOR FEES

a. Service charge for NSF checks; collection
(Ord. No. 785-2019)

(1) The Borough hereby imposes a service charge to be added to any account owing to the municipality, if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds. The amount of such service charge is hereby set in the amount of \$20.00 per check or other written instrument.

(2) Whenever an account owing to the Borough is for a tax or special assessment, the service charge authorized by this section shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien.

(3) The service charge authorized by subsection (1) hereof shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered. Should the Borough receive 2 or more dishonored checks or other written instrument on any account within any 12 consecutive calendar months, the Tax Collector shall notify the Borough Chief Financial Officer of such event and the Chief Financial Officer may require future payments to be tendered in cash or by certified or cashier's check unless it shall appear to the satisfaction of the Chief Financial Officer that there were extenuating circumstances which caused or resulted in the check(s) or other written instruments being dishonored and that such circumstances are unlikely to reoccur and, provided further, that the issuer of such check or written instrument pays and satisfies any and all charges imposed upon the Borough by any bank or financial institution involved in the dishonored checks or instruments.

Source: N.J.S.A. 40:5-18 [L.1990, c.105, s.1.]

b. Fees in connection with redemption of Tax Title Liens

(Ord. No. 785-2019)

(1) In accordance with N.J.S.A. 54:5-54 the tax collector shall provide to any party entitled to redeem a certificate pursuant to this section two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the tax collector there shall be a fee of \$50.00. A request for a redemption calculation shall be made in writing to the tax collector.

Source: N.J.S.A. 54:5-54 [Amended 1974, c.91, s.2; 1994, c.32, s.8; 1997, c.190, s.4; 2009, c.320, s.10.]

(2) In accordance with N.J.S.A. 54:5-97.1 the tax collector shall charge a lienholder of a tax lien a fee of \$50 for the calculation of the amount due to redeem the tax lien as required pursuant to said statute. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the tax collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to R.S.54:5-54.

Source: N.J.S.A. 54:5-97.1 [L.1965, c.187, s.7; amended 1994, c.32, s.13; 2009, c.320, s.11.]

NEW SECTION TO BE ADDED:

2-74.3 Electric Vehicle Charging Station Fees; Parking Restrictions; Program Administrator.

(Ord. No. 785-2019)

a. The Borough is hereby authorized to create one or more locations to be designated as a "Charging Station for Electric Powered Vehicles". Such vehicles must be registered as a motor vehicle with the State of New Jersey or another State of the United States.

b. Parking in any such space or location shall be limited only to such electric powered vehicle and only during the period of time when such vehicle is actually being charged. Upon completion of the charging of such vehicle, the vehicle shall be removed from the designated space or location by the owner, operator, or other person having custody thereof.

c. Any vehicle which is not electrically powered, and any electrically powered vehicle which is not undergoing a charge, shall be prohibited from parking, stopping, or standing in such charging space or location. Any vehicle violating this requirement shall be subject to a violation and further subject to being towed at the expense of the owner, as more particularly set forth in Chapter 8 (Traffic) of this Code.

d. The initial fee for the use of the electric vehicle charging station shall be based on usage per kilowatt hour as set by Resolution of Borough Council on the recommendation of the Borough's Chief Financial Officer who is hereby designated as the Administrator of the electric vehicle charging program. Such fee may be changed, as necessary, by Resolution of Borough Council adopted pursuant to section (E) hereof.

e. Borough Council may, by Resolution, make rules and regulations which interpret or amplify any provision of this section, including the creation of or change in specific locations or parking spaces for such electronic charging stations within the Borough and to fix, from time to time, the fees to be charged for such service, or for the purpose of administering the provisions of this chapter or making them more effective.

SECTION 2. Chapter 8 (Traffic) Article 7 of the Code of the Borough of Avalon is hereby amended and supplemented and shall hereafter provide as follows:

8-10 TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL; PARKING RESTRICTION FOR ELECTRIC VEHICLES ONLY IN ELECTRIC VEHICLE CHARGING STATION

8-10.1 Snow plowing; Removal of Vehicles

a. Whenever snow has fallen and the accumulation is such that it covers the streets and highways, an emergency shall exist and no vehicle shall be parked on the streets or highways or portions thereof indicated.

The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

b. Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal before regaining possession of the vehicle. (2000 Code § 8:3-4; § 8:3-5)

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
RESERVED		

ADD NEW SECTION AS FOLLOWS:

8-10.2 Parking Restriction for Electric Vehicles Only.
(Ord. No. 785-2019)

a. Parking in the location(s) hereinafter specified shall be limited and restricted to electric powered vehicles only and then only during the time period when such vehicle is being recharged. Upon completion of the vehicle charging process, such vehicle shall be removed from the designated location.

b. Any vehicle parked or standing in violation of this section, including electric vehicles, shall be in violation hereof and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal before regaining possession of the vehicle.

c. The following stations or spaces for the charging of electric vehicles are hereby established:

<i>Name of Street</i>	<i>Side and Location</i>	<i>Time Limits</i>
Dune Drive	West Side of Dune Drive at 30 th Street and the northerly most parking space in front of Avalon Police Building.	Parking restricted to electric vehicles only 24 hours per day daily. All non-electric vehicles subject to being towed at owner's expense.
28 th Street	In Borough Parking Lot between 28 th and 29 th Streets on the south side of 28 th Street and located mid-way between Avalon Avenue and the Boardwalk.	Same time limits and restrictions as for Dune Drive above.

8-32 BICYCLE ROUTES/LANES

Section 8-32 shall be amended and supplemented to provide as follows:

The Lane Locations described, are hereby designated as Bicycle Lanes. Bicycle Lanes shall be of a width in accordance with the AASHTO "Guide for the Development of Bicycle Facilities," latest revision, and shall be marked and signed pursuant to the "Manual on Uniform Traffic Control Devices for Streets and Highways," latest revision. (Ord. No. 785-2019)

<i>Name of Street</i>	<i>Side*</i>	<i>Lane Width</i>	<i>Limits</i>
Avalon Avenue	East	6 feet	8 th Street to 32 nd Street
First Avenue	West	6 feet	7 th Street to 13 th Street
First Avenue	West	5 feet	13 th Street to 26 th Street
First Avenue	West	6 feet	26 th Street to 32 nd Street
First Avenue	East and West	6 feet	32 nd Street to 40 th Street
Dune Drive	East and West	6 feet	6 th Street to 18 th Street
Dune Drive	West	6 feet	18 th Street to 19 th Street
Dune Drive	East and West	6 feet	34 th Street to 80 th Street

* East side lanes travel north; West side lanes travel south

The following shared use lanes described, are hereby designated as locations for Shared Lane Markings as part of a designated bicycle route network. One (1) Shared Lane Marking is to be placed per block along each shared use lane. These Shared Lane Markings shall be located and marked pursuant to the "Manual on Uniform Traffic Control Devices for Streets and Highways," latest revision and " (ORD ____ - 2019).

<i>Name of Street</i>	<i>Side*</i>	<i>Limits</i>
7 th Street	North	Dune Drive to First Avenue
8 th Street	South	Ocean Drive to First Avenue
8 th Street	North	First Avenue to Avalon Avenue
18 th Street	North	Dune Drive to Avalon Avenue
19 th Street	South	Dune Drive to First Avenue
30 th Street	South	Ocean Drive to Avalon Avenue
32 nd Street	South	First Avenue to Avalon Avenue
34 th Street	North	Dune Drive to First Avenue
35 th Street	South	Dune Drive to First Avenue
39 th Street	North	Dune Drive to First Avenue
40 th Street	South	Dune Drive to First Avenue
80 th Street	South	Ocean Drive to Dune Drive
First Avenue	East	7 th Street to 8 th Street

*North side lanes travel west; South side lanes travel east; East side lanes travel north

Source: Thomas R. Thornton, P.E., Borough Engineer, February 6, 2019

SECTION 3. Chapter 10 (Licenses and Permits) of the Code of the Borough of Avalon is hereby amended and supplemented and shall hereafter provide as follows:

[Editorial Comment: Ordinance 731-2015 reorganized certain Divisions within the Department of Administration. The Division of Licenses and Inspections was abolished in favor of the Bureau of Licenses within the Division of Construction Code Enforcement.]

10-1 GENERAL PROVISIONS.

10-1.1 Administration.

This chapter shall be administered by the Bureau of Licenses and the Licensing Clerk unless otherwise designated herein. (2000 Code § 10:1-1.1) (Ord. No. 785-2019)

10-1.2 Purpose for Regulations.

The purpose of this chapter is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses and permits issued by the Borough, except alcoholic beverage licenses, dog licenses, fishing and hunting licenses, and bingo and raffle licenses. All applications for licenses and permits except those otherwise designated herein shall be issued by the Bureau of Licenses, unless expressly prohibited by State and Federal law. (2000 Code § 10:1-1.2) (Ord. No. 785-2019)

10-1.3 Records.

The Clerk of the Bureau of Licenses shall be known and designated as the "Licensing Clerk" and shall keep a record of all licenses and permits issued hereunder. All moneys collected for licenses and permits hereunder shall be receipted by the Clerk of the Bureau and turned over to the Chief Financial Officer daily. A monthly report shall be prepared at the end of the month and submitted to the Borough Council, the Borough Clerk and the Chief Financial Officer. (2000 Code § 10:1-1.3; New) (Ord. No. 785-2019).

10-1.4 Power to Make Rules and Regulations.

The Borough Council may make rules and regulations which interpret or amplify any provision of this chapter or for the purpose of administering the provisions of this chapter or making them more effective. (2000 Code § 10:1-1.4)

SECTION 4. 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 5. 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 6: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and 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 April 10, 2019. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 24th day of April, 2019 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.

C. DANIELLE NOLLETT, Borough Clerk