

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 671-2012

AN ORDINANCE AMENDING CHAPTER 9
MUNICIPAL RECREATIONAL FACILITIES) OF THE
CODE OF REVISED GENERAL ORDINANCES, 2000,
TO ESTABLISH REGULATIONS FOR THE STORAGE
AND USE OF KAYAKS AT THE SOUTHWEST
CORNER OF 57TH STREET IN THE BOROUGH OF
AVALON

WHEREAS, Chapter 9 entitled “Municipal Recreational Facilities” of the Code of Revised General Ordinances of the Borough of Avalon establishes rules and regulations for the use of municipal recreational facilities in the Borough of Avalon; and

WHEREAS, Borough Council desires to amend certain provisions of Chapter 9 to set forth rules and regulations for the storage and use of kayaks on the southwest corner of 57th 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. Chapter 9 entitled “Municipal Recreational Facilities” shall be amended to establish a new section 9:11, which shall provide as follows:

9:11 KAYAKS STORAGE AND USE

Kayak Storage Facilities. The Borough may provide kayak storage facilities on the southwest corner of 57th Street for the convenience of the public. This area shall be referred to as the Kayak Park. There shall be no requirement that any kayak owner register a kayak or obtain a permit for the use of the Kayak Park. These facilities will be available for the general use of the public, at no cost, on a first come, first served basis. No kayaks shall be left on the ground in the Kayak Park. Any kayaks left on the ground will be impounded and held by the Borough until claimed by the owner.

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 individuals who utilize the kayak park are permitted to lock their kayaks to the storage facilities 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.

Permitted Period of Use. Kayaks may be stored from April 1 until October 31. Any kayaks left in the Kayak Park between November 1 and March 31 will be impounded by the Borough and held by the Borough until claimed by the owner or disposed of in accordance with applicable statutes.

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 ordinance. Such kayak 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 and the reason for the same, and the location of the kayak if the kayak contains the name and contact information of the owner on it. Any owner of a kayak who seeks to recover an impounded kayak will be required to establish proof of ownership to the satisfaction of the Avalon Police Department and pay the impound fee established herein.

Impound Fees. Kayaks shall be impounded and 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 is retained and impounded.

Disposal of unclaimed abandoned kayaks. Disposal of unclaimed abandoned kayaks shall be in accordance with State Statutes governing the sale of surplus municipal property and abandoned property. Where a kayak 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 and pay the fees as provided herein, then the kayak shall not be disposed of for six months. After six 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 at public auction, after notice of a designated time and place therefor, not less than 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 6 (Public Safety Employees) shall become effective upon final passage, publication as required by law.

REVISED 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 December 19, 2012, 2012. 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 January, 2013 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.

AMY W. KLEUSKENS
Borough Clerk