

9-12 KAYAKS.

9-12.1 Kayak Storage Facilities.

a. The Borough may provide kayak storage facilities consisting of metal racks located on the Northwest corner of 57th Street, known as the Kayak Park, 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.

b. 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 tag from the Borough in accordance with this section. Such tag shall be affixed to the kayak that will be stored at the Kayak Park and shall be valid for the entire season.

c. Registration shall be on a lottery basis in accordance with the procedures set forth in Subsection 9-12.7 of this section.

d. No kayaks shall be left unattended on the ground in the Kayak Park at any time.

e. Any kayaks stored on the storage facility without a current registration tag and any kayaks left on the ground or chained to fencing or to signage, will be (1) impounded and held by the Borough until claimed by the owner in accordance with the provisions of subsection 9-12.4 subject to the payment of an impound fee as set forth in subsection 9-12.5 of this section; or (2) disposed of in accordance with the provisions of subsection 9-12.6 of this section.

f. 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. The use of kayak storage facilities shall not constitute a bailment.

g. 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.

h. The kayak storage facilities may only be used for the storage of kayaks and for no other purpose. 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.

(Ord. No. 671-2012; Ord. No. 699-2014; Ord. No. 716-2015)

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 tag 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 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.

c. Registration of kayaks shall begin on the first business day of February and continue through March 15 unless such date falls on a Saturday, Sunday or Legal Holiday in which event registration shall close on the next business day following March 15.

d. Applicants seeking to participate in the lottery for a registration tag must complete an application 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.

e. Registration tags shall only be valid from May 1 until October 31 of the year in which the kayak is registered. Registration tags shall designate the specific rack and berth in the kayak storage facility in which the registered kayak shall be stored and may contain such additional information as the Borough may determine.

f. There shall be no fee for the issuance of a registration tag.

g. Registration tags are nonassignable and nontransferrable.

h. No more than one registration tag shall be issued for any property.

i. Registered and properly tagged kayaks must be placed on designated berth no later than June 15. After June 15, 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 15 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.

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 during the period specified. 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)

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. (Ord. No. 671-2012; Ord. No. 699-2014; Ord. No. 716-2015)

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 that such kayak or other personal property is retained and impounded. (Ord. No. 671-2012; Ord. No. 699-2014; Ord. No. 716-2015)

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. (Ord. No. 671-2012; Ord. No. 699-2014; Ord. No. 716-2015)

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 March 20 and March 30, 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.

d. The lottery process shall draw one registration form for each of the available berths. Currently, there are two hundred sixteen (216) berths available. Successful registrants 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 within thirty (30) days of the date specified in the notification letter, 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 waiting list established in accordance with the provisions of subsection 9-12.7 e. of this section.

e. In addition to drawing one (1) registration form for each of the available berths, an additional twenty-five (25) names shall be drawn and these names shall constitute the "Avalon Kayak Seasonal Waiting List". Any vacancies that may occur during the season shall be filled from such waiting list and vacancies shall be filled in the order in which names were drawn. Such waiting list shall expire on October 31 of each year.

f. The list of names and addresses assigned berths as well as the names on the 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. 716-2015)

9-12.8 Certain Parties Ineligible to Participate in Lottery.

Any resident who has any, or any household address from which there are any outstanding and unpaid charges due from a prior season or seasons arising from kayak impoundment or otherwise shall not be eligible to participate in a seasonal lottery until such time as all 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)

9-12.9 Rules and Regulations.

The Recreation Director is hereby empowered to prepare and propose Rules and Regulations pertaining to this section. Such Rules and Regulations shall be subject to the approval of the Business Administrator and shall be further subject to the approval of Borough Council which

shall approve same by Resolution. When approved by Resolution of Borough Council such Rules and Regulations shall have the force and effect of law. (Ord. No. 716-2015)