

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE No. 872 – 2024

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 9 (PARKS, BEACHES, AND RECREATION FACILITIES) OF THE CODE OF THE BOROUGH OF AVALON REGARDING MUNICIPAL DOCKING FACILITIES

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL, the Governing Body of the Borough of Avalon, in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 9 of the Code of the Borough of Avalon, (Parks, Beaches, and Recreation Facilities), Sections 9-15.10 (Bay Park Marina) and 9-15.11 (Sport Fishing Center) are hereby amended and a new section 9-15.12 shall be added, and such sections shall hereafter read as follows:

§ 9-15.10 Avalon Bay Park Marina

[New; Ord. No. 701-2014; Ord. No. 720-2015 § 3; Ord. No. 872-2024]

- a. Management. **[No change]**
- b. Season Dock Slips. The season dock slips at the Avalon Bay Park Marina shall be issued to motorized boats only. No canoes, kayaks, sail craft or personal watercraft (a creational watercraft that the rider rides or stands on, rather than inside of, as in a boat) **charter boats or commercial boats of any type or description** shall be permitted to apply for or occupy any season dock slip.
- c. Season Permit Fee. A season permit fee **shall be established by resolution of the Borough Council. Generally, that resolution will be adopted in October for future boating seasons. Should a resolution not be adopted as stated, then the last resolution adopted shall control until such time as that resolution is modified or rescinded.**
- d. Maximum Boat Length. **[No Change]**
- e. Reserved Slip for Borough Use. Slip No. 30 **or such other slip as may be designated by the Borough** shall be maintained as an open slip for Borough use to dock a police, fire or rescue boat on an as needed basis and at the discretion of the appropriate officials of the Borough of Avalon.

Renewal application forms completed, along with payment in full and an updated Certificate of Insurance (if the Certificate of Insurance currently on file has expired), or indicating nonrenewal of the dock slip, must be received by the Borough Business Administrator no later than a date to be specified in a cover letter to be included with every renewal application form.

Any renewal application for season dock slips not received by the specified date will be considered a forfeiture of that dock slip.

- f. **The Borough may establish a waiting list, subject to such rules, regulations and requirements as established by the Business Administrator and subject to the approval of the Mayor and Borough Council and the Borough may establish a maximum number of applicants for such list.**

5. A season dock slip permit shall be issued, to the permittee, for each season and shall state the name of the person to whom the permit is granted, boat make and model, registration number, date of issuance and expiration on December 15th in the year in which the permit is issued, **unless the season has been extended beyond December 15 by the Borough.**
6. Season dock slip permits are issued subject to the provisions of this chapter and the rules and regulations adopted by the Borough Council.
7. Season dock slip permits shall be issued in order of applications except that priority shall be given in the following order:
 - (a) Boat owners who are Avalon taxpayers and/or residents having immediate prior year permits.
 - (b) Boat owners who are Avalon taxpayers and/or residents.
 - (c) Boat owners who are not Avalon taxpayers and/or residents.
 - (d) **In the assignment of boat slips, in addition to the forgoing assignment priority, and consistent therewith, charter boats will be afforded a preference for boat slip assignment but subject to the rules, regulations, conditions, and other considerations set forth the in Resolution of Borough Council regarding the management and operation of the Avalon Sport Fishing Center, including the size of the vessel and the availability of a boat slip of sufficient size to safely accommodate such vessel.**
8. After the deadline for submission of applications, all unassigned season dock slips shall be offered to individuals on the established Avalon Sport Fishing Center waiting list, starting with the first person on the list, however, with final approval being at the discretion of the Mayor **and subject to the Resolution governing the management and operation of the Avalon Sport Fishing Center.**
9. *[No Change]*
10. *[No Change]*
11. *[No Change]*
12. *[No Change]*
13. *[No Change]*
14. *[No Change]*
- g. *[No Change]*
- h. *[No Change]*

All boat owners shall be responsible for supplying mooring lines necessary for their boats.

NEW SECTION TO BE ADDED AS FOLLOWS:

9-15.12 APPEALS

Any person denied a permit or a renewal of a permit, or who has had a permit revoked or suspended by administrative action, or otherwise aggrieved by an administrative action of a Borough Officer, under this Chapter (§ 9-15.1 to 9-15.11) may appeal such decision in accordance with the procedure set forth in Chapter 1 of this Code. The filing of an appeal shall not stay or otherwise delay the implementation of the decision being appealed.

SECTION 2. SAVED FROM REPEAL. All other provisions of Chapter 9, Sections 9-15.10 and 9-15.11 which have not been amended by this Ordinance shall remain in full force and effect.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances, including those specified in Section 3 hereof, which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4. 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 5. 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 January 24, 2024. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 28th day of February, 2024 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:00 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