

**BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE 556(2017)**

**AN ORDINANCE ESTABLISHING A MUNICIPAL KAYAK/PADDLE BOARD  
STORAGE AREA SETTING PERMIT FEES AND CONDITIONS**

**WHEREAS**, the Board of Commissioners of the Borough of West Wildwood desire to create a kayak/paddle board storage area within the confines of the Borough of West Wildwood located at the Park on Bay and Glenwood Avenues.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Borough of West Wildwood, in the County of Cape May, State of New Jersey as follows:

**SECTION I. Issuance of Permit.**

No persons shall be permitted to store any kayak/paddle board for any length of time without first obtaining a kayak storage permit from the Borough Clerk. Applications for a kayak/paddle board storage area shall be upon the forms provided by the Borough Clerk. These permits will be issued on a first come basis.

**SECTION II. Permit Fees and Duration of Permit**

The fee for a one (1) month non-transferable kayak/paddle board storage permit shall be thirty-five dollars (\$35.00). The fee for a seasonal (May through October), non-transferable kayak/paddle board storage permit shall be Seventy-five dollars (\$75.00). Monthly kayak/paddle board storage permits shall not be available for the months of January, February, March, November and December.

**SECTION III. Permittee Responsibilities**

Kayaks/paddle boards stored in the Borough storage area shall be at the owner's risk, and the Borough of West Wildwood shall not be responsible for the theft of any kayak/paddle board

or for any damage or vandalism to any same. Kayak/paddle board storage permit holders shall be permitted to lock their kayaks/paddle boards to the storage area with their own lock and cable or other device so long as the lock, cable or device does not interfere with the use of any other portions of the municipal kayak/paddle board storage area by other permit holders.

#### **SECTION IV. Enforcement**

The Superintendent of Public Works, his designee, and any member of the Borough of West Wildwood Police Department are authorized to remove or have removed any kayak/paddle board left within the Borough storage area after expiration of the storage permit associated with it or otherwise in violation of this section. Such removed kayaks/paddle boards shall be impounded until lawfully claimed by their owners or disposed of in accordance with applicable statutes. As to any impounded kayak/paddle board, the Borough Clerk, within ten (10) business days of the kayak/paddle board being impounded, shall notify, in writing, the owner of the kayak/paddle board that it has been impounded. Such notice shall be forwarded to the kayak owner by regular, first-class mail and by certified mail, return receipt requested, addressed to the address that was provided on the kayak/paddle board storage permit application form. Any person who seeks to recover an impounded kayak/paddle board will be required to establish proof of ownership, to the satisfaction of the Borough of West Wildwood Police Department, and pay the impound and storage fees established herein.

#### **SECTION V. Violations/Fines**

- a. Impounded kayaks/paddle boards shall be retained until the owner shall have paid the sum of Fifty dollars (\$50.00) as an impound fee plus an additional storage fee in the amount of Ten dollars (\$10.00) for each and every day, or portion thereof, that such

kayak/paddle board is retained and impounded.

- b. Disposal of unclaimed, abandoned kayaks/paddle boards shall be in accordance with New Jersey statutes governing the sale of surplus Borough property and abandoned property. When a kayak/paddle board comes into possession of the Borough of West Wildwood as provided herein and if the owner or the owner's whereabouts is unknown and cannot be ascertained or if the owner refuses to claim the kayak/paddle board and pay the fees as provided herein, then the kayak/paddle board shall not be disposed of for six (6) months. After six (6) months, Borough Commissioners, by Resolution as provided in N.J.S.A. 40A:14-157, may provide for the sale of the kayak/paddle board at public auction after notice of a designated time and place therefore, not less than ten (10) days prior thereto, published in the newspaper circulating within the Borough of West Wildwood.
- c. Any person violating any of the provisions of this section, upon conviction thereof, shall be subject to a fine of not more than One Thousand Two Hundred Fifty dollars (\$1,250.00) or imprisonment for a term not to exceed ninety (90) days, or both.

#### **SECTION VI. Compliance with Other Laws and Ordinances.**

No permits shall be issued to any person who has not complied with the laws of the State of New Jersey or the Ordinances of the Borough of West Wildwood, providing regulations respecting the safety and health of those persons who may have occasion to use the premises and in the event any permittee fails to comply with such laws or ordinances after due notice and opportunity to be heard, the Board of Commissioners may revoke such permit.

**SECTION VII. Severability.** If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

**SECTION VIII. Repealer.** Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION IX. Publication.** This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

**FIRST READING/INTRODUCTION: 2017 03-03**

**PUBLICATION: 2017 03-08**

**COMMISSIONERS:**



MAYOR CHRISTOPHER J. FOX



COMMISSIONER SCOTT W. GOLDEN



COMMISSIONER CORNELIUS J. MAXWELL

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, Donna L. Frederick, RMC, Municipal Clerk of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the March 3, 2017 Regular Meeting, and will be considered for final passage after a public hearing to be held on April 7, 2017, at 7:00pm prevailing time, at the West Wildwood Borough Hall, 701 W. Glenwood Avenue, West Wildwood, N.J.



Donna L. Frederick, RMC  
Municipal Clerk

**SECOND READING/PUBLIC HEARING:** 2017 04-07

**PUBLICATION:** 2017 04-12

**COMMISSIONERS:**

*ABSENT*

MAYOR CHRISTOPHER J. FOX



COMMISSIONER SCOTT W. GOLDEN

COMMISSIONER CORNELIUS J. MAXWELL

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, Donna L. Frederick, RMC, Municipal Clerk certify that the foregoing ordinance was introduced and passed at the Regular Meeting of the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey on the 3rd day of March, 2017 and was finally adopted after a public hearing at a Regular Meeting of said Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on April 7, 2017 at 7:00pm, prevailing time.



Donna L. Frederick, RMC  
Municipal Clerk

**BOROUGH OF WEST WILDWOOD  
APPLICATION FOR KAYAK/PADDLE BOARD STORAGE PERMITS**

**Valid: May 1<sup>st</sup> – October 30<sup>th</sup>**

**\*\* PLEASE READ CAREFULLY \*\***

**NO REFUNDS FOR PERMITS LOST OR STOLEN**

Seasonal passes are to be annual passes good from May 1<sup>st</sup> to October 30<sup>th</sup>. **The seasonal rate shall be \$75.00 or \$35.00 for a monthly permit.** Each permit shall only be good for the kayak/paddle board to which it is assigned for the month or season.

ANY KAYAKS/PADDLE BOARDS LEFT IN THE STORAGE AREA AFTER EXPIRATION OF THE PERMIT WILL BE IMPOUNDED AND HELD BY THE BOROUGH OF WEST WILDWOOD UNTIL LAWFULLY CLAIMED BY THE OWNER OR OTHERWISE DISPOSED OF IN ACCORDING WITH ORDINANCE #556(2017).

ALL KAYAKS/PADDLE BOARDS STORED AT THE STORAGE FACILITY SHALL BE AT THE OWNER'S RISK. THE BOROUGH OF WEST WILDWOOD DOES NOT ASSUME LIABILITY, AND WILL NOT BE RESPONSIBLE FOR THE THEFT, DAMAGE OR VANDALISM TO ANY KAYAK/PADDLE BOARD. ALL INDIVIDUALS WHO UTILIZE THE STORAGE FACILITY ARE PERMITTED TO LOCK THEIR KAYAKS/PADDLE BOARDS 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/PADDLE BOARD STORAGE FACILITIES BY OTHER USERS.

**THE APPLICANT ACKNOWLEDGES THAT THE ABOVE STATEMENTS ARE NOT A SUBSTITUTE FOR A FULL READING OF ORDINANCE #556(2017) AND THE APPLICANT ACKNOWLEDGES THAT HE/SHE HAS BEEN ADVISED TO THOROUGHLY REVIEW ORDINANCE #556(2017).**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Local Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Fill out for Non-Transferable Kayak Storage Only**

CIRCLE ONE:	MODEL - HULL NUMBER	COLOR
Kayak or Paddle Board #1		
Kayak or Paddle Board #2		

**Office Use Only**

Amount of Non-Transferable Monthly Permits		@	\$35.00	=	
Amount of Non-Transferable Seasonal Permits		@	\$75.00	=	
Cash _____ Check # _____ Receipt # _____			<b>Total</b>	=	

Authorized Signature: \_\_\_\_\_ Permit No. \_\_\_\_\_

**BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY, NEW JERSEY**

**ORDINANCE NO. 557 (2017)**

**CALENDAR YEAR 2017  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Governing Body of the Borough of West Wildwood, County of Cape May, New Jersey finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Governing Body of the Borough of West Wildwood, hereby determines that a 3.0% increase in the budget for said year, amounting to \$ 57,753.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Governing Body of the Borough of West Wildwood, hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of West Wildwood, in the County of Cape May, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of West Wildwood shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$ 67,379.50 and that the CY 2017 municipal budget for the Borough of West Wildwood be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within 5 days after such adoption.

**COMMISSIONERS:**

  
\_\_\_\_\_  
**MAYOR CHRISTOPHER J. FOX**

  
\_\_\_\_\_  
**COMMISSIONER SCOTT W. GOLDEN**

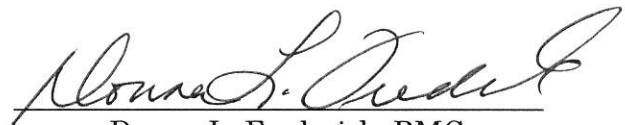
  
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**COMMISSIONER CORNELIUS J. MAXWELL**

I, Donna L. Frederick, RMC, Municipal Clerk certify that the foregoing Ordinance was introduced and passed at a Regular Meeting of the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey on the 3rd day of March, 2017, and will be considered for final passage after a public hearing at a Regular Meeting of said Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on April 7, 2017 at 7:00 pm, prevailing time.

**FIRST READING: 2017 03-03**

**PUBLICATION: 2017 03-08**

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

  
\_\_\_\_\_  
Donna L. Frederick, RMC  
Municipal Clerk



SECOND READING/FINAL ADOPTION: 2017 04-07  
PUBLICATION: 2017 04-12

COMMISSIONERS:

ABSENT  
MAYOR CHRISTOPHER J. FOX

[Signature]  
COMMISSIONER SCOTT W. GOLDEN

[Signature]  
COMMISSIONER CORNELIUS J. MAXWELL

I, Donna L. Frederick, RMC, Municipal Clerk certify that the foregoing Ordinance was finally adopted after a public hearing at a Regular Meeting of the Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on April 7, 2017 at 7:00 pm, prevailing time.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

[Signature]  
Donna L. Frederick, RMC  
Municipal Clerk

**BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 558 (2017)  
AN ORDINANCE REPEALING ORDINANCE NO. 528 (2013)  
PERTAINING TO THE RATES FOR SEWER SERVICE**

**Preamble:**

This Ordinance is to reset the sewer rates for 2017 based on the projected CY2017 Budget needs and allocations.

**BE IT ORDAINED** by the Governing Body of the Borough of West Wildwood, County of Cape May, State of New Jersey; as follows:

**SECTION I**

**Retroactive to January 1, 2017**, the sewer rates for the Borough of West Wildwood are hereby amended to reflect the amounts as follows:

5/8 " Meter	\$ 750.00 per year per unit
3/4 " Meter	\$ 933.00 per year per unit
Bars/Restaurants and other food-sit down service	\$1,200.00 per year
Marinas	\$ 750.00 per year

**SECTION II.**

All other Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance; and

**SECTION III:**

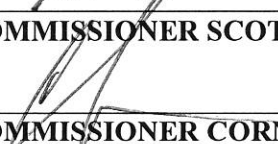
This Ordinance shall take effect immediately upon passage and publication as required by Law.

**FIRST READING:  
PUBLICATION:**

**APRIL 7, 2017  
APRIL 15, 2017**

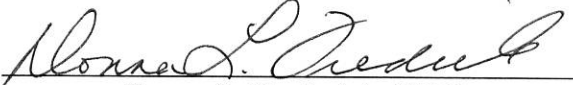
  
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**MAYOR CHRISTOPHER J. FOX**

  
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**COMMISSIONER SCOTT W. GOLDEN**

  
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**COMMISSIONER CORNELIUS J. MAXWELL**

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, Donna L. Frederick certify that the foregoing Ordinance was introduced and passed at a Regular Meeting of the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey on the 7th day of April, 2017, and will be considered for final passage after a public hearing at a Regular Meeting of said Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on May 5, 2017 at 7:00 pm, prevailing time.

  
Donna L. Frederick, RMC  
Municipal Clerk

SECOND READING/FINAL ADOPTION: 2017 05-05  
PUBLICATION: 2017 05-11

COMMISSIONERS:

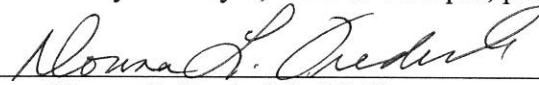
  
MAYOR CHRISTOPHER J. FOX

  
COMMISSIONER SCOTT W. GOLDEN

  
COMMISSIONER CORNELIUS J. MAXWELL

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, Donna L. Frederick, RMC, Municipal Clerk certify that the foregoing Ordinance was finally adopted after a public hearing at a Regular Meeting of the Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on May 5, 2017 at 7:00 pm, prevailing time.

  
Donna L. Frederick, RMC  
Municipal Clerk

**BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY, NEW JERSEY**

**ORDINANCE 559(2017)**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A DRAINAGE  
EASEMENT AGREEMENT**

**WHEREAS,** C. Lynn, LLC is the owner in fee of certain property identified on the Tax Map of the Borough of West Wildwood ("Municipality") as Block 100.3 Lots 3.02, in the County of Cape May, State of New Jersey (the property hereinafter referred to as the "Servient Estate"), with the street address of 226 Q Avenue, West Wildwood, New Jersey; and

**WHEREAS,** the Borough of West Wildwood is the owner in fee of certain roadway known as Q Avenue, a municipal road of the Borough of West Wildwood (the property hereinafter referred to as the "Roadway"); and

**WHEREAS,** the Borough requires a storm water drainage and discharge easement (Drainage Easement, as defined herein) to transport the storm water runoff from various municipal streets, inclusive of that portion of Q Avenue which directly fronts along the portion of the Servient Estate, a distance of approximately 100+ feet ("Easement Area") upon and across a portion of the Servient Estate ( to the bay) in the location as more clearly depicted on a certain plan entitled "Proposed Storm Sewer Easement" prepared by REMINGTON, VERNICK and WAHLBERG, Engineers, dated March 6, 2017, together with the proposed Storm Sewer Easement Description, attached to the Easement agreement appended hereto and fully and collectively incorporated herein as Exhibit "1" : and

**WHEREAS,** the Board of Commissioners, the Governing Body of the Borough of West Wildwood Borough deems it to be in the best interest of the citizens of West Wildwood to enter into said attached easement agreement;

**NOW, THEREFORE** be it ordained by the Board of Commissioners, the Governing Body of the Borough of West Wildwood, New Jersey as follows:

**Section 1:** The averments above are incorporated herein as if set forth at length:

**Section 2:** The Mayor and Clerk are hereby authorized to execute the Easement Agreement and all additional Borough agents, servants and employees are authorized to take such actions as may be necessary to effectuate the said agreement

**Section 3.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.


**Section 4.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.


**Section 5.** This Ordinance shall take effect immediately upon final passage and publication as provided by law.

**FIRST READING/INTRODUCTION:** 2017 04-07  
**PUBLICATION:** 2017 04-15

**COMMISSIONERS:**

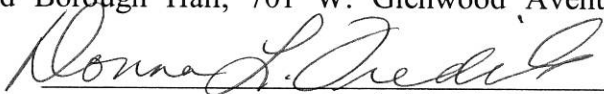
  
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MAYOR CHRISTOPHER J. FOX

  
\_\_\_\_\_  
COMMISSIONER SCOTT W. GOLDEN

  
\_\_\_\_\_  
COMMISSIONER CORNELIUS J. MAXWELL

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, Donna L. Frederick, RMC, Municipal Clerk of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the April 7, 2017 Regular Meeting, and will be considered for final passage after a public hearing to be held on May 5, 2017, at 7:00pm prevailing time, at the West Wildwood Borough Hall, 701 W. Glenwood Avenue, West Wildwood, N.J.

  
\_\_\_\_\_  
Donna L. Frederick, RMC  
Municipal Clerk

**SECOND READING/FINAL ADOPTION:** 2017 05-05  
**PUBLICATION:** 2017 05-11

**COMMISSIONERS:**

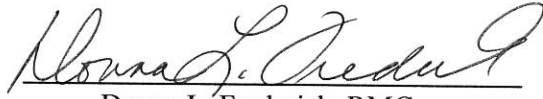
  
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**MAYOR CHRISTOPHER J. FOX**

  
\_\_\_\_\_  
**COMMISSIONER SCOTT W. GOLDEN**

  
\_\_\_\_\_  
**COMMISSIONER CORNELIUS J. MAXWELL**

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, Donna L. Frederick, RMC, Municipal Clerk certify that the foregoing Ordinance was finally adopted after a public hearing at a Regular Meeting of the Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on May 5, 2017 at 7:00 pm, prevailing time.

  
\_\_\_\_\_  
Donna L. Frederick, RMC  
Municipal Clerk