

ORDINANCE NO. 2, 2013

AN ORDINANCE AMENDING CHAPTER 241 STREETS AND SIDEWALKS, ARTICLE VII, SPORTS EQUIPMENT IN STREETS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 241 Streets and Sidewalks, is hereby amended to read as follows:

Article VII. Sports Equipment in Streets

241-34. Purpose.

- A. The purpose of this chapter is to protect the health, safety, and welfare of City residents, City owned equipment, and the motoring public, by prohibiting the permanent placement of basketball, hockey, soccer and any other sports equipment, and/or storing or leaving portable sports equipment in, on or over the public streets and the public rights-of-way.

241-35. Prohibition.

- A. Basketball poles, nets, hoops, hockey, soccer goals and other sports equipment of any kind are hereby prohibited from being permanently placed and/or stored in, on or over any public street, roadway, right-of-way, sidewalk, curb area, or tree apron within the City of Linwood so as to not interfere with the City's removal of snow, trash, and in times of State of Emergency. Nothing contained herein shall prohibit temporary or removable basketball nets, hoops, hockey, soccer goals and other sports equipment from being utilized provided they do not interfere with the City's removal of snow or trash, and provided there is no time of State of Emergency

241-36. Violations and penalties.

- A. Any person violating the above provision shall be subject to a warning for the first violation, a fine of \$50 for the second violation and a fine not to exceed \$100 for each subsequent offense.
- B. A property owner shall be responsible for any damage incurred to City equipment due to the failure to remove any sports equipment in accordance with this article.

- C. If the owner of such equipment cannot be identified, the City shall have the right to impound said equipment.
- D. Each day that the violation continues past the date of compliance shall be and constitute a separate and distinct offense, subject to any and all penalties prescribed in this article.

241-37. Enforcement.

- A. It shall be the duty of the Linwood Police Department and Code Enforcement Officer to enforce the provisions of this article.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>February 27, 2013</i>
<i>PUBLICATION:</i>	<i>March 4, 2013</i>
<i>PASSAGE:</i>	<i>March 13, 2013</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, February 27, 2013 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 13, 2013.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

