

ORDINANCE NO. 2026-17 (1302)

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING CHAPTER 25, "FEES," SECTION 25-13,
"GAZEBO AND PAVILION FEE," OF THE CODE OF THE BOROUGH OF
LAVALLETTE, AS AMENDED, TO ESTABLISH A REFUNDABLE SECURITY
DEPOSIT**

WHEREAS, Section 25-13 of the Code of the Borough of Lavallette was adopted on July 21, 2008 by Ordinance No. 2008-11 (1039) and amended on December 22, 2014 by Ordinance No. 2014-11 (1136) and on March 4, 2024 by Ordinance No. 2024-04 (1255). It sets a nonrefundable fee for private and nonprofit use of the municipal gazebo and makes users responsible for cleanup and for protecting the gazebo and the Centennial Gardens; and

WHEREAS, during recent private and nonprofit functions, users of the Borough's gazebo have damaged the gazebo, its grounds, and the flower beds and plantings of the Centennial Gardens, and have left the gazebo without adequate cleanup; and

WHEREAS, as a result of this use, the Borough has incurred expenses for repairs, cleanup, debris removal, and restoration of the gazebo and the Centennial Gardens, and those expenses have been borne by the taxpayers of the Borough rather than by the users who caused them; and

WHEREAS, the existing nonrefundable fee was not intended to cover, and does not adequately cover, the cost of repairing damage or restoring the gazebo and the Centennial Gardens after a function; and

WHEREAS, the Mayor and Council find it in the best interest of the Borough and its residents to require a refundable security deposit, so that users are held responsible for damage and expenses resulting from their use of the gazebo;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lavallette, County of Ocean, State of New Jersey, as follows:

Section 1. Chapter 25, "Fees," Section 25-13, "Gazebo and pavilion fee," Subsection A, of the Code of the Borough of Lavallette is hereby amended to read as follows:

A. Fees and deposit.

(1) The following gazebo and pavilion fee is hereby established. For rental or use of any municipal gazebo or pavilion for private or nonprofit functions: a nonrefundable fee of \$300.

(2) For rental or use of the municipal gazebo for private or nonprofit functions, a refundable security deposit of \$500 shall be paid to the Borough when the rental is reserved. The deposit is in addition to and separate from the nonrefundable fee in Subsection A(1). It shall cover any damage to the property and any expenses the Borough incurs as a result of the use of the property, subject to the following:

(a) The deposit may be applied to the costs of repairing damage to the gazebo, its grounds, or the flower beds and plantings of the Centennial Gardens; cleanup the renter fails to perform as required by Subsection B; removal of debris, decorations, rice, or birdseed; and any other expense reasonably incurred by the Borough in restoring the property to its condition before the function.

(b) Within five business days after the function, the Borough Administrator, the Superintendent of Public Works, or their designee shall inspect the gazebo and the surrounding grounds, including the Centennial Gardens.

(c) If the Borough has incurred no damage or expense, it shall return the full deposit to the renter within 30 days after the function. If the Borough has incurred costs, it may deduct them from the deposit and shall return any remaining balance within 30 days after the function, with an itemized statement of the deductions.

(d) If the Borough's costs exceed the deposit, the renter shall pay the difference within 30 days after receiving an itemized invoice. The Borough may pursue any remedy available by law to recover the unpaid balance.

(e) No interest shall accrue or be paid on the deposit. Retention of all or part of the deposit shall not limit the penalties in Subsection E or any other remedy available at law or in equity.

Section 2. All other provisions of Chapter 25, Section 25-13, of the Code of the Borough of Lavallette shall remain unchanged and in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions of this Ordinance.

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

NOTICE

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LAVALLETTE, AS AMENDED, TO ESTABLISH A REFUNDABLE SECURITY
DEPOSIT**

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on the October 5, 2026. It was further considered for second reading and final passage at a meeting of the Borough Council held on the 19th day of October 2026 at 7:00 pm at the Council Chambers in the Municipal Building Complex located at 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Donnelly Amico
Municipal Clerk

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DEPOSIT**

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on October 5, 2026. It was further considered for second (2nd) reading and final passage at a meeting of the Borough Council held on October 19, 2026 at 7:00 pm at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 19th day of October 2026 and shall take effect upon publication as required by law.

(SEAL)

DONNELLY AMICO, RMC
Municipal Clerk

APPROVED:

WALTER G. LACICERO
Mayor