

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 010-2017**

**AN ORDINANCE UPDATING CHAPTER III POLICE REGULATIONS, WITHIN  
THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW  
JERSEY**

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**BE IT ORDAINED** by the Township Committee in the Township of Upper, County of Cape May and State of new Jersey as follows:

**SECTION 1:** Chapter III, Section 3-12, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

**Replace in its entirety Section 3-12.1:**

3-12.1 Definitions.

As used in this section, the following terms shall have the meaning indicated:

*Certified Coach* shall mean a coach of an approved Upper Township Sports Program.

*Department Head* shall have the meaning of "Supervisor" as defined herein.

*Indoor place* shall mean a structurally enclosed area.

*Public Facility* shall mean any municipally owned building and/or property that has a building or other improvements like athletic fields and maintained paths.

*Smoking* shall mean the burning of a lighted cigar, cigarette, pipe, e-device or any other matter or substance which contains tobacco.

*Supervisor* shall mean the person who ultimately controls, governs or directs the activities and conduct of employees within a certain department or division.

**Replace in its entirety Section 3-12.2:**

3-12.2 Smoking Prohibited.

Smoking shall be prohibited at all times at all Township Public Facilities.

**Replace in its entirety Section 3-12.3a:**

3-12.3a. Violation of Prohibition; Request to Comply; Denial of Services.

- a. Any Certified Coach, Department Head or Supervisor, or their designee, may order any person smoking in violation of this section to comply with the provisions hereof. Thereupon, any member of the public who smokes in the Public Facilities is in violation of this section, shall be subject to a fine as hereinafter provided.

**Replace in its entirety Section 3-12.4:**

3-12.4 Posting of Signs.

The Township shall install appropriate signs which shall be posted in conspicuous places throughout Public Facilities affected by this section advising the public and employees that smoking is prohibited.

**SECTION 2:** Chapter III of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be revised to add the following Section 3-18:

**3-18 Release of Balloons**

3-18.1 Release of Balloons - Purpose and Intent.

The intent of this section is to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of helium balloons into the atmosphere, including latex and mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

3-18.2 Prohibited Releases.

It shall be unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released balloons inflated with a gas that is lighter than air within the Township of Upper, except for:

- (a) Balloon released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
- (b) Hot air balloons that are recovered after launching.
- (c) Balloons released indoors.

3-18.3 Violations and Penalties.

Any person found in violation is guilty of a non-criminal infraction punishable by a fine not to exceed the sum of \$500.00.

**SECTION 3: REPEALER:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:

  
BARBARA L. YOUNG, Township Clerk

  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24<sup>TH</sup> DAY OF JULY, 2017 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 28<sup>TH</sup> DAY OF AUGUST, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: July 24, 2017

Publication: July 28, 2017

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: August 28, 2017

Final Adoption: August 28, 2017

Final Publication Date: September 1, 2017

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on August 28, 2017 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on September 1, 2017.

  
BARBARA L. YOUNG, Township Clerk