

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 003-2019**

**RE: AN ORDINANCE ADOPTING SECTION 3-19 OF CHAPTER III  
OF THE CODE OF UPPER TOWNSHIP**

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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 3-19, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be adopted as follows:

**3-19 SECURITY BOXES REQUIRED IN COMMERCIAL, MERCANTILE, BUSINESS AND MULTIPLE FAMILY BUILDINGS**

**3-19.1 Definitions.**

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

*Security Box* shall mean a secured, locked device that is located on the exterior of the premises at or near the main entrance which can be accessed only by the Supervising Officer of the Local Fire District in the event that an alarm is activated and it is or becomes necessary to gain access to the premises to investigate the reason for the activation of the alarm. The security box shall contain keys to provide access to the premises. The security box shall be of the type that is commonly known as a “Knox Box” or the substantial equivalent thereof. The type of security box and its precise location shall be subject to approval by the Chief of the Local Fire District and the Construction Code Official.

**3-19.2 Compliance Required.**

- a. All buildings receiving planning board or zoning board approval after the adoption of this ordinance for a site plan or an amended site plan which contain one or more businesses, mercantile, industrial or other commercial use, and all residential buildings receiving such approvals containing three (3) or more residential units and having one or more interior common areas which locks to prevent public entry shall comply with this section.
- b. *Exceptions.* Banks and savings and loans, buildings and uses that have on-site 24-hour security staffing.

**3-19.3 Security Box Required.**

Every building listed in subsection 3-19.2 above shall be equipped with a security box as defined in this section.

**3-19.4 Exceptions.**

The provisions of subsection 3-19.3 shall not apply to any commercial bank, savings bank, savings and loans or other banking institution licensed or regulated by the United States of America or any of its agencies or by the New Jersey Department of Banking and Insurance.

3-19.5 Access Maintenance.

All owners and/or occupants of any of the buildings or uses included in this section shall ensure that the keys or lock access codes within the security box are correct to allow entry through any and all locked doors on the premises. Any changes in key or lock access shall be placed into the security box within five (5) business days of such change.

3-19.6 Multiple Uses in Single Security Box.

It shall be permissible for buildings within multiple businesses or uses under this section to share a common security box, as long as the following conditions are met:

- a. The location of the common security box is centrally located and approved by the Construction Code Official and the Chief of the Local Fire District.
- b. The keys or lock access codes are clearly marked and separated in a logical manner.
- c. All owners and occupants sharing the security box are permitted to order replacement keys or lock access security codes be installed in the box at any time.

3-19.7 Time Allowed for Security Box Installation.

Any building or use(s) required to be in compliance with this section that is first occupied on or after the effective date of this section shall have the security box installed and all keys and/or lock access codes installed at the time of first occupancy. Any such business, industrial, mercantile or other commercial unit that changes occupancy and locks or lock access codes shall ensure that all new keys are installed in the security box before opening for business.

**SECTION 2: EFFECTIVE DATE:** This ordinance shall take effect immediately upon adoption and publication as required by law.

**SECTION 3: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency 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: CODIFICATION:** This Ordinance shall be codified as indicated in Chapter III of the Upper Township Code.

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 **25<sup>TH</sup> DAY OF FEBRUARY, 2019** 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 **25<sup>TH</sup> DAY OF MARCH, 2019** 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: February 25, 2019

Publication: March 1, 2019

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: March 25, 2019

Final Adoption: March 25, 2019

Final Publication Date: March 28, 2019

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on March 25, 2019 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on March 28, 2019.

  
BARBARA L. YOUNG, Township Clerk