

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E**

**ORDINANCE NO. 009-2020**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER  
XIII (STREETS, SIDEWALKS AND SANITATION) OF THE CODE OF UPPER  
TOWNSHIP TO GRANT CONSENT AND PERMISSION TO OCEAN WIND LLC TO  
INSTALL ELECTRICAL CABLE SYSTEMS AND CONDUIT IN UPPER TOWNSHIP**

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**WHEREAS**, Upper Township (or the “Township”) hereby grants consent and permission to Ocean Wind LLC (“Ocean Wind”), a Delaware Limited Liability Company to install and maintain electrical cable systems and conduit in Upper Township as more particularly set forth below:

**WHEREAS**, Ocean Wind is a Qualified Offshore Wind Project (“QOWP”) pursuant to N.J.S.A. 48:3-87.1 *et seq.* presently seeking the municipal consent of the Township to permit said QOWP to install electrical cable systems and conduit in the Township as more particularly set forth below.

**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 13-4 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be added:

**13-4 GRANTING CONSENT AND PERMISSION TO OCEAN WIND LLC TO  
INSTALL ELECTRICAL CABLE SYSTEMS AND CONDUIT IN UPPER  
TOWNSHIP**

1. That perpetual consent and permission is given to Ocean Wind, its successors and assigns, without charge therefore, (except that fees for road opening permits shall be paid in accordance with Chapter 13-1.2) as the same may be required in order to permit Ocean Wind to place, replace, construct, reconstruct, install, reinstall, add to, extend, use, operate, inspect and maintain said electrical cable systems and conduit in the public property described herein. This shall include permission to lay said electrical cable systems and conduit beneath the public roads, streets and public property. The public property shall include all roads, streets and public places. The privilege granted herein shall include the construction, installation and maintenance of electrical cable systems and conduit, concrete encasements all equipment and apparatus required to energize and operate the cable systems and conduit and all appurtenances thereto on, in, below and along the roads of the Township as well as streets, parks and public places at all locations within the Township.

2. Ocean Wind shall comply with the requirements in Chapter 13-1.

3. That the consent granted herein shall be subject to the Ocean Wind complying with all applicable laws of the Township and/or the State of New Jersey including, but not limited to, any and all statutes and administrative agency rules and/or regulations.

4. The Mayor and the Clerk of the Township are authorized to execute the documents and agreements necessary to effectuate this municipal consent and to protect the rights of the public involved.

5. Each section, subsection, sentence, clause and the phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding

or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

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

**SECTION 2: EFFECTIVE DATE:** This ordinance shall take effect immediately upon the following 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 in the Upper Township Code at the sections referred to above.

ATTEST:

  
BARBARA L. YOUNG, Township Clerk

  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 28<sup>TH</sup> OF SEPTEMBER, 2020 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD EXCLUSIVELY BY ELECTRONIC MEANS, ON THE 26<sup>TH</sup> DAY OF OCTOBER, 2020 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: September 28, 2020

Publication: October 1, 2020

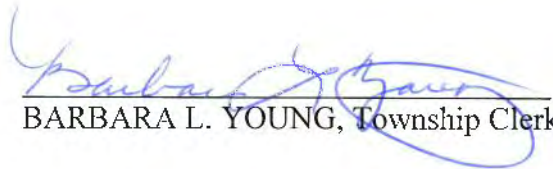
Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: October 26, 2020

Final Adoption: October 26, 2020

Final Publication Date: October 29, 2020

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on October 26, 2020 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on October 29, 2020.

  
BARBARA L. YOUNG, Township Clerk