

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 010-2022**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XII  
(CAMPGROUNDS AND TRAILERS), CHAPTER XIX (LAND SUBDIVISION, SITE  
PLAN AND LAND USE ADMINISTRATION) AND CHAPTER XX (ZONING) OF THE  
CODE OF UPPER TOWNSHIP**

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**WHEREAS**, the Township Committee of the Township of Upper desires to adopt an ordinance amending Chapters 12, 19 and 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, with respect to the requirements and regulations regarding campgrounds; and

**WHEREAS**, the Upper Township Planning Board, prior to the adoption of this ordinance, has reviewed and considered these proposed amendments to the Township ordinance and found that they are substantially consistent with the current Upper Township Master Plan.

**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 12 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Replace Section 12-1 PRIVATE CAMPGROUNDS CODE in its entirety as follows:

**12-1.1 Adoption of Code.**

Pursuant to the provisions of N.J.S.A. 40:49-5.1 et seq., the provisions of N.J.S.A. 26:1A-7, et seq., and the provisions of N.J.A.C. 5:10A, et seq., with the exceptions hereinafter set forth, filed in the Secretary of State's office is hereby accepted, and established as a standard to be used in determining whether campground dwellings, as well as their facilities, located in the Township are safe, sanitary and fit for human habitation and rental. The foregoing regulations, which shall be referred to herein as the code, shall apply to all campgrounds regardless of whether they are proprietary campgrounds as defined in the code.

**12-1.2 Public Record.**

Three copies of the code have been placed on file in the offices of the Township and are available to all persons desiring to use and examine the same.

**12-1.3 Amendments and Supplements to Code.**

a. Camping Cabins are not permitted. Camping Cabin shall be considered any permanent structure or modification of a recreational vehicle that has been done by permit from the construction office (ie replacement of roof and/or interior walls of the recreational vehicle).

b. **5:10A-2.2(b)** of the code shall be amended to include the following: Roads shall be not less than 70 feet from existing property lines or public highway right-of-ways.

c. **5:10A-2.2(d)** of the code shall be amended to read as follows: No campsite shall be less than 200 feet from any public highway right-of-way, nor less than 100 feet from any property line; provided, that where two campgrounds adjoin each other at a property line other than a public highway right-of-way, campsites shall be located no closer than 15 feet to the property line. Within these setbacks, a buffer of wooded or landscaped areas shall be maintained. No facility of any nature whatsoever shall be located within any such buffer zone, except; Administrative and recreational facilities may be located within that particular buffer zone through which the main entrance to the campground is made.

d. **5:10A-2.3(c)** of the code shall be amended to read as follows: Each campsite, including parking space shall provide a minimum of 1,500 square feet of space.

e. **5:10A-2.2(g)** of the code is hereby added as follows: Each campground shall contain a minimum of 20 acres of land.

#### 12-1.4 **Administration.**

The Township Committee is hereby designated as the administrative authority to issue all campground licenses and permits.

#### 12-1.5 **Conformity with Code Required.**

No person shall occupy as owner, occupant or rent to another for occupancy any camp dwelling, as well as its facilities, for the purpose of living therein which does not conform to the provisions of the “Public Campgrounds” and “Proprietary Campground Facility” established hereby pursuant to § 12-1.1 above as the standard to be used in determining whether a camp dwelling is safe, sanitary and fit for human habitation.

#### 12-1.6 **Duration of Permit.**

All permits or licenses issued for campgrounds shall expire annually on July 31, unless renewed by the Township Committee in accordance with this section. No permit or license shall be renewed until the Township Committee has received a statement from the Cape May County Board of Health that the campground complies with the requirements of this section and

all of the applicable New Jersey statutes, together with rules and regulations promulgated pursuant thereto.

**12-1.7 Fees.**

There shall be an annual charge for a permit for a campground in accordance with the following:

Application Fee: \$250 plus an additional fee for each campsite as set forth by Resolution of the Township Committee. In the absence of a Resolution of the Township Committee, the additional fee for each campsite shall be \$6.

**12-1.8 Period of Operation.**

Campgrounds shall be permitted to operate during the period from April 1 to November 1, inclusive, of each year. Campground facilities shall not be operated during any period of time other than specified herein.

**12-1.9 Storage; Violation.**

During those periods of time when the campground is not in operation, campers may be stored on the campsite, provided the vehicles are disconnected from servicing utilities and further provided that all additions to the camper, by way of temporary facilities such as screened porches, patios, and similar structures, reference to which is deemed to be way of illustration and not by way of limitation, shall be disassembled and removed. Violation of this section may be cause for the Township to refuse to renew the permit application for subsequent years, which may be in addition to any other penalty provided herein.

**12-1.10 County Board of Health Approval.**

No license shall be issued to any campground until such time as a certificate is obtained by the campground owner and filed with the Township Clerk from the Cape May County Board of Health, attesting that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**12-1.11 Inspection.**

The Township Engineer, Zoning Officer, Code Enforcement Officer, Township Health Officer, the Township Board of Health and the Township Committee or any of their members or their agents are hereby authorized to make inspection to determine whether the code is being violated and may enter into any campground to make any inspection.

**12-1.12 Penalty.**

Any person or persons, firms, association, partnership or corporation, violating any of the provisions of this section, shall be subject to a fine of \$1,000 per occurrence. Each separate

twenty-four-hour period during which a violation continues shall be deemed to be a separate and distinct violation of this section.

**SECTION 2.** Chapter 19 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Revise 19-4.2a **Jurisdiction as follows:**

a. Site Plan Review Required. Site plan review is required for any proposed development which includes:

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. Any mining, excavation, dumping or deposit of fill or dredge spoils, or landfill activities.
8. Any development, which includes any of the above items, shall obtain a final site plan approval of the development plan before any construction permit will be issued or before any clearing of trees or underbrush shall be done on the property, or before any change of use is allowed.
9. Throughout the Township there are campgrounds which are existing permitted nonconforming uses. Routine and customary modifications of existing individual campsites are not an expansion of use or structure. Notwithstanding any other provision of this Section 19-4.2a, site plan review shall not be required for any change to a campsite within an existing previously approved campground provided that the following conditions are met:

- (a) Placement of a recreational vehicle with an R.V.I.A. certification not exceeding 400 s.f. in size
- (b) Additions to the recreational vehicle limited to the following:
  - i. the addition or deck shall be constructed on permanent foundations.
  - ii. the addition shall not exceed 400 s.f. in size and the addition may include plumbing, heating, air conditioning and interior partitions; provided however the maximum width of the opening of the addition into the recreational vehicle is six (6) feet.
  - iii. a deck shall not exceed 200 s.f. in size and shall not be counted as part of 400 s.f. addition set forth in section 9(b) (ii). Awnings and canopies are permitted.
  - iv. the addition or deck shall be minimum of 10 feet from any adjacent recreational vehicle, addition or deck.

- v. the recreational vehicle and any enclosed addition shall comply with Chapter 18 Flood Damage Control.
  - vi. no addition, renovation or modification to the recreational vehicle is permitted which encapsulates the vehicle.
- (c) HUD units or mobile homes are not permitted.
  - (d) The existing boundary of the campsite is not expanded and no new campsites are proposed.
  - (e) Only one shed is permitted on each campsite and shall be less than 100 s.f. and 12 feet high.
  - (f) Except for the foregoing, all new construction, expansion or change of the existing facility or use of a campground shall require site plan review (and variance relief, if applicable).
  - (g) Campground owner shall submit zoning permit showing compliance with this Section for any new park models, additions, deck or placement of sheds.
  - (h) The Township Engineer and Zoning Officer must certify the aforementioned items have been submitted and are in compliance with this Section.

10. Notwithstanding any other provision of this Section 19-4.2a, the foregoing, site plan review shall not be required for any construction project undertaken by the Township of Upper on property which is owned by the Township or on which the Township is the lessee, provided that the following conditions are met:

- (a) The Township property is located in a zone district wherein such use is a permitted use; and
- (b) The Township Engineer either prepares or approves any engineering plans, plot plans, or surveys which are involved in such proposed construction and provided further that the Township Engineer files a copy of any such engineering plans with the Secretary of the Planning Board and with the Township Clerk, together with the Engineer's Certification, under seal, that the proposed construction project complies, with the site plan requirements of the Township of Upper.
- (c) A notice is given to all property owners within 200 feet of the project by certified mail, return receipt requested. Such notice shall be given at least 10 days prior to the application for a construction permit. Provided that the Township makes a bona fide good faith effort to comply with this section, the inadvertent failure to give such notice to one or more property owners shall not void the application for a construction permit.

**SECTION 3.** Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

**Revise Section 20-6.4f Conditional Uses. Special Requirements of Primitive Campgrounds as follows:**

1. Definition. A Primitive Campground is defined as a recreational facility designed, intended and used for transient overnight stays in tents, campers or recreational vehicles with no utility hookups on site and passive accessory uses only.

2. Applicability. Campgrounds are a prohibited use in all zoning districts except that primitive campgrounds are a permitted conditional use in the Conservation Zone subject to the regulations in this section.

3. Area and Dimensional Requirements.

Primitive Campgrounds Without Utility Connections.

Minimum tract size	40 acres
Minimum lot frontage and width	500 feet
Minimum campsite area	10,000 square feet
Minimum campsite dimensions	100 feet by 100 feet
Maximum gross density (campsites/total acreage)	2 campsites/acre

At least the first 100 feet adjoining any lot line shall not be used for campsites or recreation areas and this buffer area shall be maintained with existing dense vegetation or planted with native species to provide a dense evergreen buffer from adjoining lands.

No less than 40% of the total tract area shall be maintained as open space and recreation areas, which may include required buffer areas. In the case of phased development, this open space requirement shall be met with each phase of the development.

4. Campsite Maintenance. Each campsite occupant and/or owner shall be responsible for maintenance of the campsite in clean and orderly condition, and shall not permit trash and debris to accumulate on the campsite. No hazard to the health, safety and welfare of persons or property at or near the campsite shall be permitted by the owner and/or occupant.

5. Common Area Maintenance. The owner(s) and/or manager(s) of any common facilities within a campground shall maintain all such facilities in clean, safe and operable condition, and shall insure that no hazard to the health, safety or welfare of persons or property is allowed to develop on the premises.

6. Required Safety Facilities. In addition to standards specified in the Uniform Construction Code regarding plumbing and electrical work, each campground shall provide at least one fire hydrant for every 50 campsites. Such hydrants shall be capable of delivering an appropriate rate-of-flow and shall be so located as to provide optimal protection for all campsites and common facilities as determined by the local Fire Chief. Alternative fire protection measures may be employed at the suggestion of the local Fire Chief.

7. Required Bathhouse Facility. Each campground shall have at least one permanent structure housing restrooms and shower facilities, and such additional facilities as needed to service the campground.

8. Required Solid Waste Management Facilities. Each campground shall provide solid waste containers at permanent locations and in sufficient numbers to accommodate the solid waste generated by the campground. Such solid waste facilities shall be maintained in clean and workable condition, and shall not be allowed to regularly overflow or constitute a health or safety hazard. Trash removal and legal disposal shall be the responsibility of the campground owners.

9. Limits of Occupancy. Primitive campgrounds shall not be occupied during the period from November 1 through April 1, except by resident management residing in one permanent year-round housing unit. Campers may be stored on site between November 1 and April 1 provided the vehicles are disconnected from servicing utilities and further provided that any temporary structures associated with seasonal occupancy are completely disassembled.

10. Site Plan Review Required. Every new or expanded primitive campground in the Township shall be subject to site plan review and approval by the Planning Board pursuant to the requirements of this chapter. Such site plan shall show the location of each campsite and all required facilities, improvements and open space to be constructed or already in existence. Site plan documentation shall include a vegetation and landscape plan which identifies wooded areas by vegetation type and areas of significant shrub growth or specimen trees. Supplemental landscaping, where required by the Planning Board shall also be shown on the vegetation and landscape plan.

No site plan approval for a campground shall be granted until all necessary and appropriate permits have been granted by any other agencies having jurisdiction including, but not limited to, the New Jersey Department of Health and the New Jersey Department of Environmental Protection.

11. Development Prohibited in Wetlands. No development shall be permitted on wetland soils as defined in § 20-2, and no development shall be permitted within 50 feet of any area defined as wetlands.

**SECTION 4: EFFECTIVE DATE:** This ordinance shall take effect immediately upon the following publication as required by law.

**SECTION 5: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 6: 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 7: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:

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BARBARA L. YOUNG, Township Clerk

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Curtis T. Corson, Jr., 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> DAY OF MARCH, 2022, WAS AMENDED BY THE TOWNSHIP COMMITTEE AT A PUBLIC MEETING HELD ON THE 13<sup>th</sup> DAY OF JUNE, 2022, 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 27<sup>th</sup> DAY OF JUNE, 2022 AT 6:30 P.M. AT TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 28, 2022

Publication: April 4, 2022

Newspaper(s): The Press of Atlantic City

Amended: June 13, 2022

Publication of Amendment: June 20, 2022

Second Reading & Public Hearing: June 27, 2022

Final Adoption: June 27, 2022

Final Publication Date: July 1, 2022

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on June 27, 2022 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on July 1, 2022.

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BARBARA L. YOUNG, Township Clerk