

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 019-2022

**AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III
(POLICE REGULATIONS), CHAPTER VI (ALCOHOLIC BEVERAGE CONTROL),
AND CHAPTER XXVI (USE OF TOWNSHIP FACILITIES) OF THE CODE OF
UPPER TOWNSHIP**

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 3, Section 13.2, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

**3-13 PUBLIC DISPLAY AND CONSUMPTION OF ALCOHOLIC
BEVERAGES PROHIBITED.**

Add the following to Section 3-13.2:

3-13.2 Exceptions.

In addition, nothing contained in this section shall apply to any person or persons attending an event in which the sale and consumption of alcoholic beverages is authorized by resolution of the Township Committee pursuant to Chapter 6, Section 6-7 of this Code.

SECTION 2: Chapter 6, Section 6-7 is hereby added to the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township:

6 ALCOHOLIC BEVERAGE CONTROL.

Add the following to Chapter 6:

6-7 Temporary Permits.

The Township Committee, by resolution, may permit the sale and consumption of alcoholic beverages on Township lands, including public parks, on a one-day permit basis as provided in N.J.S.A. 33:1-74 or on a catering permit basis as provided by regulation or rule of the New Jersey Division of Alcoholic Beverage Control.

SECTION 3: Chapter 26, Section 3.7, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

26-3 REQUIREMENT FOR USE OF FACILITIES.

Add the following to Section 26-3.7:

26-3.7 Use Restrictions.

The prohibition on the use of alcohol shall not apply to any person or persons attending a special event in which the sale and consumption of alcoholic beverages is authorized by resolution of the Township Committee pursuant to Chapter 6, Section 6-7 of this Code.

SECTION 4. REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 5. 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 6. EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

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

ATTEST:

BARBARA L. YOUNG, Township Clerk

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 25TH DAY OF JULY, 2022 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 22ND DAY OF AUGUST, 2022 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: July 25, 2022

Publication: July 29, 2022

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: August 22, 2022

Final Adoption: August 22, 2022

Final Publication Date: August 29, 2022

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on August 22, 2022 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on August 29, 2022.

BARBARA L. YOUNG, Township Clerk