

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 027-2022

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III
(POLICE REGULATIONS) AND CHAPTER VII (TRAFFIC) OF THE CODE OF
UPPER TOWNSHIP**

WHEREAS, Township Committee requested the Upper Township Planning Board to make recommendations for revised ordinances for several quality-of-life issues and elements to comply with the Plan Endorsement’s Planning and Implementation Agenda; and

WHEREAS, on July 21, 2022, the Upper Township Planning Board had a general discussion about the request from Township Committee and appointed a subcommittee to develop revisions to the Township ordinance; and

WHEREAS, after several subcommittee meetings the proposed revisions were presented at the September 15, 2022 Planning Board meeting and the Planning Board made a recommendation to forward the proposed revisions to Township Committee for consideration; and

WHEREAS, the Township Committee, after review of Planning Board Special Resolution 04-2022, agrees that Chapter III and VII of the Code of Upper Township should be amended as recommended by the Upper Township Planning Board.

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 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:

Add the following to Section 3-17.3 Determination of Unreasonable or Unnecessary Noise

- g. Restricted uses and activities. The following standards shall apply to the activities or sources of sound set forth below:
1. Power tools, home-maintenance tools, landscaping and/or yard-maintenance equipment, excluding emergency work, used by a residential property owner or tenant, shall not be operated before 7:00 a.m. or after 9:00 p.m. Monday through Saturday or before 9:00 a.m. or after 6:00 p.m. on Sunday. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device consistent with the original manufacturer specifications for such motorized equipment.
 2. Power tools, landscaping and/or yard-maintenance equipment used by nonresidential operators (i.e., commercial operators), excluding emergency work, shall not be operated on a residential, commercial, or industrial property during the following hours:

Labor Day through Memorial Day (Exclusive):

Monday through Saturday, all Zones: Before 7:00 a.m. or after 7:00 p.m.

Sunday, all Zones: Before 9:00 a.m. or after 6:00 p.m.

Memorial Day through Labor Day (Inclusive):

Monday through Saturday, Resort Residential (RR) and Resort Commercial (RC) Zones:
Before 8:00 a.m. or after 6:00 p.m.

Monday through Saturday, all other Zones: Before 7:00 a.m. or after 9:00 p.m.

Sunday, all Zones: Before 9:00 a.m. or after 6:00 p.m.

All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device consistent with the manufacturer specifications for such motorized equipment.

3. All construction and demolition activity, excluding emergency work, roadway work authorized by the Township, N.J. Department of Transportation or the County of Cape May, or beachfill operations authorized by the U.S. Army Corps of Engineers or N.J. Department of Environmental Protection, shall not be performed before 7:00 a.m. or after 9:00 p.m. Monday through Saturday, before 9:00 a.m. or after 6:00 p.m. on Sunday, or, in the Resort Residential (RR) and Resort Commercial (RC) Zones between Memorial Day and Labor Day, before 8:00 a.m. or after 6:00 p.m. Monday through Saturday or at any time on Sunday. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound-reduction device consistent with the manufacturer specifications for such motorized equipment.
4. Collection of solid waste and/or recycling shall not be performed between the hours of 6:00 p.m. and 6:00 a.m.

SECTION 2. Chapter 7 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:

Add the following to Section 7-14 ELECTICAL VEHICLE SUPPLY PARKING.

- a. Publicly-accessible Electric Vehicle Supply/Service Equipment (EVSE) shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space, or any electric vehicle parked and not connected to the EVSE or any electric vehicle parked longer than the posted time limit shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of section 7-20. Signage indicating the penalties for violations shall comply with Section 20-5.7d.

SECTION 3: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following publication as required by law.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency 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: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:

JOANNE R. HERRON, Deputy Clerk

CURTIS T. CORSON, Jr., Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR A FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11th DAY OF OCTOBER, 2022, AND A NOTICE WAS PUBLISHED FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING HELD ON THE 14th DAY OF NOVEMBER, 2022, DURING WHICH TIME AN AMENDMENT TO THE ORDINANCE WAS APPROVED AND THE ORDINANCE, AS AMENDED, 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 12th DAY OF DECEMBER, 2022 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: October 11, 2022

Publication: October 14, 2022

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: November 14, 2022

Approval of Amendment: November 14, 2022

Publication of Amendment: December 9, 2022

Second Public Hearing: December 12, 2022

Final Adoption: December 12, 2022

Final Publication Date: December 15, 2022

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on December 12, 2022 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on December 15, 2022.

JOANNE R. HERRON, Township Clerk