

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 003-2023**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER III (POLICE REGULATIONS) AND CHAPTER X (BUILDING AND  
HOUSING) 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 3 of the Revised General Ordinance of the Township of  
Upper, also known as the Code of Upper Township, shall be amended and supplemented as  
hereinafter provided:

**3-17.3 Determination of Unreasonable or Unnecessary Noise.**

**Revise and replace the following in Section 3-17.3(g)(2):**

1. 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 Zones except RR and RC: Before 7:00 a.m. or after 9:00  
p.m.

Sunday and Official Holidays, RR and RC Zones: no work is permitted.

Sunday, all Zones except RR and RC: 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.

**Revise and replace the following in Section 3-17.3(g)(3):**

2. 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 during the following hours:

Labor Day through Memorial Day (Exclusive):

Monday through Saturday, all 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.

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 Zones except RR and RC: Before 7:00 a.m. or after 9:00  
p.m.

Sunday and Official Holidays, RR and RC Zones: no work is permitted.

Sunday, all Zones except RR and RC: Before 9:00 a.m. or after 6:00 p.m.

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. The Township Committee may authorize construction and demolition activities outside of the normally permitted hours subject to such conditions as may be imposed by the Township Committee.

**SECTION 2.** Chapter 10, Section 6.6, 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:

**10-6.6 Restrictions on Pile Installation and Building Demolition Activity.**

**Revise and replace the following in Section 10-6.6:**

Pile installation and demolition activity shall only be permitted within the Township of Upper in accordance with Section 3-17.3(g)(3).

**SECTION 3: 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 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: EFFECTIVE DATE:** This Ordinance shall take effect upon final adoption and publication as required by law.

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

ATTEST:

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JOANNE R. HERRON, Township Clerk

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JAY NEWMAN, 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 13<sup>TH</sup> DAY OF FEBRUARY, 2023 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 13<sup>TH</sup> DAY OF MARCH, 2023 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER