

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

**ORDINANCE NO. 010-2023**

**RE: AN ORDINANCE ESTABLISHING MANDATORY DIRECT DEPOSIT OF NET  
PAY FOR EMPLOYEES OF THE TOWNSHIP OF UPPER**

---

**WHEREAS**, Section 3 of P.L. 2013, c.28, authorized municipalities and counties to adopt an ordinance to provide for the mandatory direct deposit of net pay for all employees; and

**WHEREAS**, P.L. 2013, c.28, further permits that municipalities may grant exemptions as deemed necessary, such as for seasonal and temporary employees; and

**WHEREAS**, the Township Committee of the Township of Upper desires to adopt an ordinance adopting such mandatory direct deposit for employees as authorized by P.L. 2013, c.28.

**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 5 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 Section 5-14 - DIRECT DEPOSIT

1. All permanent employees and elected public officials who receive compensation from the Township of Upper are mandated to have direct deposit of their net pay effective June 1<sup>st</sup> 2023, in accordance with Chapter 28, P.L. 2013.
2. "Net Pay" shall include weekly pay and other forms of payment, including but not limited to, retroactivity of wages, clothing and uniform allowances, health benefit buyouts, compensatory time buyouts and final payments to employees separating employment, etc.
3. Seasonal and temporary employees who are employed by the Township of Upper may be exempt from the direct deposit mandate set forth herein, upon their request for said exemption to the Township of Upper, Administrator. Such requests shall be made in writing and will be presented to the Township Committee within thirty (30) days of said request. The Township Committee may grant such an exemption by resolution and only for good cause.

**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**SECTION 3: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.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:

\_\_\_\_\_  
Joanne R. Herron, Township Clerk

\_\_\_\_\_  
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 24<sup>TH</sup> DAY OF APRIL, 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 22<sup>ND</sup> DAY OF MAY, 2023 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: April 24, 2023

Publication: May 1, 2023

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: May 22, 2023

Final Adoption: May 22, 2023

Final Publication Date: May 27, 2023

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on May 22, 2023 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on May 27, 2023.

---

JOANNE R. HERRON, Township Clerk