

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 011-2023

RE: AN ORDINANCE ESTABLISHING FEES FOR MUNICIPAL SERVICES

WHEREAS, occasionally business owners in the Township of Upper (the “Township”) have a need for additional municipal services in connection with special events and business operations in the Township in order to better serve the Township’s residents and for promoting public health, safety and welfare; and

WHEREAS, the Township desires to establish an application process and a fee schedule which provides for the Township to be reimbursed in the event said services are provided.

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. A new Chapter 28 is hereby established in the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, titled “USE OF TOWNSHIP PERSONNEL, VEHICLES AND/OR EQUIPMENT” as hereinafter provided:

§ 28.1 – PURPOSE

The purpose of this chapter is to establish a process whereby business owners and the Township can utilize municipal personnel, vehicles and/or equipment for additional municipal services needed in connection with special events related to business operations in order to better serve the Townships residents and in connection with the promotion of public health safety and welfare.

§ 28.2 – APPLICATION

Upon application to the Township Committee and payment of the appropriate fee, as specified herein, an event support permit may be issued. Said permit shall allow for municipal services to be provided at private events which impact the public health, safety, or welfare of the Township residents. Application shall be made by letter to the Township Clerk no fewer than ten (10) days from the date of the event, specifying the nature of the event, the municipal services needed, and the hours to be worked. It shall be solely within the discretion of the Townships Administrator to authorize the provision of municipal support based on the availability of personnel, vehicles and/or equipment, and the nature of the event. An application fee in the amount of \$75.00 shall be submitted with the request for additional municipal services.

§ 28.3 – PERSONNEL, VEHICLE AND/OR EQUIPMENT FEES

- a. The personnel labor fees pursuant to this chapter shall be set by Resolution of the Township Committee from time to time. The initial fees, unless otherwise modified by Resolution, shall be as follows:

<u>Personnel</u>	<u>Fee</u>
Public Works Supervisor	\$133.00/hour
Public Works Staff	\$101.00/hour
EMS Supervisor	\$122.00/hour
EMS Staff	\$ 91.00/hour
Beach Patrol Supervisor	\$ 66.00/hour
Beach Patrol Staff	\$ 43.00/hour
Parking & Code Enforcement Officer	\$ 39.00/hour

- b. The Township Committee shall also establish per hour fees for the use of Township vehicles and/or equipment for any such special events, which fees may be set from time to time by a resolution of the Township Committee. The initial fees, unless otherwise modified by Resolution, shall be as follows:

<u>Equipment</u>	<u>Fee</u>
Ford Explorer	\$ 18.75/hour

- c. The fees above or as otherwise established shall be on a per hour basis, including any portion of an hour as required by the business owner.
- d. Personnel labor fees set forth in section a., or as otherwise established, shall include an allocation for overhead and are in excess of the rates actually paid to employees.
- e. The Township shall determine, based on the availability, the number of personnel, vehicles and/or equipment to be provided for each special event request.

§ 27.4 PERMITS REQUIRED; VIOLATION

- a. This Section shall only apply to Township support of private events on private property. All events held on public property shall be subject to the terms and conditions of Chapter 26 of the Township Code.
- b. All special events held within the Township must be held in accordance with all applicable Township Ordinances as well as State and Federal law.
- c. The group, organization, and/or promoter for any special events shall indemnify and hold harmless the Township, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the event, and must execute indemnification forms provided by the Township upon application.
- d. The business owner or other person requesting the additional personnel, vehicle and/or equipment services shall also be required to provide a Certificate of Insurance which will name the Township and its employees and agents as additional insured for all events in which the municipal services are provided hereunder.

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 10TH DAY OF JULY, 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 14TH DAY OF AUGUST, 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

Legislative History:

Introduced: July 10, 2023

Publication: July 15, 2023

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: August 14, 2023

Final Adoption: August 14, 2023

Final Publication Date: August 19, 2023

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on August 14, 2023 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on August 19, 2023.

JOANNE R. HERRON, Township Clerk