

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

ORDINANCE NO. 016-2023

**RE: AN ORDINANCE AMENDING CHAPTER 24 (SOLID WASTE AND
RECYCLABLES) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee of the Township of Upper desires to adopt an ordinance amending Chapter 24 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, by amending Section 24-4.3 with respect to violations and penalties.

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 24, Section 24-4.3(a) and (c) 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:

Replace Section 24-4.3 (a) and (c) in its entirety with the following:

SECTION 24-4 DUMPING AND LITTERING PROHIBITED

24-4.3 Penalty; Reward.

- a. For any violation of this Section, in accordance with N.J.S.A. 40:49-5, the maximum penalty upon conviction of a violation, shall be a fine not exceeding \$10,000.00, with a minimum of not less than \$2,500.00, plus the cost of clean-up and proper disposal in an approved landfill of the material illegally disposed of and/or imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days at the discretion of the Township Municipal Court Judge.

Every day upon which a violation of this section shall continue to exist shall be deemed a separate and distinct offense.

- c. Any person or persons assisting in the conviction of a violator of this section, either through the signing of a complaint, the giving of testimony in Court, or other significant assistance of the enforcement authorities thereof, resulting in conviction, shall receive a reward of \$1,000.00. The Township Committee is authorized to adopt rules and regulations for the payment of such rewards and to determine criteria and standards of eligibility by resolution.

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SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.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 23RD DAY OF OCTOBER, 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 13TH DAY OF NOVEMBER, 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: October 23, 2023

Publication: October 28, 2023

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: November 13, 2023

Final Adoption: November 13, 2023

Final Publication Date: November 18, 2023

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on November 13, 2023 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on November 18, 2023.

JOANNE R. HERRON, Township Clerk