

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

ORDINANCE NO. 017-2023

**RE: AN ORDINANCE AMENDING CHAPTER 11 (PROPERTY MAINTENANCE)
OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee of the Township of Upper desires to adopt an ordinance amending Chapter 11 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, by amending Section 11-1.2 with respect to the definition of an inoperable vehicle and Section 11-1.14(a).

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 11 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 the following in Section 11-1.2:

SECTION 11-1.2 DEFINITIONS.

INOPERABLE VEHICLE Shall mean any vehicle on which one or more of the following conditions are present: the engine, wheels or other parts have been removed, altered or damaged with flat tires or allowed to deteriorate to the point where the vehicle cannot be driven, including growth of mold or vegetation on or in the vehicle, the vehicle is stationary for more than fifteen (15) consecutive days, is surrounded by tall grass, contains no license tags or has an expired inspection sticker. This presumption may be rebutted by evidence that refutes the vehicle's inoperability.

Replace Section 11-1.14 (a) in its entirety with the following:

SECTION 11-1.14 MOTOR VEHICLES, TRAILERS, BOATS, RV'S AND ATV'S.

- a. Except as provided for in other regulations, no unregistered or inoperable motor vehicle, trailer, boat, recreational vehicle, heavy equipment or ATV shall be parked, kept or stored on any exterior premises, and no vehicle or similar apparatus or equipment shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Notwithstanding the foregoing, an owner or occupant shall be permitted to keep up to three unregistered or inoperable motor vehicles, or parts thereof, in the exterior rear yard of a premises provided such motor vehicles are part of an ongoing restoration process, the activity and use complies with Chapters 19 and 20, the motor vehicles are not located within the setback lines of the property, the motor vehicles are screened from view by neighboring properties and there exists no environmental or other hazard associated with such motor vehicles.

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