

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 011-2024**

**RE: AN ORDINANCE AMENDING CHAPTER 3 (POLICE REGULATIONS),  
CHAPTER 7 (TRAFFIC), AND CHAPTER 7A (TRAFFIC SCHEDULES)  
OF THE CODE OF UPPER TOWNSHIP**

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**WHEREAS**, the Township desires to amend various parking regulations of the Code of Upper Township as contained herein.

**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, Sections 8 and 9 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be deleted in their entirety and replaced with *Reserved*.

**SECTION 2.** Chapter 7 (entitled “Traffic”) 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 Chapter 7, Section 17 in its entirety with the following:***

**7-17 PARKING NEAR CROSSWALKS, INTERSECTIONS, STOP SIGNS, AND DRIVEWAYS IN STRATHMERE.**

1. Within the confines of Strathmere, except where necessary to avoid conflict with other traffic or in compliance with the directions of a traffic of police officer or traffic sign or signal and except in a school zone during hours when school is in session, no operator of a vehicle shall stand or park the vehicle in any of the following places:
  - a. Within five (5) feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys;
  - b. Within twenty-five (25) feet of a stop sign.
2. In accordance with N.J.S.A. 39:4-138d & 39:4-138.3 the parking of motor vehicles is permitted in front of private driveways under the following conditions:
  - a. Whenever both the motor vehicle and driveway involved are owned by the same person, or the motor vehicle is owned by a member of the same household as the owner of the private driveway, or whenever the owner of the private driveway authorizes the parking of a motor vehicle in front of the private driveway; and
  - b. Where such parking is not otherwise prohibited and will not interfere with the normal flow of traffic.

***Add the following to Chapter 7, Section 18:***

**7-18 PARKING OF VEHICLES ON CERTAIN TOWNSHIP STREETS PROHIBITED**

**7-18.1. Parking Prohibited.**

No person shall park, or cause to be parked, any commercial motor vehicle, noncommercial truck, truck, omnibus, school bus, pole trailer, trailer, or recreational vehicle with a gross vehicle weight of four tons or more, or any camper, recreational vehicle, boat or utility trailer, regardless of weight, on any Township street at any time.

**7-18.2. Exception.**

The provisions of Subsection 7-18.1 hereof shall not apply to any vehicle engaged in making local deliveries, nor shall it apply to any motor vehicle parked at any construction site during the actual time of construction.

**7-18.3. Person Defined.**

The term "person" shall have the same meaning and definition as that contained in N.J.S.A. 39:1-1 and shall include natural persons, firms, co-partnerships, associations, and corporations.

**7-18.4. Other Terms Defined.**

All terms contained in Subsection 7-18.1 hereof shall have the same meaning and definition as that contained in N.J.S.A. 39:1-1 as the same may be amended and supplemented from time to time.

**7-18.5. Signs to be Posted.**

Signs setting forth this parking prohibition of a size and format approved by the State Commissioner of Transportation shall be erected at each vehicular entrance to the Township of Upper.

*Add the following to Chapter 7, Section 19:*

**7-19. FIRE OR EMERGENCY ZONES OR LANES.**

**7-19.1. Definition.**

For purposes of this section, "shopping center" shall have the same definition or meaning as that contained in the Zoning Ordinance of the Township as the same may from time to time be amended and supplemented.

**7-19.2. Fire or Emergency Zone Required.**

Every shopping center in Upper Township with a parking capacity in excess of 100 vehicles shall be required to maintain a fire zone or emergency vehicle zone in conformance with the provisions of this section.

**7-19.3. Requirements.**

The fire or emergency zone shall be a strip of the parking area running parallel with the structure and no less than 25 feet in width, measured from the curb line nearest the center's commercial establishments into the parking area, and extending the entire length of the commercial structures. This provision does not apply to any building or structure which is free-standing or not otherwise connected to or with any other building or structure by means of any common walls or otherwise.

**7-19.4. Markings and Lines.**

The zone shall be suitably marked and lined, in accordance with standards promulgated by the Township's emergency management department. It shall be the responsibility of the shopping center owner to provide the appropriate designations and lining.

**7-19.5. No Parking in Fire or Emergency Zone.**

No parking shall be permitted in any fire or emergency zone. The shopping center owner shall cause "No Parking" signs to be erected along the zone, and to otherwise designate the zone as a no parking area as required by the Township.

**7-19.6. Violator's Vehicles May Be Removed by Police.**

Any vehicle parked or standing in violation of this section, in a fire or emergency zone, shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer or sheriff's officer may provide for the removal of such vehicle. The owner or operator of the vehicle shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

*Add the following to Chapter 7, Section 20:*

**7-20.1 Mandatory Penalties for Traffic Violations**

<b>Code Section</b>	<b>Description</b>	<b>Penalty</b>
<b>7-18</b>	Parking of Vehicles on certain Township Streets Prohibited	<b>\$50</b>
<b>7-19</b>	Fire or Emergency Zones or Lanes	<b>\$50</b>

**SECTION 3.** Chapter 7A (entitled “Traffic Schedules”) 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 schedules in their entirety:

**SCHEDULE I – NO PARKING**

**SCHEDULE III – NO STOPPING OR STANDING**

**SCHEDULE IV – TIME LIMITED PARKING**

**SCHEDULE VIII – STOP INTERSECTIONS**

**SCHEDULE X – LOADING ZONES**

**SCHEDULE XX - RESTRICTED PARKING AT PUBLIC RECREATION  
AREAS AND TOWNSHIP RECREATIONAL FACILITIES**

**SECTION 4: EFFECTIVE DATE:** This ordinance shall take effect immediately upon the following publication as required by law.

**SECTION 5: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 6: 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 7: 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, Twp. 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 10<sup>TH</sup> DAY OF JUNE, 2024 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 22<sup>ND</sup> DAY OF JULY, 2024 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER