

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 009-2026

**RE: AN ORDINANCE AMENDING CHAPTER 7 (TRAFFIC)
OF THE CODE OF UPPER TOWNSHIP**

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 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 3.7 in its entirety with the following:

7-3.7 LICENSED VEHICLES ONLY.

Unless authorized otherwise by Township Ordinance, the parking of anything other than a licensed vehicle on public streets or alleys shall be unlawful and a violation of this chapter.

Add the following section to Chapter 7:

7-3.9 ROLL-OFF CONTAINER REGULATIONS.

7-3.9.1 Definitions.

Roll-Off Container shall be defined as any large waste or refuse container, whether containing an open or closed top, that is used for temporary storage of personal property or temporary storage of waste disposal.

7-3.9.2 Parking Requirements for Roll-Off Containers.

- a. No person shall park or leave unattended any roll-off container on or along any roadway or right of way located within the Township of Upper without first obtaining a permit for parking from the Township Construction Office. The permit application must indicate the exact location and the length of time requested for parking. Upon recommendation of the Township Engineer, the Township Construction Office may issue a permit for a specific space for a maximum of 30 days.
- b. Permit Fees and Duration:
 1. The fee for the issuance of any such permit is hereby fixed at one hundred dollars (\$100.00), which amount may be amended from time to time by resolution duly adopted by the Township Committee.
 2. Permits may be renewed for additional thirty day periods up to a maximum of 180 days.
 3. Upon expiration of any permit, a new permit is required for the container to continue to be parked on any roadway or right of way.
- c. Safety and Placement Standards:
 1. Permittees must adhere to specific parameters including the maintenance of sight triangles, maintenance of ADA compliant sidewalks, and providing clear sidewalk width for pedestrians.
 2. Containers must display yellow reflective diamond shaped panels at least eighteen inches by eighteen inches.
 3. Panels must be mounted at the edge of the container at both ends nearest the path of passing vehicles and facing oncoming traffic.
 4. Markers shall have a minimum mounting height of three feet from the bottom of the panels to the roadway surface.

5. Wood blocks or metal plates must be installed between the container and the street to prevent damage to the underlying surface.
 6. All containers must be covered at all times when not in active use, including those situated on private property.
- d. Maintenance and Enforcement:
1. No leakage or odors shall be released from the container while situated on a roadway or right of way.
 2. Any debris released must be cleared immediately upon removal of the container.
 3. Any roll off container parked or standing in violation of this section is declared a nuisance and a menace to the safe and proper regulation of traffic.
 4. Any person convicted of a violation of this section shall pay a fine of one hundred dollars (\$100.00) for each violation.
 5. Upon a second or subsequent violation not remedied within three days of receipt of notice, the Township may remove the container.
 6. The permittee shall be charged the actual and reasonable costs of relocation and storage incurred by the Township.
 7. The requirements of N.J.S.A. 27:5I-1 are incorporated herein by reference.
- e. Appeals and Denials:
1. The Township Construction Office may deny an application upon the recommendation of the Township Engineer if denial is in the best interest of public health, safety, or traffic circulation.
 2. Any denial may be appealed to the Township Committee for a hearing.

7-3.9.3 Exemptions to Parking Requirements.

The Township of Upper is exempted from these requirements when utilizing roll off containers for governmental or public use. In the event of an emergency, the responsible party shall apply for a permit as promptly as possible and will not be liable for a violation if the Code Enforcement Official deems the emergent need reasonable and necessary.

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.

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 MARCH, 2026, 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 HELD ON THE 27TH DAY OF APRIL, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER