

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

**ORDINANCE NO. 011-2026**

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

---

**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:

**11-1.2 – Definitions** shall be revised to add the following definition to this section:

**MAINTENANCE VERGE** – Shall mean the area between the private property line and the physical edge of the improved roadway infrastructure (curb, pavement, or gravel shoulder).

**11-1.3 – Duty to Maintain Premises**

a. It shall be the duty of the owner, lessee, tenant, occupant and/or person in charge of any structure or property to maintain the property, as well as the maintenance verge adjacent to such property, in strict conformance with this section. The owner of the premises shall maintain the structures and exterior property, including the maintenance verge, in compliance with these requirements.

b. For purposes of maintenance of the maintenance verge, the responsible property owner of an adjacent parcel may permit the continued growth of any mature trees that exist in the maintenance verge, but any trees that are dead, diseased, or otherwise considered hazardous to the property owner and/or the general public shall be required to be removed and/or remediated by the adjacent property owner upon notice by the Code Enforcement Official. It shall be further required that any vegetations located within the maintenance verge that overhands a roadway provide a minimum vertical clearance of fourteen (14') feet above the roadway surface in order to ensure unobstructed passage for emergency and municipal vehicles.

c. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this section.

d. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

e. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or occupied spaces of the building. All exterior surface materials, including wood, composite, metal, stucco, vinyl or other materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

f. The roof shall be structurally sound, tight and not have defects which might admit rain. Roof drainage, gutters and downspouts shall be adequate and in good working order and shall not discharge in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.

g. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of pests, animals, rain and surface drainage water into the structure.

#### **11-1.6 – Vacant Structures and Land**

All vacant structures and premises thereof or vacant land, including the maintenance verge immediately adjacent to such vacant land, shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or general welfare of the surrounding property owners, the neighborhood, or the community as a whole.

#### **11.1.7 – Exterior Property Areas**

All exterior property and premises, including the maintenance verge immediately adjacent to any property, shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

#### **11-1.9 - Grass, Plant Growth, Weeds and Debris.**

a. All premises and exterior property shall be maintained free from plant growth in excess of forty-eight (48”) inches in height. Plant growth shall be defined as hedges, trees, shrubs, cultivated flowers and gardens. All noxious weeds shall be prohibited. Grasses and garden weeds shall not be permitted to exceed ten (10”) inches in height. This prohibition against grasses, weeds, and plant growth in excess of the above-referenced height restrictions shall not apply to undeveloped wooded tracts or fields utilized for farming or residential agriculture. All premises and exterior property, including the maintenance verge adjacent to any property, shall also be maintained free from brush, dying trees, filth, garbage, trash, and debris. Upon failure of the owner or agent having charge of a property to abate a violation within ten (10) calendar days after notice to remove or destroy same, he or she shall be subject to prosecution in accordance with subsection 11-1.16 of this Chapter, including the abatement or removal of the violation by the Township.

Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property, and/or maintenance verge adjacent to a property, that is in violation of this section and cut and destroy the weeds and/or plant growth growing thereon, and the costs of such removal, plus a twenty (20%) percent administrative fee, shall be paid by the owner or agent responsible for the property and/or maintenance verge adjacent to the property.

b. Any, and all, plant growth, and/or other permitted objects maintained on any corner property and which are situated within a site triangle that is required to be maintained for the safety of pedestrians, bikers, and/or motorists shall not be permitted to exceed a maximum permitted height of thirty (30") inches for any fences and/or any permitted items identified in subsection a., above, unless otherwise permitted through land use approvals issued by the Township of Upper Planning Board and any other applicable governmental entity having jurisdiction over such application. Grasses and garden weeds located within a site triangle on any corner property shall be required to adhere to the maximum height requirements for grass and garden weeds set forth in subparagraph (a), above.

c. Each separate twenty-four (24) hour period during which a violation of this section continues shall be deemed to be a separate and distinct violation of this 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 ("RV"), 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.

b. No person, firm or corporation shall park or store any unregistered or inoperable motor vehicle, trailer, boat, jet ski, recreational vehicle, heavy equipment, RV, or ATV on any street within the limits of Upper Township. In addition, no registered trailer that is not attached to a registered motor vehicle shall be parked or stored on any street within the limits of Upper Township.

c. Registered, operable motor vehicles, trailers, boats, jet skis, RV's, ATVs, and any

other motorized vehicles being stored or kept must be parked in accordance with Chapter 20 of the Revised General Ordinances of the Township of Upper. No portion of the motor vehicle or trailer may encroach upon any public right-of-way, including sidewalks. Any, and all, trailers, boats, jet skis, RV's, ATV's, and similar equipment shall only be permitted to be parked and/or stored in the side or rear yard of a premises and shall not be permitted to be parked and/or stored in the front yard of a premises.

d. Existing nonconforming parked boats, trailers, RV's, and campers are not exempt from the above provisions and shall be required to become compliant with the terms and conditions of these provisions as of the effective date of this article.

e. Any such RV stored in accordance with this section and Chapters 19 and 20 shall not be occupied and shall not have bump outs or awnings extended for occupancy. Additionally, no such RV shall be provided with utility connections for water and/or electric service and shall not be used for storage or space for the permanent conduct of a business, profession, occupation, or trade.

f. In accordance with §7-18.1 Parking Prohibited - No person shall park, or cause to be parked, any commercial motor vehicle, non-commercial 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.

#### **11-1.16 – Violations and Penalties**

a. **Unlawful Acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

b. **Notice of Violation.** The Code Enforcement Officer shall serve a notice of violation in writing.

c. **Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with this section shall be deemed guilty of a local ordinance violation as determined by the local municipality. If the notice of violation is not complied with, the Code Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal of the non-permitted vegetation, the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

d. **Violation Penalties.** Any person who shall violate a provision of this code, or fail

to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by State or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate and distinct offense, subject to additional fines and penalties. Each day any offense shall exist may subject the person to cumulative fines and penalties established by this section without need to file separate complaint.

e. **Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the enforcement officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises and collect the costs of same as set forth in subsection 11-1.19 below in addition to any other penalty for the violation. If a violation is abated after the prescribed time period allotted by the violation notice, prosecution and penalties may still be implemented and assessed.

**SECTION 2: REPEALER:** All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 3: 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 4: EFFECTIVE DATE:** This Ordinance shall take effect upon final adoption and publication as required by law.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code in 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 11<sup>th</sup> DAY OF MAY, 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 26<sup>th</sup> DAY OF MAY, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER