

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 008-2007

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER IX (RECREATION FACILITIES) 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 IX 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:

Section 9-4 is revised as follows:

9-4 BOAT RAMP.

9-4.1 Fees.

The following fees shall be charged with respect to Township owned
and operated boat ramp facilities:

<u>Type of Pass</u>	<u>Fee</u>
Daily rate - except Saturdays, Sundays and holidays	\$12.00perday
Daily rate - Saturdays, Sundays and holidays	\$15.00per day
Seasonal rate if purchased on or before May 31st	\$100.00
Seasonal rate if purchased after May 31st	\$150.00
Commercial pass (seasonal only)	\$350.00

Certain discounts may be available pursuant to subsection 9-4.7. No
commercial vessel shall utilize a Township boat ramp without obtaining a
commercial pass. Daily passes are not available for commercial vessels. A
boat ramp pass is required for each vessel, boat or personal watercraft (i.e.,
jet skis or wave runners). The same fee applies for all such vessels. Each
permit sticker issued must be placed on the left hand side of the stern of the
vessel for which it was purchased. Failure to so display a valid pass shall be
considered a violation of this chapter.

9-4.2 Collection.

The fees established in subsection 9-4.1 shall be collectable between the period of the Saturday before Memorial Day and Labor Day of each year.

9-4.3 Purchase of Seasonal and Commercial Passes.

Any person wishing to purchase a commercial pass or seasonal pass and pay the required fee for the use of a Township boat ramp shall do so by making application to the Township Clerk on a prescribed form and tendering the prescribed fee.

9-4.4 Daily Fees.

A daily fee for the use of the boat ramp for noncommercial vessels may be paid either at Township Hall during normal business hours or shall be paid to the attendant in charge of the boat ramp facility.

9-4.5 Length of Vessel; Restriction; Exception.

Unchanged.

9-4.6 Reasons for Length Restriction; Statement of Public Policy.

Unchanged.

9-4.7 Year-round Township Resident.

A year-round resident of the Township of Upper shall be entitled to a discount for noncommercial vessels equal to one-half of the seasonal rate under the following conditions:

- a. The individual must reside within the municipal boundaries of the Township of Upper for a period of at least six months during the year prior to application for the seasonal noncommercial pass; and
- b. Such resident must complete an application on forms prescribed by the Township of Upper which demonstrates such year-round residency; and
- c. Verification of such residency shall be based on voter registration, or a State of New Jersey driver's license, or proof of filing of a State of New Jersey income tax return from a Township of Upper address.
- d. If a year-round Township resident owns more than one (1) vessel such resident shall be charged one-half of the resident rate for each

additional noncommercial vessel.

e. Repealed.

9-4.8 No Loading or Unloading at Boat Ramp.

The Township boat ramp facilities, including all docks, piers and slips, shall be utilized only to launch and retrieve authorized vessels. There shall be no loading or unloading of vessels or equipment associated with vessels at the Township boat ramp facilities.

9-4.9 Violation and Penalty.

Any person who violates the provisions of this section shall be subject to the following penalties:

- a. Any individual who violates the terms and conditions of this section shall immediately forfeit his or her boat ramp pass without refund and shall be denied access to the Township boat ramp for a period of one (1) year.
- b. Any person convicted of violating the provisions of this Ordinance shall pay a fine not to exceed Five Hundred Dollars (\$500.00).

SECTION 2. Chapter 9-7 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:

Section 9-7.6 Fees.

- a. Unchanged.
- b. The following fee schedule shall apply to the use of the park:
 1. Cape May County resident - \$20.00 annual
 2. Cape May County resident - \$10.00 weekly
 3. Cape May County resident - \$5.00 daily
 4. Non-Cape May County resident - \$40.00 annual
 5. Non-Cape May County resident - \$15.00 weekly
 6. Non-Cape May County resident - \$8.00 daily
 7. Birthday parties - \$60.00 per hour for a maximum of two (2) hours exclusive use.
 8. Unchanged.

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

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:

WANDA GAGLIONE, Township Clerk

RICHARD PALOMBO, 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 26TH OF MARCH, 2007 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 16TH DAY OF APRIL, 2007 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: ___ March 26, 2007 _____

Publication: ___ April 3, 2007 _____

Newspaper(s): ___ The Press of Atlantic City _____

Second Reading & Public Hearing: ___ April 16, 2007 _____

Final Adoption: ___ April 16, 2007 _____

Final Publication Date: ___ April 23, 2007 _____

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on ___ April 16, 2007 ___, 2007 and notice of adoption was thereafter published pursuant to law in ___ The Press of Atlantic City ___ on ___ April 23, ___, 2007.

WANDA GAGLIONE, Township Clerk