

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

**ORDINANCE NO. 006-2024**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP**

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**WHEREAS**, the Township Committee of the Township of Upper desires to adopt an ordinance amending Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, with respect to the definition of “Hotels and Motels”.

**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 20 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:

Revise **SECTION 20-2.1 -DEFINITIONS** – as follows:

**HOTELS AND MOTELS**

Shall mean a building or group of buildings consisting of individual sleeping units designed for transient travelers. Hotels and Motels shall require: (i) services to be offered to the general public; (ii) temporary lodging rented to the general public on a daily or weekly basis but not for a period to exceed 30 days and not intended to be occupied or used for any primary residential purpose, either temporary or permanent; (iii) a front desk area with full time on site staff maintained to serve guests and the public; (iv) maid service offered no less than weekly and other room amenities, including linens and towel service, in a quality manner; (v) a manager and/or desk staff meeting the requirements of State lodging laws and swimming pool regulations; (vi) a restaurant or café with indoor and outdoor dining and wait service for use by guests and the general public; (vii) a fitness and business center for use by guests; (viii) adequate parking for hotel guests and the public in accordance with parking requirements set forth in the Code of the Township of Upper, which includes any parking required for accessory or incidental uses; (ix) advertisement for motel-like services promoting to the general public; and (x) collection and payment of sales and use tax, tourism tax and tourism fees on revenue generated.

**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**SECTION 3: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.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:

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JOANNE HERRON, Township 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 25<sup>TH</sup> DAY OF MARCH, 2024 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 22<sup>ND</sup> DAY OF APRIL, 2024 AT 4:30 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: March 25, 2024

Publication: April 2, 2024

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: April 22, 2024

Final Adoption: April 22, 2024

Final Publication Date: April 27, 2024

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 22, 2024 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on April 27, 2024.

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JOANNE R. HERRON, Township Clerk