

**PUBLIC NOTICE – TOWNSHIP OF LOWER**

**NOTICE OF PENDING ORDINANCE**

**Ordinance # 2026-07**

**An Ordinance of the Township of Lower Vacating, Surrendering and Extinguishing the Public Rights in a Portion of Cedar Avenue**

This Ordinance vacated a portion of Cedar Avenue

**Ordinance # 2026-08**

**An Ordinance Amending Chapter 7, Traffic, Article IV, {aid Parking Zones/Parking Meters, of the Code of the Township of Lower, to Authorize the Issuance of Seasonal Parking Permits**

This Ordinance sets forth the Rules/Regulations/Fees of Seasonal Parking Permits

Notice is hereby given that Ordinances #2026-07 and Ordinance #2026-08 were introduced and passed on first reading at the Township Council meeting held on April 6, 2026 and ordered published in accordance with the law. Said Ordinances will be considered for final reading and adoption at a meeting to be held April 20, 2026 at 5:00pm at the Municipal Building, 2600 Bayshore Road, Villas, at which time all persons interested may appear for or against the passage of said Ordinances. Copies of the Ordinances may be picked up at the Township Clerk's Office Monday thru Friday, 8:30am – 4:30pm up to and including April 20, 2026.

Julie A Picard  
Township Clerk  
April 7, 2026

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 2026-07

**Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER VACATING, SURRENDERING, AND EXTINGUISHING THE PUBLIC RIGHTS IN A PORTION OF CEDAR AVENUE**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Council of the Township of Lower may, by ordinance, vacate any public street, or any portion thereof, dedicated to the Township for public use but not accepted by the Township, whether or not the street, or any part thereof, has been opened or improved; and

**WHEREAS**, Dennis Winslow, the owner of the property located at 211 Breakwater Road, has submitted correspondence to the Township of Lower requesting that a limited portion of Cedar Avenue be vacated; and

**WHEREAS**, the portion of Cedar Avenue that is requested to be vacated is a 35 ft. wide unimproved paper street which has been dedicated for public use but which has not been opened and/or improved by the Township of Lower; and

**WHEREAS**, the Township Council of Lower has determined that the portion of Cedar Avenue requested to be vacated is unnecessary for public use, and the improvement thereof would serve no public purpose given the existence of improved roadways in the surrounding neighborhood; and

**WHEREAS**, the Lower Township Public Works Department, Police Department, MUA, Assessor, and Planning Department have indicated that they have no objection to the requested street vacation.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

**Section 1.** The public right, title, and interest in, along, upon, and over the portion of the unimproved paper street known as Cedar Avenue, identified within the Legal Description prepared by Kates Schneider Engineering, LLC dated March 16, 2026, attached hereto as Exhibit A, is hereby vacated, surrendered, and extinguished, and the lands referred to therein shall be held by the owner or owners thereof free and discharged from all public rights as a public street.

**Section 2.** Nothing contained herein shall be deemed to vacate, surrender, or extinguish any right or privilege of the Township of Lower to any easements which it has, whether or not of record, or any right or privilege of any public utility, as defined in N.J.S.A. 48:2-13, or any cable television company, as defined in N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street herein vacated, or any part or parts thereof.

**Section 3.** At least one (1) week prior to the time fixed for further consideration and final passage of this Ordinance, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where this Ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his or her last known post-office address in accordance with the provisions of N.J.S.A. 40:49-6.

**Section 4.** The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified by the Township Clerk under the seal of the municipality as a true copy of this Ordinance, together with a copy of the proof of publication thereof, in the office of the Clerk of the County of Cape May in accordance with N.J.S.A. 40:67-21.

**Section 5.** It shall be the responsibility of the requestor to ensure that this Ordinance is properly recorded in the Office of the Cape May County Clerk.

**Section 6.** All ordinances or parts of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

**Section 7.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 8.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

\_\_\_\_\_  
Thomas Conrad, Councilmember

\_\_\_\_\_  
Joseph Wareham, Councilmember

\_\_\_\_\_  
Roland Roy, Jr., Councilmember

\_\_\_\_\_  
Kevin Coombs, Deputy Mayor

\_\_\_\_\_  
Frank Sippel, Mayor

First Reading: April 6, 2025

Adopted:

Attest: \_\_\_\_\_  
Karen Fournier, Township Clerk

# SCHEDULE A



**Legal Description**  
**Street Vacation of Cedar Avenue**  
**Township of Lower**  
**Cape May County, New Jersey**

Description of a certain tract or parcel of land situated in the Township of Lower, Cape May County, New Jersey, being more particularly described as follows:

BEGINNING at a found concrete monument in the in the Northeasterly line of Pine Street (35 feet wide) where it intersects the Southeasterly line of Cedar Avenue (35 feet wide, Unimproved, to be vacated) as shown on a Survey of Premises/Street Vacation Plan prepared by Kates Schneider Engineering, LLC dated February 13, 2026 and extending thence;

1. North 57 degrees, 00 minutes, 00 seconds East, 200.00 feet along the Southeasterly line of Cedar Avenue (35 feet wide, Unimproved, to be vacated) to a point; thence
2. North 33 degrees, 00 minutes, 00 seconds West, 35.00 feet along the Southwesterly line of Chestnut Street (35 feet wide, Unimproved) to a point; thence
3. South 57 degrees, 00 minutes, 00 seconds West, 200.00 feet along the Northwesterly line of Cedar Avenue (35 feet wide, Unimproved, to be vacated) to a point; thence
4. South 33 degrees, 00 minutes, 00 seconds East, 35.00 feet along the Northeasterly line of Pine Street (35 feet wide) to a point and place of BEGINNING.

Containing an area of +/- 7,000 sf

\_\_\_\_\_  
Gregory K. Schneider, PE, PLS  
Professional Engineer & Land Surveyor  
New Jersey License No. 42577

3/16/2026  
Date

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2026-08

Title: AN ORDINANCE AMENDING CHAPTER 7, TRAFFIC, ARTICLE IV, PAID PARKING ZONES/PARKING METERS, OF THE CODE OF THE TOWNSHIP OF LOWER, TO AUTHORIZE THE ISSUANCE OF SEASONAL PARKING PERMITS

WHEREAS, in accordance with N.J.S.A. 39:4-197, municipalities are afforded the authority to regulate traffic and parking on municipal public rights-of-way throughout their jurisdiction; and

WHEREAS, Chapter 7, Traffic, of the Code of the Township of Lower establishes standards and regulations governing traffic and parking throughout the Township of Lower; and

WHEREAS, on March 16, 2026, the Township Council of the Township of Lower adopted Ordinance 2026-04, which established paid parking areas and parking meter regulations within the Township of Lower; and

WHEREAS, the Township Council of the Township of Lower has determined that it is necessary and appropriate to amend Chapter 7, Article IV, of the Code of the Township of Lower to authorize the issuance of seasonal parking permits for use within designated paid parking zones and at parking meters;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

**Section 1.** Chapter 7, Traffic, Article IV, Paid Parking Zones/Parking Meters, Subsection 30, Establishment of Paid Parking Zones, of the Code of the Township of Lower, is hereby amended and restated as follows:

**§ 7-30 Establishment of Paid Parking Zones**

- A. Seasonal Operation. Parking Meters/Paid Parking Zones shall be in effect annually from May 15<sup>th</sup> through September 15<sup>th</sup>.
- B. Hours of Operation. During the seasonal operation period, Parking Meters/Paid Parking Zones shall be in effect daily, from 8:00 a.m. through 10:00 p.m.
- C. No Duty to Pay Outside of Operational Period. Outside the dates and hours set forth in this section, there shall be no duty to tender payment or display a seasonal parking permit under this Article unless otherwise posted due to a temporary special regulation lawfully established by the Township of Lower (e.g., emergency, construction, or special event restrictions).

**Section 2.** Chapter 7, Traffic, Article IV, Paid Parking Zones/Parking Meters, Subsection 32, Payment Required; Compliance, of the Code of the Township of Lower, is hereby amended and restated as follows:

**§ 7-32 Payment Required; Compliance.**

- A. No person shall park or permit a vehicle to stand in any Paid Parking Zone during the operational dates and hours set forth in § 7-30 without making the required payment for that vehicle and location, or displaying a seasonal parking permit on the vehicles dashboard or hanging from the vehicle's rearview mirror.
- B. Compliance/proof of payment may be demonstrated by a meter indication, a pay and display receipt, a pay by plate record, mobile payment session record, or other Township system record, depending on the equipment in use, or by visibly displaying a seasonal parking permit issued by the Township of Lower.
- C. Motorists shall comply with all posted instructions applicable to the particular meter, payment station, mobile payment zone, or parking area, including correct entry of license plate number where required.

**Section 3.** Chapter 7, Traffic, Article IV, Paid Parking Zones/Parking Meters, Subsection 33, Prohibited Acts, of the Code of the Township of Lower, is hereby amended and restated as follows:

**§ 7-33 Prohibited Acts.**

It shall be unlawful for any person to:

- A. Park in a Paid Parking Zone during operational dates/hours without tendering the required payment or visibly displaying a seasonal parking permit issued by the Township of Lower on the dashboard of their vehicle or hanging from the vehicle's rearview mirror;
- B. Exceed the time paid for and/or any posted maximum time limit;
- C. Deposit or cause to be deposited in any meter any slug, device, or substitute for lawful payment;
- D. Tamper with, damage, deface, obstruct, or interfere with any parking meter, payment station, or related signage/equipment;
- E. Use, attempt to use, or transfer a pay and display receipt, payment confirmation, or other authorization in a manner inconsistent with this Article and/or any posted instructions or signage.

**Section 4.** Chapter 7, Traffic, Article IV, Paid Parking Zones/Parking Meters, Subsection 35, Enforcement, of the Code of the Township of Lower, is hereby amended and restated as follows:

**§ 7-35 Enforcement.**

- A. This Article may be enforced by the Lower Township Police Department, parking enforcement personnel, and/or any other official(s) authorized by the Township.
- B. A vehicle found parked in a paid parking zone during operational dates/hours without a valid payment record or without displaying a seasonal parking permit issued by the Township of Lower within the vehicle shall constitute prima facie evidence of a violation.

**Section 5.** Chapter 7, Traffic, Article IV, Paid Parking Zones/Parking Meters, Subsection 36, Violations and Penalties, of the Code of the Township of Lower, is hereby amended and restated as follows:

**§ 7-36 Violations and Penalties.**

- A. Any person who violates any provision of this Article, including by failing to pay the required parking fee or failing to properly display a seasonal parking permit issued by the Township of Lower within a vehicle, shall, upon conviction, be subject to a fine in amount not exceeding \$100.00, for each offense or violation.
- B. Each separate instance of parking in violation of this Article shall constitute a separate offense.

**Section 6.** Chapter 7, Traffic, Article IV, Paid Parking Zones/Parking Meters, of the Code of the Township of Lower, is hereby amended and supplemented to enact the following subsection:

**§ 7-37 Seasonal Parking Permits.**

- A. Seasonal parking permits may be purchased from the Township of Lower and, when properly issued and displayed, shall exempt the vehicle displaying the permit from payment of required parking fees in designated paid parking zones within the Township of Lower. Seasonal parking permits must be displayed on a vehicle's dashboard or by hanging same from the vehicle's rearview mirror.

- B. In order to obtain a seasonal parking permit, applicants shall complete and submit the application form prescribed by the Township Clerk.
- C. The fee for a seasonal parking permit shall be \$250.00, payable at the time the application is submitted. All permit fees shall be nonrefundable.
- D. Eligibility for the issuance of seasonal parking permits shall be limited to individuals who maintain an address within the Township of Lower, and no more than two (2) seasonal parking permits shall be issued per address.
- E. A seasonal parking permit issued pursuant to this section shall be valid only for the calendar year in which it is purchased, and shall expire on December 31 of the year during which it is issued.
- F. Seasonal parking permits issued pursuant to this section shall be transferable from one vehicle to another without prior approval or payment of an additional fee. In the event that a permit is lost or stolen, the replacement cost shall be the full price of the seasonal parking permit.
- G. Seasonal parking permits shall not exempt any vehicle from compliance with posted time restrictions, prohibited parking regulations, no-parking zones, emergency restrictions, or any other applicable traffic or parking regulation.
- H. The Township reserves the right to deny, suspend, revoke, or invalidate any seasonal parking permit issued pursuant to this section in the event of fraud, misrepresentation, misuse, violation of this Article, or violation of any rule or procedure adopted by the Township for administration of the seasonal parking permit program.

**Section 7.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 8.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 9.** This Ordinance shall become effective 20 days after final passage and publication according to law.

\_\_\_\_\_  
Thomas Conrad, Councilmember

\_\_\_\_\_  
Joseph Wareham, Councilmember

\_\_\_\_\_  
Roland Roy, Jr., Councilmember

\_\_\_\_\_  
Kevin Coombs, Deputy Mayor

\_\_\_\_\_  
Frank Sippel, Mayor

First Reading: April 6, 2026

Adopted:

Attest: \_\_\_\_\_  
Karen Fournier, Township Clerk