

Township of Lower, County of Cape May, State of New Jersey

Ordinance # 2012-22

AN ORDINANCE AMENDING CHAPTER 400 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER 2012

WHEREAS, Section 400-79 of the Revised General Ordinances of the Township of Lower governs development in the Sand Dunes; and

WHEREAS, the Lower Township Planning Board has recommended to Lower Township Council that Land Development Ordinance 400-79 be modified to allow shore protection devices to be constructed in the Dune Area without Dune Area Site Plan Review; and

WHEREAS, the Lower Township Planning Board concluded that the Sand Dune beach environment is adequately protected by the New Jersey State Department of Environmental Protection.

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

Section 1. Section 400 of the Revised General Ordinance of the Township of Lower is hereby amended as follows:

Subsection §400-79D.(1) shall be supplemented by addition of the following statement within Subsection D. Requirement of dune area site plan approval.

- (1) It shall be unlawful to remove, cart away, or redistribute by any means any sand or vegetation, or both, or to proceed with any type of construction within the dune area prior to obtaining a site plan approval by the Planning Board of the Township in accordance with the provisions of this chapter. No building permit for any such activity shall be issued by the Building Inspection until he has first received written approval from the Planning Board of the Township in accordance with the provisions of this section. “The provisions of this section shall not apply to the construction of bulkheads and other shore protection devices that serve to protect the Township of Lower Dune System from storms, tides and other weather related events, subject to appropriate approval(s) from State and/or other governmental

authorities.”

Section 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. 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 4. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.

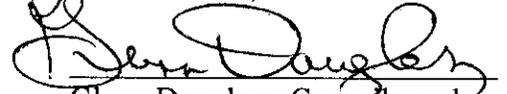
Section 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.



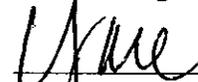
Thomas Conrad, Councilmember



James Neville, Councilmember



Glenn Douglass, Councilmember

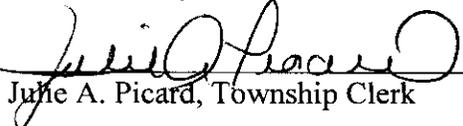


Kevin Lare, Deputy Mayor



Michael E. Beck, Mayor

Adopted: December 17, 2012

Attest: 
Julie A. Picard, Township Clerk