

1st Rdg 9-7-11
2nd Rdg 10-3-11
Adopted 10/3/11
Effec. 10/24/11

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

ORDINANCE #2011-17

AN ORDINANCE AMENDING CHAPTER 230 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER 2004

(Expanding the prohibition of offensive products of combustion or fumes and allowing for enforcement by Township officials)

Section 1. Section 230-8 of the Revised General Ordinances of the Township of Lower is hereby amended as follows:

No person shall cause or permit to be emitted smoke, fumes, gases or other substances of a nature, or of such quantity as to be injurious to life or health or property of such a nature or of such quantity as to be offensive, obnoxious or nauseating to any member of the public or Township official.

No person operating an Outdoor Woodburning Boiler (also known as OWBs, Outdoor Furnaces, Outdoor Wood Heaters, or Outdoor Wood-Fired Hydronic Heaters) shall allow smoke or other products of combustion to escape from the unit in such a manner as to be offensive, obnoxious, injurious to any person or to create a nuisance of any duration that negatively impacts any property by the infiltration of such property or any structure thereupon by smoke or other products of combustion.

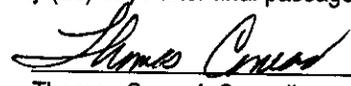
This section may be enforced by the issuance of a complaint-summons as attested to by a private citizen in accordance with the Rules of Court and/or the policies of the Administrative Office of the Courts or by any appropriate Township Official after personal observation of the offensive condition. This section does not limit or relieve any operator of any Outdoor Woodburning Boiler (also known as OWBs, Outdoor Furnaces, Outdoor Wood Heaters, or Outdoor Wood-Fired Hydronic Heaters) from the obligation to comply with all laws and regulations applicable to such units, including, but not limited to, the Uniform Fire Code, the Uniform Construction Code and regulations of the State of New Jersey applicable to such units. Any person operating such a unit in violation of any of the above, shall be deemed in violation of this Ordinance and any penalties assessed hereunder shall be in addition to and supplementary of any other penalties assessed by any other governmental agency.

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

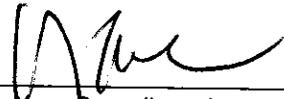
SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

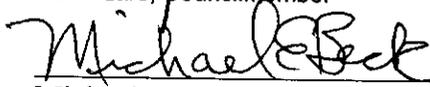
SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law provided.


Thomas Conrad, Councilmember


Erik Simonsen, Councilmember


Glenn Douglass, Councilmember


Kevin Care, Councilmember


Michael E. Beck, Mayor

Attest: 
Claudia R. Kammer, Township Clerk

Adopted: Oct. 3, 2011