

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

ORDINANCE # 2010-07

**AN ORDINANCE OF THE TOWNSHIP OF LOWER ESTABLISHING A SEPARATE DEPARTMENT TO IMPLEMENT THE ENFORCEMENT OF THE UNIFORM FIRE SAFETY CODE WITHIN THE TOWNSHIP OF LOWER**

WHEREAS, pursuant to Ordinance No. 85-31, the Township of Lower set forth a system of enforcing the New Jersey Uniform Fire Safety Code within the Township of Lower through the Bureau of Fire Protection of Lower Township Fire Districts 1, 2 and 3; and

WHEREAS, the Township Council of the Township of Lower ("Township Council") desires to reestablish said system by creating a separate department entitled "Department of Fire Safety" pursuant to the terms and conditions set forth herein.

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

Section 1. Chapter 3, Article VI, of the Code of the Township of Lower ("Township Code") is hereby amended by adding the following:

**§ 3-30 Department of Fire Safety.**

A. Establishment and creation. There is hereby established a Department of Fire Safety which shall have all of the duties and authorities as set forth in this section and in Chapter 340 of the Township Code.

B. Local enforcement of code. Pursuant to N.J.S.A. 52:27D-202, the New Jersey Uniform Fire Code shall be enforced in the Township of Lower by Fire Districts No. 1, No. 2 and No. 3.

C. Local enforcing agency designated. The Department of Fire Safety shall be responsible for enforcing the New Jersey Uniform Fire Code and shall be the local enforcing agency under the jurisdiction and control of the Fire Commissioners of the Township of Lower Fire Districts No. 1, No. 2 and No. 3 (hereinafter referred to as the "Commissioners").

D. Organization. A fire official shall be appointed in accordance with Paragraph E, who shall serve as the department head of the Department of Fire Safety and shall supervise the enforcement of the New Jersey Uniform Fire Code. The local enforcing agency shall be under the direct supervision and control of the fire official who shall report to the Commissioners. The Commissioners shall raise such funds if necessary to support the operations of the local enforcing agency in a manner provided by law.

E. Appointment of fire official; term; inspectors; removal.

1. Appointment of fire official. The Commissioners shall appoint a fire official who shall be charged with the direct supervision and control of the local enforcing agency and shall be the department head of the Department of Fire Safety.

2. Term of office. The fire official shall serve for a term of three years commencing January 1. Any vacancy shall be filled for the unexpired term.

3. Appointment of inspectors and employees. The Commissioners shall appoint such inspectors as may be necessary to carry out all required inspection activity within the Township of Lower. Such inspectors shall be under the supervision and control of the fire official.

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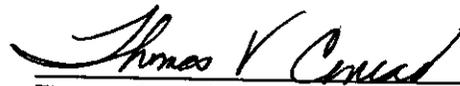
4. Removal from office. The fire official, inspectors and other employees of the local enforcing agency shall be subject to removal by the Commissioners for inefficiency or misconduct. The fire official, each inspector or employee so removed from office shall be afforded an opportunity to be heard by the Commissioners or by a designated hearing officer.

Section 2. Chapter 340, § 340-6 through and including § 340-11, are hereby repealed

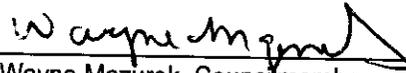
Section 3. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

Section 4. 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 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.



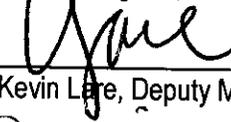
Thomas Conrad, Councilmember



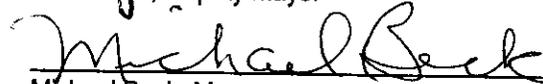
Wayne Mazurek, Councilmember



Glenn Douglass, Councilmember



Kevin Lare, Deputy Mayor



Michael Beck, Mayor

Attest:



Claudia R. Kammer, Township Clerk

Adopted:

Aug 2, 2010