

TOWNSHIP OF WANTAGE

AN ORDINANCE AMENDING CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE TO REGULATE OUTDOOR FURNACES AND BOILERS, BEING THE ZONING ORDINANCE

ORDINANCE 2010-03

STATEMENT OF PURPOSE: the purpose of this Ordinance is to promote the safe, effective and efficient use of outdoor furnaces and/or boilers. Outdoor furnaces and/or boilers may provide an economic alternative to conventional heating systems, however, concerns have been raised regarding their safety and the environmental impacts of these heating devices, in particular the production of offensive odors and the potential health effects of uncontrolled emissions. This Ordinance is intended to insure that outdoor furnaces are utilized in a manner that does not create a nuisance, and is not detrimental to the health, safety and general welfare of the residents of the Township.

BE IT ORDAINED by the Governing Body for the Township of Wantage, Sussex County, New Jersey that Chapter XIII, of The Revised General Ordinances of the Township of Wantage, is hereby amended as follows.

Section 1. Section 13.2 is amended by the addition of the following definitions:

13-2.63A "Outdoor Furnace." Any equipment, device or apparatus or any part thereof which is installed, fixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy and is used as a component of a heating system providing heat for any interior space.

13-2.35A "Fire Wood." Trunks and branches of trees and bushes but does not include leaves, needles, vines, brush smaller than 3 inches in diameter. This definition does not include wood which has been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

13-2.32A "Existing Outdoor Furnaces." Any outdoor furnace in existence on the effective date of this Ordinance.

Section 2. Section 13-13.20 is added as a new section as follows:

Section 13-13.20 OUTDOOR FURNACES

a. Permit Requirement.

1. No person shall cause, allow or maintain the use of an outdoor furnace within the Township of Wantage without having first obtained a zoning and construction permit from the Township.
2. *Existing Outdoor Furnaces.* Any outdoor furnace in existence on the effective date of this Ordinance shall be permitted to remain, provided the owner applies for and receives a permit from the Construction Official and Zoning Officer within ninety (90) days of the effective date of this Ordinance. All existing outdoor furnaces must comply with the requirements of this Section 13-13.20 within ninety (90) days of the effective date of this Ordinance. In the event the owner of an existing outdoor furnace does not obtain a permit within ninety (90) days of the effective date of this Ordinance, the outdoor furnace shall be removed from the premises.

b. Specific Requirements for Operation.

1. Permitted Fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any other materials in an outdoor furnace is prohibited.
2. Permitted Zones. Outdoor furnaces shall be permitted only in the R-5 zoning district as set forth on the Township's duly adopted zoning map.
3. Minimum Lot Size. Outdoor furnaces shall be permitted only on lots of 5 acres or more.
4. Setbacks. Outdoor furnaces shall be setback not less than 75 feet from the nearest lot line.
5. Months of Operation. Outdoor furnaces shall be operated only between September 1st and May 31st.
6. Spark Arresters. All outdoor furnaces shall be equipped with properly functioning spark arresters.

c. Compliance with State Control of and Prohibition of Smoke From Combustion of Fuel Regulations.

The Township Committee hereby adopts by reference the regulations promulgated by the New Jersey Department of Environmental Protection for control and prohibition of smoke from combustion of fuel contained in N.J.A.C. 7:27-3.1 et seq.

d. Suspension of Permit.

1. A permit issued pursuant to this Chapter may be suspended if the Zoning Officer determines suspension of the permit to operate the outdoor furnace is necessary to protect the public health, safety and welfare to the residents of the Township of Wantage in the event any of the following conditions occur:

(A) Noncompliance with State mandated regulations controlling the prohibition of smoke from combustion of fuel as referenced above;

(B) The emissions from the outdoor furnace cause damage to vegetation or property;

(C) The emissions from the outdoor furnace emit an offensive odor(s) and/or visible smoke which interferes with the reasonable enjoyment of life or property in the Township;

(D) The emissions from the outdoor furnace are determined to be harmful to human or animal health.

e. Reinstatement of Permit. The suspended permit may be reinstated once the condition which resulted in the suspension is remedied and the Construction Official has been given reasonable assurances such condition will not reoccur. The reoccurrence of a condition which previously resulted in suspension of a permit under this Section shall be considered a violation of the Chapter and subject to the penalties provided in Section 13-13.20(f) hereof.

f. Enforcement, Revocation of Permit.

Failure to comply with any of the provisions of this Chapter shall constitute a violation and upon conviction thereof shall be punishable by a fine of not more than \$500.00 for the first offense. Any subsequent offense shall be punishable by a fine of not more than \$500.00 or imprisonment for a period of not more than 30 days, or both. In addition, any permit issued pursuant to this Chapter shall be revoked upon conviction of the second offense and the subject outdoor furnace shall not be eligible for another permit. Each day a violation occurs shall constitute an additional fine. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located until paid in full.

g. Right of Entry and Inspection.

The Construction Official or Zoning Officer of the Township of Wantage who presents proper credentials may inspect any property in the Township for the purpose of ascertaining compliance with the provisions of this Ordinance concerning the operation of outdoor furnaces.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provisions) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. Public Notice. The Municipal Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all other entities thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 6. Effective Date. This ordinance shall take effect after publication and passage according to law.

Clara Nuss, Mayor

ATTEST:

James R. Doherty, Administrator/Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of Wantage, County of Sussex, New Jersey, held on March 11, 2010, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Township Committee to be held on April 29, 2010, at 7:00 p.m. in the Municipal Building, 888 Route 23 South, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

James R. Doherty, Administrator/Clerk