

## AIR POLLUTION

### Chapter 13

## AIR POLLUTION

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 12-5-46. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building Code — See Ch. 27.

Fire Prevention Code — See Ch. 48.

Housing Code — See Ch. 55.

Zoning — See Ch. 93.

Be it ordained by the Mayor and Common Council of the City of Gloucester City, in the County of Camden and State of New Jersey, that:

§ 13-1. Emission of dense smoke from certain structures or premises prohibited; measurement standards.

It shall be unlawful to cause or permit the emission into the open air of dense smoke, noxious gases or fumes from any smoke-stack or chimney connected with any stationary engine, fuel-burning equipment, steam boiler, steamroller, steam derrick or other similar machine, or from any smokestack or chimney of any apartment house, office building, institution, place, premises or any building used as a factory or for any purpose of trade or other than a private residence, or from any tar kettle or other machine, furnace or contrivance, within the corporate limits of Gloucester City, which smoke or gas contains fly ash in excess of seventy-five hundredths (0.75) grains per cubic foot of flue gas at stack temperature, of which amount not to exceed two-tenths (0.2) of a grain per cubic foot shall be of such size as to be retained on a three-hundred-twenty-five-mesh

United States Standard Sieve. These conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirements shall be measured by the methods outlined in the Tentative Test Code for dust-separating apparatus of the American Society of Mechanical Engineers, which is hereby made a part of this ordinance by reference.

**§ 13-2. Emission of excess fly ash prohibited; measurement standards.**

It shall be unlawful after nine (9) months from the effective date of this ordinance for any owner, agent, manager, lessee or occupant of any building within the limits of the City of Gloucester City to which is attached any chimney or smokestack connected with any stationary engine or steam boiler or with any fuel-burning equipment, or of any apartment house, office building, institution, establishment, place or premises or building used as a factory or for any purpose of trade or other than a private residence within the limits of said city, to operate or cause to be operated, maintain or cause to be maintained any furnace or combustion device for the burning of coal, wholly or partly in suspension, without maintaining and operating, while using said furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of fly ash emitted into the open air and which is operated in conjunction with said furnace or combustion device so that the quantity of fly ash shall not exceed seventy-five hundredths (0.75) grains per cubic foot of flue gas at stack temperature, of which amount not to exceed two-tenths (0.2) of a grain per cubic foot shall be of such size as to be retained on a three-hundred-twenty-five-mesh United States Standard Sieve. These conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirements shall be

measured by the methods outlined in the Tentative Test Code for dust-separating apparatus of the American Society of Mechanical Engineers, which is hereby made a part of this ordinance by reference.

**§ 13-3. Penalties for certain violations.<sup>1</sup>**

If inspection and tests by qualified engineers representing the City of Gloucester City establish that such owner, agent, manager, lessee or occupant has failed to provide recognized and approved equipment, means, method, device or contrivance as specified above in § 13-2 or that such equipment fails to meet the requirements set forth in § 13-2, then such owner, agent, manager, lessee or occupant, as aforesaid, shall, upon receipt of a notice in writing duly served upon him or them by the Chief of Police, without delay, file a plan or statement of proposed alterations to abate such nuisance with the City Clerk, and shall as promptly as the circumstances will permit, after receipt of such notice, cause such nuisance to cease, and upon failure to do so, upon conviction thereof before the Judge of the Municipal Court be fined not more than five hundred dollars (\$500.) or be imprisoned in the county jail for a term not exceeding ninety (90) days, at the discretion of said Judge. Each and every day said smoke, gas or fumes shall be unlawfully emitted shall be deemed to be and shall constitute a separate violation of this ordinance.

**§ 13-4. Enforcement of ordinance. [Amended 5-3-51]**

The enforcement of this ordinance shall be vested in the following:

- A. A smoke-abatement engineer, who shall be qualified by training and experience in the theory and practice of the

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code. See Ch. 1, § 1-6B(1).

construction and operation and firing of steam boilers and furnaces and in the theory and practice of smoke abatement and prevention.

- B. A board of three (3) members, who shall be members of the Utilities Committee of City Council of Gloucester City, which board shall be known as the Advisory Board or Board of Appeals.
- C. Inspectors, who shall consist of the smoke-abatement engineer, the members of the Board of Appeals or a police officer designated by the smoke-abatement engineer or the Board of Appeals.

**§ 13-5. Definitions. [Added 2-3-49]**

**PERSONS** — Shall be considered as referring to all individuals, partnerships or associations other than "corporations."

**CORPORATIONS** — Shall be considered as referring to all corporate bodies, stock companies, lessees, trustees, receivers, agents, tenants, managers, superintendents, captains, engineers, firemen and janitors.

**CHART** — Shall be considered as referring to the Ringelmann Smoke Chart as published and used by the United States Bureau of Mines, the Ringelmann Type Chart and the Umberscope.

**STACK** — Shall be considered as referring to chimneys, smokestacks, structures and openings of any kind whatsoever capable of emitting smoke.

**SMOKELESS FUEL** — Shall be considered fuel containing less than twenty-three percent (23%) volatile matter on dry basis.

**TESTS** — Shall be run in accordance with A.S.M.E. standards and rules.

**GASES and ACIDS** — Where referred to, shall be tested in accordance with standards of Bureau of Mines.

**CONSTRUCTION** — Shall be defined as the act of building.

**INSTALLATION** — Shall be defined as setting up in position for service.

**RECONSTRUCTION** — Shall be defined as rebuilding incorporating structural changes.

**ALTERATION** — Shall be defined as a change in form or state.

**REPAIR** — Shall be defined as putting in good condition or rehabilitating.

**ADVISORY BOARD** — Shall be considered as referring to the Utility Committee of City Council.

**§ 13-6. Rules and regulations for fuel-burning equipment authorized. [Added 2-3-49]**

The smoke-abatement engineer is hereby empowered, with the consent and advice of the Advisory Board, to prepare from time to time a set of rules and regulations governing details of fuel-burning equipment required for the issuance of permits and certificates.

**§ 13-7. Prohibited discharges of smoke, fly ash or fumes. [Added 2-3-49]**

The production or emission within the city of smoke, fly ash or fumes, the shade of which is equal to or greater than No. 2

of the Ringelmann Chart, Ringelmann Type Chart or Umberscope, or which is so dense as to prevent seeing through it at the point of emission into the external air from any stack or open fire for a period of seven (7) minutes or more in any period of sixty (60) minutes, and the emission of such smoke, fly ash or fumes from any locomotive, is hereby prohibited.

**§ 13-8. Permits for certain smoke-producing devices.**  
**[Added 2-3-49]**

- A. No person or corporation shall construct, install, reconstruct, alter or repair any furnace, boiler furnace, stack or other apparatus connected with the stacks, including portable apparatus, unless he or it shall make application in writing to the said smoke-abatement engineer on the form furnished by the smoke-abatement engineer for a permit for such construction, installation, reconstruction, alteration or repair and, in and by such application, shall give the plans and specifications, showing the style and dimensions of the furnace, boiler furnace, stack and/or other apparatus connected with a stack intended to be used, a description of the building or part thereof in which such furnace, boiler furnace or other apparatus is located, including the means provided for regulating the temperature of such building or part thereof and ventilating the same, and generally all provisions made for the preventing of smoke, together with a statement of the kind of fuel proposed to be used and of the operating requirements to be made of the furnace or furnaces referred to therein, and unless such application shall be passed upon by the smoke-abatement engineer and approved in writing and a permit issued as hereinafter provided; provided, however, that minor or emergency repairs which do not increase the capacity of such furnace or which do not involve any substantial alteration in such

furnace, boiler furnace, stack or other apparatus and which do not involve any alteration in the method or efficiency of smoke prevention may be made without a permit.

- B. Any application shall be approved or rejected within fifteen (15) days after it is filed in the office of the smoke-abatement engineer.
- C. Upon the approval of any application, a copy of which shall be left on file in the office of the smoke-abatement engineer, and upon the payment of the fees hereinafter provided, the smoke-abatement engineer shall issue a permit for the construction, installation, reconstruction, alteration or repair of such furnace, boiler furnace, etc.
- D. In the event that any such application is rejected by the smoke-abatement engineer, the applicant has the right to appeal from his decision to the Advisory Board. Such appeal shall be made in writing to the smoke-abatement engineer, who shall call a special meeting of the Advisory Board within five (5) days for the consideration of the matter. If a majority of the members of the Advisory Board present shall be of the opinion that the application calls for such construction, installation, reconstruction, alteration or repair of furnace, boiler furnace or stack, that there will not under reasonable conditions of operation be produced or emitted from the stack connected therewith such smoke as is herein prohibited, the decision of the smoke-abatement engineer shall be set aside, and the findings of the Advisory Board shall be binding upon the smoke-abatement engineer; otherwise the decision of the smoke-abatement engineer shall be confirmed.

**§ 13-9. Certificate required for operation of certain plants or equipment. [Added 2-3-49]**

No person or corporation shall use or cause to be used any new, remodeled or reconstructed plant or apparatus connected

with a stack, including portable apparatus, for the production of heat and/or power, unless he or it shall make application in writing to the smoke-abatement engineer on the form furnished by smoke-abatement engineer for a certificate to operate such plant or apparatus.

**§ 13-10. Permit required prior to commencement of work.  
[Added 2-3-49]**

It shall be unlawful for any engineer, contractor or other person or corporation to do the work of the constructing, installation, reconstruction, altering or repairing of any furnace, boiler furnace, stack or other fuel-burning apparatus connected with stack, unless the person or corporation for whom such construction, installation, reconstruction, alteration or repair is being made has a proper authority in the form of a permit from the smoke-abatement engineer for such work.

**§ 13-11. Payment of fees; effect of permit or certificate.  
[Added 2-3-49]**

For examination of an application for a permit and/or certificate for any such construction, installation, reconstruction, alteration or repair or for the operation of such plant or apparatus, the City Clerk shall collect, at the time of issuing such permit, for the use of the city, a fee or fees as fixed by § 13-16 of this ordinance for each unit for fuel-burning apparatus. The issue and delivery by the City Clerk of any such permit and/or certificate shall not be held to exempt the person or corporation to whom the permit and/or certificate has been issued or delivered, or who is in possession of the same, or whose application has been approved, from prosecution on account of the production or emission of smoke hereby prohibited.

**§ 13-12. Records to be kept. [Added 2-3-49]**

The smoke-abatement engineer shall keep in his office a complete record of all applications made, as well as of all permits and/or certificates issued. He shall keep a record of all smoke observations on all stacks and generally of the work done by the smoke-abatement engineer. All such records shall be open for inspection by the public at all reasonable times in the presence of the smoke-abatement engineer or a member of the Advisory Board.

**§ 13-13. Right of entry; penalty for refusal.<sup>2</sup>  
[Added 2-3-49]**

The smoke-abatement engineer, a member of the Advisory Board or a police officer designated by the smoke-abatement engineer or a member of the Advisory Board shall have the right to enter, in the performance of their duties, at all reasonable hours, all premises from which smoke is being emitted or has been emitted, and any person who shall, after proper identification, deny admittance to such person or persons or interfere with him or them in the performance of his or their duties shall be liable to a fine not exceeding five hundred dollars (\$500.) or undergo an imprisonment in the county jail or workhouse of not more than ninety (90) days, or both, at the discretion of the Judge of the Municipal Court.

**§ 13-14. Violations and penalties.<sup>2</sup> [Added 2-3-49]**

If any person or corporation shall violate any one (1) or more of the prohibitions or requirements of this ordinance, the smoke-abatement engineer or a member of the Advisory Board or a police officer designated by the smoke-abatement engineer or a member of the Advisory Board shall enter suit before the Judge

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code. See Ch. 1, § 1-6B(1).

of the Municipal Court of the City of Gloucester City; and upon conviction such person or corporation shall be subject to a fine or penalty not exceeding five hundred dollars (\$500.) for each and every violation thereof, and each day's violation shall constitute a separate offense, or undergo an imprisonment in the county jail or workhouse of not more than ninety (90) days, or both at the discretion of the Judge.

**§ 13-15. Conflicting ordinances repealed. [Added 2-3-49]**

Any ordinance or part of ordinance conflicting with the provisions of this ordinance shall be and the same is hereby repealed so far as the same affects this ordinance.

**§ 13-16. Fee schedule. [Added 2-3-49]**

The fees mentioned in this ordinance shall be as follows:

- A. For annual inspection of all boilers of any horsepower, the fee shall be ten dollars (\$10.) for each and every boiler. This shall be construed to include stationary and portable boilers and locomotives, but exclude domestic furnaces.
- B. For the issuance of a permit for boilers under fifteen (15) pounds' pressure, the fee shall be three dollars (\$3.); for a boiler above fifteen (15) pounds' pressure, the fee shall be five dollars (\$5.); for incinerators, the fee shall be three dollars (\$3.); for a domestic furnace installation or alteration, oil fire, coal fire or gas fire, the fee shall be two dollars (\$2.); for inspection for alteration of existing industrial boilers and furnaces, the fee shall be ten dollars (10.).

**§ 13-17. Posting of copy of ordinance at certain locations required. [Added 2-3-49]**

A copy of this ordinance shall be posted in a conspicuous place where fuel-burning equipment is operated so that all operators, agents and owners shall be cognizant of the provisions of this ordinance.

**§ 13-18. When effective.**

This ordinance shall take effect immediately on final passage and publication required by law.