TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE No. 016-2023

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 211, STORMWATER CONTROL IN THE CODE OF THE TOWNSHIP OF BYRAM TO PREVENT STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER

WHEREAS, the New Jersey Department of Environmental Protection requires that all Tier A municipalities take measures to prevent the discharge of solids and floatables from private properties into municipal separate storm sewers systems. In order to comply with the requirements of the Township of Byram's Municipal Stormwater General Permit, the Township Council wishes to amend the revised general ordinances to require that all salt and other solid de-icing materials be stored in a manner to prevent those materials from being exposed to stormwater will result in runoff into the Township's municipal separate storm sewer system.

BE IT ORDAINED by the Byram Township Council that certain sections within Chapter 211, Stormwater Control of the Code of the Township of Byram be amended as follows:

SECTION 1. Chapter 211, Article VIII, Section 211-27, *Privately-Owned Salt Storage* is created to include the following:

> The purpose of this section is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This section is meant to establish requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Township of Byram (privately-owned), including residences, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 2. Chapter 211, Article VIII, Section 211-28, *Definitions* is created to include the following:

> For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
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> *DE-ICING MATERIALS* - any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE - a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET - the point of entry into the storm sewer system.

PERMANENT STRUCTURE - a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

3. The structure shall be erected on an impermeable slab;

4. The structure cannot be open sided; and

5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT - a person who resides on a residential property where de-icing material is stored.

SECTION 3. Chapter 211, Article VIII, Section 211-29, *Deicing Material Storage Requirements* is created to include the following:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

   1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

   2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

   3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials

shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:

    a. The cover shall be waterproof, impermeable, and flexible;

    b. The cover shall extend to the base of the pile(s);

    c. The cover shall be free from holes or tears;

    d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

    e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

        (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. All temporary and/or permanent structures must comply with all other local ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

    1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION 4. Chapter 211, Article VIII, Section 211-30, *Exemptions* is created to include the following:

> Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.
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> If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
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> This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION 5. Chapter 211, Article VIII, Section 211-31, *Enforcement* is created to include the following:

> The Township Manager, through the Road Department Superintendent and/or Zoning Officer, shall enforce the provisions of this section. It shall be unlawful for any reason to violate any part of this section adopted by the Township of Byram Council.

SECTION 6. Chapter 211, Article VIII, Section 211-32, *Violations and Penalties* is created to include the following:

> Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be liable to a penalty not to exceed $500 for each day on which the violation exists beyond the 72 hour compliance limit.

SECTION 7. Chapter 211, Article IV, Section 211-18.6, *Severability* is created to include the following:

> Each section, subsection, sentence, clause, and phrase of this Section is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Section to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Section.

SECTION 8. Effective date:

This ordinance shall take effect upon final adoption and will be published as required by law.

BY THE ORDER OF BYRAM TOWNSHIP

Introduced: December 5, 2023 Adopted: December 19, 2023

Cynthia Church, RMC
Township Clerk

Alexander Rubenstein
Mayor

BYRAM TOWNSHIP COUNCIL

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			X		
2nd		X			
Yes	X	X	X	X	X
No					
Abstain					
Absent					

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 016-2023 was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 5th day of December 2023. The said ordinance was further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 19th day of December at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

Cynthia Church, RMC
Byram Township Clerk