

CITY OF ESTELL MANOR, NJ

ORDINANCE #10-2024

ORDINANCE CREATING CHAPTER 256 IN THE CODE OF THE CITY OF ESTELL MANOR CONCERNING PRIVATELY-OWNED SALT STORAGE; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

WHEREAS, the New Jersey Department of Environmental Protections (NJDEP) has determined that over 90% of New Jersey's waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

WHEREAS, in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

WHEREAS, the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a MS4 Tier A Permit; and

WHEREAS, the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

WHEREAS, municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

WHEREAS, it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

SECTION 1. Chapter 256 to be known as “Privately-Owned Salt Storage” is hereby created

and added to the Code of the City of Estell Manor and shall read as follows:

Chapter 256 Privately-Owned Salt Storage

ARTICLE I. Purpose

§ 256-1 Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the City of Estell Manor to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

ARTICLE II. Definitions

§ 256-2 Definitions

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 not inconsistent 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.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means 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.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

ARTICLE III. De-icing Material Storage Requirements

§ 256-3 De-icing Material Storage Requirements

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15 and April 15:
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 16 and October 14.

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 such temporary and/or permanent structures must also comply with all other requirements of this Code, 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. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

ARTICLE IV. Exemptions

§ 256-4 Exemptions

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.

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.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

ARTICLE V. Enforcement

§ 256-5 Enforcement

The provisions of this ordinance shall be enforced by the Code Enforcement Officer and by any other individual authorized by law to enforce the same.

ARTICLE VI. Violations and Penalties

§ 256-6 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as provided by law.

CITY COUNCIL OF
THE CITY OF ESTELL MANOR,
COUNTY OF ATLANTIC and
STATE OF NEW JERSEY

ATTEST:

Elizabeth Owen, Mayor

Lisa Marcolongo, RMC, CMR
City Clerk

COUNCIL MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GIVENS					
MASKER					
MADDOX					
DILG					
MAYOR OWEN					

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