

ORDINANCE No. RO-05-24

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF WASHINGTON AMENDING THE TOWNSHIP CODE TO ADD A NEW CHAPTER 145 IN ORDER TO ADOPT NJDEP-MANDATED REGULATIONS FOR PRIVATELY OWNED SALT STORAGE

WHEREAS, as part of the MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (“NJDEP”) requires municipalities to adopt NJDEP-mandated regulations for privately owned salt storage; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the model ordinance provided by NJDEP and recommend adoption; and

WHEREAS, the Township Committee desires to adopt the NJDEP model ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Morris, State of New Jersey, as follows:

SECTION 1. A new Chapter 145 entitled “Privately Owned Salt Storage” shall be created, to read as follows:

§145 PRIVATELY OWNED SALT STORAGE

§145-1 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 Township of Washington to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§145-2 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 Section 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.

- 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.

§145-3 Deicing Material Storage Requirements.

- a. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th, but no longer than 30 days without prior written approval from the Department:
 1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Materials shall be formed in a cone-shaped storage pile.
 4. All storage piles 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. 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 solid 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 Township of Washington 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, 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.

§145-4 Exemptions.

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

§145-5 Enforcement.

This Ordinance shall be enforced by the Township Code Enforcement Officer, or his designee, during the course of ordinary enforcement duties.

§145-6 Violations and Penalties.

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 subject such person(s) to fines and penalties in accordance with N.J.S.A. 40:49-5.

SECTION 2. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect in accordance with the law.

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of Washington Township, in the County of Morris, New Jersey, held on the 18th of March, 2024, and the same came up for final passage at a meeting of said Township Committee on the 15th day of April, 2024 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Township according to law. By order of the Township Committee of the Township of Washington, County of Morris and State of New Jersey.

Adopted: April 15, 2024

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

By:

Denean Probasco, Township Clerk

Matthew Murello, Mayor

Attest: I herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on April 15, 2024.

Denean Probasco, RMC, Township Clerk