

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 11-2023

**AN ORDINANCE OF THE BOROUGH OF ALLENTOWN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AMENDING CHAPTER 12: "PROPERTY MAINTENANCE" OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH
TO INCLUDE NEW SECTION 12-13: "SALT STORAGE" TO
ESTABLISH STANDARDS FOR THE STORAGE OF SALT AND
OTHER SOLID DE-ICING MATERIALS**

BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that the Borough's Revised General Ordinances are hereby amended and augmented to include *new* section 12-13: "Salt Storage" under Chapter 12: "Property Maintenance" as follows:

CHAPTER 12

PROPERTY MAINTENANCE

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§ 12-13 SALT STORAGE.

The purpose of this Section is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This Section establishes requirements for the storage of salt and other solid de-icing materials on privately-owned properties not owned or operated by the Borough of Allentown, so as to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 12-13.1 Definitions.

For the purpose of this Section, 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 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** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§ 12-7.2 De-Icing 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, and/or ditches 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;

- 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. 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 deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
 - C. The property owner 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.

§ 12-7.3 Exemptions.

This Section shall not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

§ 12-7.4 Enforcement.

This Section shall be enforced by the Allentown Police Department and/or the Borough's Code Enforcement Officer.

§ 12-7.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Section shall be subject to a fine not to exceed \$500.00 for a first offense; \$1,000.00 for a second offense; and \$2,000.00 for a third or subsequent offense.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable; and

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and take effect immediately upon final passage and publication.

ATTEST:

THOMAS FRITTS, Mayor

LAURIE A. ROTH, MAS, RMC, CMR
Municipal Clerk

Introduced: June 13, 2023

Adopted: July 11, 2023