

ORDINANCE # 2024-10

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 296, WATER AND SEWERS, TO ESTABLISH ARTICLE XIII, "PRIVATELY-OWNED SALT STORAGE"

WHEREAS, on December 1, 2022, the New Jersey Department of Environmental Protection issued a Final Stormwater Discharge Master General Permit Renewal (Permit Number NJ0141852) in accordance with N.J.A.C. 7:14A; and as part of the above referenced permit renewal the Township of Allamuchy was reassigned to Tier A under N.J.A.C. 7:14a-25.3(a)1; and the requirements of the above referenced permit for municipalities assigned to Tier A includes a requirement to adopt certain community-wide ordinances; and the Township is required to adopt and enforce an ordinance requiring that piles of salt and other solid (granular) de-icing materials which are not stored in a permanent structure be covered by tarping when not in use and secured in a way to prevent its exposure to rain, snow, or stormwater run-on; and the NJDEP has created a model Privately-owned Salt Storage ordinance for adoption by municipalities to comply with the permit requirements; and the Township Council seeks to adopt the model Privately-owned Salt Storage Ordinance in order to satisfy the conditions of the NJDEP MS4 permit.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Allamuchy, Country of Warren, State of New Jersey as follows:

Section I

Chapter 296, Water and Sewers, of the General Legislation is hereby amended by adding thereto a new Article XIII entitled "Privately-owned Salt Storage", to meet the requirements of the NJPDES MS4 Permit.

§296-50 Purpose.

The purpose of this Article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This Article 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 Allamuchy to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§296-51 Definitions.

For this Article, the following terms, phrases, words, and their derivations, shall have the meanings stated herein unless their use in the text of this Code clearly demonstrates a different meaning. When consistent with the context, words used in the present tense includes 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.

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:

- A. 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 deicing materials;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and
- E. 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.

§296-52 Deicing Material Storage Requirements.

A. Temporary outdoor storage of deicing 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 net 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 material 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 shall comply with all other applicable State, Local and Federal regulations, including, but not limited to, building codes and zoning regulations.
- D. The property 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 Article 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.

§296-53 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 deicing 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 Article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§296-54 Enforcement.

This Article shall be enforced by the New Jersey State Police, the Township Superintendent/Supervisor of Public Works, the Township Zoning Official and/or the Township Engineer during the course of ordinary enforcement duties.

§296-55 Violations and Penalties.

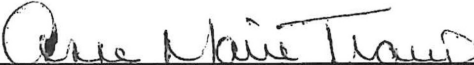
Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Any person who shall be found to have violated any provision of this chapter, shall, upon conviction, be liable to the general penalty in Chapter 1, Article II, General Penalty, of the Township Code.

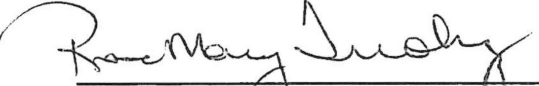
Section II

1. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
2. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
3. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:

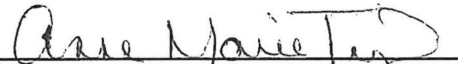
TOWNSHIP OF ALLAMUCHY


ANNE MARIE TRACY, Municipal Clerk


ROSEMARY TUOHY, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Allamuchy Township Mayor and Council held on March 27, 2024 and will be considered for final reading and adoption at the meeting of the Allamuchy Township Mayor and Council to be held on April 24, 2024 at 6:30 p.m. at the Municipal Building, 292 Alphano Road, Allamuchy, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.


ANNE MARIE TRACY, Municipal Clerk

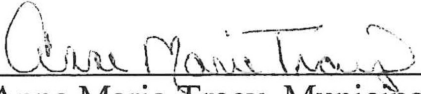
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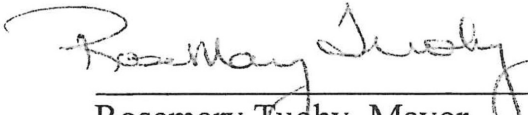
Take notice, the foregoing Ordinance was introduced and passed on first reading by the Township Council of the Township of Allamuchy on March 27, 2024 at a meeting of said Council held at Allamuchy Town Hall, Allamuchy, New Jersey and was given further consideration and finally passed at a meeting of the Allamuchy Township Council held April 24, 2024 at Allamuchy Town Hall, Allamuchy, N.J.

This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

ATTEST:



Anne Marie Tracy, Municipal Clerk



Rosemary Tuohy, Mayor