

**TOWNSHIP OF ANDOVER
SUSSEC COUNTY, STATE OF NEW JERSEY**

ORDINANCE #2024-10

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 148,
STORM SEWER SYSTEM, OF THE CODE OF THE TOWNSHIP OF ANDOVER 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; and

WHEREAS, in order to comply with the requirements of the Township of Andover's Municipal Stormwater General Permit, the Township Committee 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.

NOW, THEREFORE, BE IT ORDAINED by the Andover Township Committee as follows:

SECTION 1. Chapter 148, Storm Sewer System, is hereby amended to establish new Article V, Privately-Owned Salt Storage, to read as follows:

§ 148-24 Purpose.

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 Andover (privately owned), including residences, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

148-25 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 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.

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.

- (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 15th through April 15th.

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.

§ 148-27 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 §148-26 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.

§ 148-28 Enforcement.

The Township Administrator, through the Road Department Supervisor 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 Andover Committee.

§148-29 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 be liable to a penalty not to exceed \$500 for each day on which the violation exists beyond the 72 hour compliance limit, in accordance with Article II, General Penalty, of the Township Code.

SECTION 2. This ordinance may be renumbered for the purposes of codification.

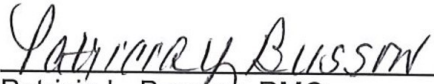
SECTION 3. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4. 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 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

CERTIFICATION

I, Patricia L. Bussow, Municipal Clerk of the Township of Andover, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Ordinance duly passed and adopted by a majority of the full membership of the Andover Township Committee at its meeting held July 18, 2024.



Patricia L. Bussow, RMC
Administrator/Municipal Clerk

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on June 20, 2024. A public hearing regarding same will be held at a hybrid meeting scheduled for July 18, 2024, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Zoom Meeting

<https://us02web.zoom.us/j/85385763939?pwd=Y0xXTzRKSGorZmVpWVpYbmttSVJ6QT09>

Webinar ID: 853 8576 3939

Passcode: 814400

Phone: +1 929 205 6099

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same. Copies of said Ordinance will be made available at the Clerk's office in the Township of Andover Municipal Building to the members of the general public who shall request the same.

Patricia L. Bussow
Patricia L. Bussow, RMC
Administrator/Municipal Clerk

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NOTICE OF FINAL ADOPTION

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Hybrid Meeting of the Township Committee of the Township of Andover on June 20, 2024. Said Hybrid Meeting was held virtually via Zoom and in person at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.

Patricia L. Bussow
Patricia L. Bussow, RMC
Administrator/Municipal Clerk