



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2535

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards
Chapter 17 “Stormwater Management,” to
Add Section 7 “Privately Owned Salt Storage”

Commented [A1]: Reminder to include the ordinance number once it is known.

SECTION 17-7 Privately Owned Salt Storage

17-7.1 Purpose

The purpose of this ordinance is to prevent stored salt and other solid deicing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid deicing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Bernards Township, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

17-7.2 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 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.

DEICING 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:

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 deicing 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.

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 deicing material is stored.

17-7.3 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 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 deicing materials between April 16th and October 14th.
- B. Deicing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner, or owner of the deicing 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 deicing materials are required to perform weekly inspections.

17-7.4 Exemptions

Residents may store deicing 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) deicing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 17-7.3 above. Piles of deicing materials are not exempt, even if stored in a permanent structure.

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

17-7.5 Enforcement

This ordinance shall be enforced by the Zoning Officer during ordinary enforcement duties.

17-7.6 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. Any person or entity found to be in violation of the provisions of this section shall be subject to a minimum penalty, which shall consist of a fine which may be fixed at any amount not to exceed \$500 per incident. Each day the violation is not abated shall be considered a separate incident.

17-7.7 Severability

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

17-7.8 Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

EXPLANATORY STATEMENT:
Adoption of this ordinance is required by the New Jersey Department of Environmental Protection.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2535 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 09/26/2023 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 10/10/2023, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from ckieffer@bernards.org.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Notice is hereby given that Bernards Township Ordinance #2535 was introduced and passed on first reading at a meeting of the Township Committee on 09/26/2023 and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 10/10/2023.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk