

ORDINANCE NO. 2024-04

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26 HOUSING AND PROPERTY MAINTENANCE STANDARDS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ENACTING DEICING MATERIAL STORAGE REQUIREMENTS FOR PURPOSES OF COMPLIANCE WITH MS4 TIER A MUNICIPAL STORMWATER GENERAL PERMIT REQUIREMENTS, ADDING SECTION 26-2.12

WHEREAS, the Borough Council of the Borough of Belmar has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Borough of Belmar, 1994"; and,

WHEREAS, pursuant to N.J.S.A. 40:69A-120, All legislative power of the Borough shall be exercised by the Borough Council except as may be otherwise provided by general law; and,

WHEREAS, pursuant to N.J.A.C. 7:14A et seq., the Borough of Belmar, as with all other municipalities in New Jersey, has been designated as an MS4 Tier A designated municipality under the provisions of the regulations promulgated by New Jersey Department of Environmental Protection; and

WHEREAS, under such a designation, the Borough of Belmar is required to make application to the New Jersey Department of Environmental Protection for a New Jersey Pollutant Discharge Elimination System permit to be allowed to operate its stormwater discharge system; and

WHEREAS, the New Jersey Department of Environmental Protection has made amendments to the permitting requirements to include an obligation for the Borough to include provisions for Deicing Material Storage on private property within the Borough; and,

WHEREAS, the Mayor and council find it efficient and proper to administer the State's mandate under the Borough's Property Maintenance Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION I. That Borough Ordinance Section 26-2 be amended to add and include Section 26-2.12 "Deicing Material Storage Requirements" as follows;

a. 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, in the Borough of Belmar to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

b. 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.

1. "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.
2. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

3. "Storm drain inlet" means the point of entry into the storm sewer system.
4. "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. 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 de-icing 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.
5. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
6. "Resident" means a person who resides on a residential property where de-icing material is stored.

c. Deicing Material Storage Requirements:

1. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - A. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - B. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - C. 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;
 - D. Loose materials shall be covered as follows:
 - (i) The cover shall be waterproof, impermeable, and flexible;
 - (ii) The cover shall extend to the base of the pile(s);
 - (iii) The cover shall be free from holes or tears;
 - (iv) The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
 - (v) All weights 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. Items that can potentially hold water (e.g., old tires) shall not be used as weights;
 - E. Containers must be sealed when not in use; and
 - F. The site shall be free of all de-icing materials between April 16th and October 14th.
2. 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 15 -April 15.

3. 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.

4. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

d. Exemptions:

1. 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.

2. 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.

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

e. Enforcement:

Any person violating the provisions of this chapter shall, upon conviction, be punished by a fine or not more than \$2,000, or community service, as determined by the Municipal Court of the Borough of Belmar. A continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of such violation will be punished as provided above for each separate offense.

SECTION II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law.