

TOWNSHIP OF BURLINGTON

ORDINANCE

2023-OR-038

**ORDINANCE OF THE TOWNSHIP OF BURLINGTON
AMENDING THE CODE TO ADD THE NEW CHAPTER
"PRIVATELY OWNED SALT STORAGE"**

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") requires the Township as the holder of a MS4 Tier A stormwater permit to adopt regulations for privately owned salt storage; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the NJDEP model salt storage ordinance and recommend adoption to prevent stored salt and other deicing materials from being exposed to stormwater.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Burlington as follows:

SECTION 1 Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. It establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Township (privately-owned), including residences, to protect the environment, and the public health, safety and welfare.

Section 2. Definitions.

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.

IMPERVIOUS SURFACE means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET means the point of entry into the storm sewer system.

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.

PERSON means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to Township jurisdiction.

RESIDENT means a person who resides on a residential property where de-icing materials are stored.

Section 3. Deicing 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 Zoning Officer or his or her designee:

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(s);
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.

(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. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials shall be stored in a completely enclosed permanent structure if a suitable storage structure is available, and if stored in a permanent structure may remain stored throughout the year.

C. All such temporary and/or permanent structures must comply with all other Township ordinances, including obtaining a zoning permit and building and zoning regulations.

D. The property owner shall designate a person(s) responsible for operations at the site where deicing materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this Ordinance are met.

Section 4. Exemptions.

Facilities where the stormwater discharges from salt storage activities are regulated under another NJPDEP permit are exempt from these requirements.

Section 5. Enforcement.

The Zoning Officer or his or her designee shall be responsible for the enforcement of these requirements.

Section 6. Violations and Penalties.

Any person(s) who is found to be in violation of these requirements shall be given 72 hours by the Zoning Officer or his or her designee to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in such fines and penalties that may be imposed in accordance with the general penalty provisions in § 1-18.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on November 28, 2023, and will be considered for final passage after a public hearing held at a Regular Meeting of the Township Council to be held on December 12, 2023, at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on December 12, 2023.

Mary E. Field
Municipal Clerk

Robert W. Jung
President of Council