



# Borough of Chatham

54 Fairmount Avenue • Chatham • NJ 07928  
973-635-0674 • ChathamBorough.org

## ORDINANCE NO. 24-04

### AN ORDINANCE ADDING A NEW CHAPTER, CHAPTER 214, OF THE CODE OF THE BOROUGH OF CHATHAM “SALT STORAGE, PRIVATELY OWNED” TO COMPLY WITH STATE DEP REQUIREMENTS

**WHEREAS**, the Borough’s professionals have advised the Borough Council that the New Jersey Department of Environmental Protection (“DEP”) has required municipalities adopt legislation addressing privately owned salt storage to comply with DEP stormwater regulations; and,

**WHEREAS**, the salutary purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater; and,

**WHEREAS**, this ordinance establishes requirements for the storage of salt and other solid de-icing materials on residential and other private property not owned or operated by the Borough of Chatham, in order to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM**, as follows:

#### **Section 1:**

A new Chapter 214 of the Code of the Borough of Chatham, “Salt Storage, Privately Owned,” is hereby established and shall read as follows:

#### **§ 214-1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **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.

#### **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 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**

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.

**STORM DRAIN INLET**

The point of entry into the storm sewer system.

**§ 214-2 De-Icing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
  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 de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

- 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 15<sup>th</sup> to April 15<sup>th</sup>.
- C. 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.

**§ 214-3 Exemptions.**

- A. 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 two (2) weeks.
- B. 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 § 214-2 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- C. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**§ 214-4 Enforcement.**

This ordinance may be enforced by the Police Department, Zoning Officer, Construction Code Official or other official designated by the Borough Administrator during the course of ordinary enforcement duties.

**§ 214-5 Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours from the date notice is provided by the Borough that a violation is present to complete any required corrective action to abate the violation. The failure to complete such corrective action within the mandated time frame shall subject the offender to the penalties established in Section 1-14 of the Code of the Borough of Chatham. Any person who is convicted of violating any provision of this Chapter within one (1) year of the date of a previous violation and who was fined for the previous violation shall be sentenced by the Court to an additional fine as a repeat offender.

**Section 2:**

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 3:**

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of

competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4:**

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 5:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Name	Motion	Second	Yes	No	Abstain	Absent
Mathiasen						
Hargrove						
Hay						
Koronkiewicz						
Strickland						
Treloar						

**Introduced: April 8, 2024**

**Adopted: May 13, 2024**

**Attest:**

**BOROUGH OF CHATHAM**

\_\_\_\_\_  
 Vanessa L. Nienhouse, RMC, CMC  
 Borough Clerk

\_\_\_\_\_  
 Carolyn Dempsey  
 Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading and approved by the Borough Council at its Regular Meeting held on May 13, 2024.

\_\_\_\_\_  
 Vanessa L. Nienhouse, Borough Clerk