

**TOWNSHIP OF FAIRFIELD
ESSEX COUNTY, NEW JERSEY
ORDINANCE #2024-01**

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, ESSEX
COUNTY, NEW JERSEY TO ADOPT A NEW CHAPTER 21 PRIVATELY
OWNED SALT STORAGE, OF THE TOWNSHIP CODE**

WHEREAS, the Governing Body of the Township of Fairfield (“Governing Body”) desires to amend the sections of the Code in order to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Chapter 21 Article 6 entitled “Privately-Owned Salt Storage”, of the Township Code of the Township of Fairfield is hereby created to read as follows:

SECTION I. 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 (privately-owned), including residences, in the Township of Fairfield to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. 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.

- A. “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.

- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "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.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. 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:
 - 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 16th and October 14th.
7. Storage of salt and de-icing material shall only be allowed in the rear yard.
8. Stockpile of salt and de-icing material is limited to use on the property on which it is stored.

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-April 15.

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.

SECTION IV. Permit Required:

The temporary storage of salt or de-icing material shall not occur until a permit is obtained from the Zoning Officer. The application shall be made on forms supplied by the Zoning Officer and include, at minimum, a site plan clearly indicating the location of storage area and volume of material. The fee for a permit obtained from the Zoning Officer as mentioned herein shall be \$100.

SECTION V. 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 Section III 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.

SECTION VI. Enforcement:

This ordinance shall be enforced by the Property Maintenance Officer during the course of ordinary enforcement duties.

SECTION VII. 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 result in fines as follows: Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$250 per occurrence.

SECTION VIII. 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.

SECTION IX. 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.

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Fairfield heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

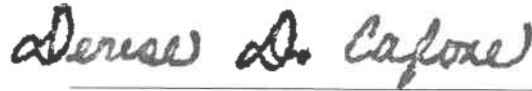

WILLIAM GALESE, Mayor

ATTEST:


DENISE D. CAFONE, Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on January 22, 2024 introduced and read by title and passed first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting that is to be held on February 12, 2024 at 7:00 p.m.; at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.



DENISE D. CAFONE
Municipal Clerk

INTRODUCTION OF ORDINANCE ~ ORDINANCE #2024-01, AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY, NEW JERSEY TO ADOPT A NEW CHAPTER 21 PRIVATELY OWNED SALT STORAGE, OF THE TOWNSHIP CODE

INTRODUCED BY: Council President Cifelli
SECONDED BY: Councilman Campisi
PUBLISHED: January 25, 2024

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOSEPH CIFELLI	X				
COUNCILMAN PETER CAMPISI	X				
COUNCILMAN JOHN LAFORGIA				X	
COUNCILMAN MICHAEL B. MCGLYNN				X	
MAYOR WILLIAM GALESE	X				

2ND READING AND PUBLIC HEARING: February 12, 2024

ADOPTED BY: Councilman Campisi
SECONDED BY: Councilman McGlynn
PUBLISHED: February 15, 2024

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOSEPH CIFELLI	X				
COUNCILMAN PETER CAMPISI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B. MCGLYNN	X				
MAYOR WILLIAM GALESE	X				