

## **ORDINANCE NO. 2024-08**

### **AN ORDINANCE CREATING CHAPTER 9C, ENTITLED PRIVATELY-OWNED SALT STORAGE**

**WHEREAS**, the Borough of Flemington desires to update its regulations for privately owned salt storage in accordance with NJDEP requirements; and

**WHEREAS**, in consideration thereof, the Mayor and Council of the Borough of Flemington desire to create a new Chapter 9C, entitled "Privately-Owned Salt Storage" and

**BE IT THEREFORE ORDAINED**, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 9C of the Municipal Code of the Borough of Flemington, County of Hunterdon, State of New Jersey is created pursuant to the provisions hereof:

#### **Section I**

Chapter 9C, entitled "Privately-Owned Salt Storage" is hereby created and shall read as follows:

##### **9C-1. 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 Borough of Flemington to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

##### **9C-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.

- 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.

### **9C-3. Deicing 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:

- 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; and
  - v. 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 - April 15.
- C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. 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.
- E. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**9C-4. 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.

**9C-5. Enforcement:**

This ordinance shall be enforced by any municipal officials with jurisdiction during the course of ordinary enforcement duties.

**9C-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 who fails to complete corrective action, shall, upon conviction, be punished either by imprisonment in the County jail for a term not exceeding ninety (90) days or by a fine not exceeding one thousand five hundred (\$1,500) dollars or five hundred (\$500.00) dollars for a first offense, one thousand (\$1,000.00) dollars for a second offense, and one thousand five hundred (\$1,500.00) dollars for a third offense and every offense thereafter, or both, in the discretion of the Court..

**SECTION VII. 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.

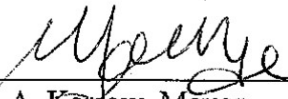
**SECTION VIII. Effective Date:**


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

Introduced: April 22, 2024

Adopted: May 13, 2024

ATTEST:

  
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Marcia A. Karrow, Mayor

  
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Carla Conner, Borough Clerk