

TOWNSHIP OF HAINESPORT

ORDINANCE NO. 2024-14

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE TO AMEND AND
SUPPLEMENT THE TOWNSHIP OF HAINESPORT CODE TO ADOPT AND
ESTABLISH NEW ARTICLE V ENTITLED “PRIVATELY OWNED SALT STORAGE”
IN CHAPTER 161 “STORMWATER MANAGEMENT”**

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the New Jersey Department of Environmental Protection recently updated the Municipal Separate Storm Sewer System (“MS4”) Tier A Permit requirements, which include adoption of an ordinance to regulate the storage of salt and de-icing materials on private property; and

WHEREAS, the Township Committee of the Township of Hainesport finds that it is in the best interests of the Township to adopt the required ordinances to promote the public health, safety, and general welfare of its citizenry.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAINESPORT, IN THE COUNTY OF BURLINGTON, NEW JERSEY AS FOLLOWS:

Section 1. New Article V, entitled “Privately Owned Salt Storage”, in Chapter 161, “Stormwater Management” is hereby created as attached hereto as Schedule “A” and made a part hereof.

Section 2. All other provisions of the Code currently in effect, are hereby saved from revision, and shall remain in full force and effect;

Section 3. If any provision of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Section 4. This ordinance shall be effective as of the date hereof and shall remain in force until modified, amended or rescinded by Township of Hainesport, Burlington County, New Jersey.

SCHEDULE "A"
NEW ARTICLE V, PRIVATELY OWNED SALT STORAGE
CHAPTER 161 STORMWATER MANAGEMENT

§161-31. 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 Hainesport to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§161-32. 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.

§161-33. 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.
- 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.
 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§161-34. 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.

§161-35. Enforcement:

This ordinance shall be enforced by the Township Zoning Officer or Code Enforcement Officer and such other municipal or other officials as may be designated from time to time by the Township Committee.

§161-36. Violations and Penalties:

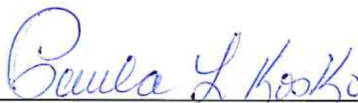
Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines no less than \$100.00 and no more than \$1,000.00.

NOTICE OF PUBLIC HEARING

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2024-14**

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on August 13, 2024. It will be further considered for final passage, with these amendments, after a public hearing on said amendments only, at the regular meeting to be held on September 10, 2024 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 6:30 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance and these amendments may be obtained from the Township Clerk.

Dated: August 13, 2024



Paula L. Kosko, RMC, Township Clerk
Township Administrator

Committee member	Motion	Second	Yes	No	Abstain	Absent
Evans		X	X			
Montgomery			X			
Clauss	X		X			
Tordy			X			
Gilmore			X			

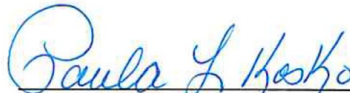
NOTICE OF FINAL PASSAGE

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2024-14**

Notice is hereby given that Ordinance No. 2024-14 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on September 10, 2024. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: September 10, 2024




Paula L. Kosko, RMC, Township Clerk
Township Administrator

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: Sept 10, 2024



LEILA GILMORE
Mayor of Hainesport Township

Committee member	Motion	Second	Yes	No	Abstain	Absent
Evans						
Montgomery						
Clauss						
Tordy						
Gilmore						

Introduced: August 13, 2024
First Publication: August 18, 2024
Adoption: September 10, 2024
Final Publication: September 15, 2024