

**BOROUGH OF HALEDON
ORDINANCE NO. 5-25-2023**

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH
OF HALEDON, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO ESTABLISH TO AMEND CHAPTER 346 (STORMWATER QUALITY)
OF THE CODE OF THE BOROUGH OF HALEDON**

WHEREAS, under N.J.S.A. 40:48-1, a municipal may enact ordinances to ensure the health, safety and welfare of the residents and under N.J.S.A. 40:48-2 to make any sure necessary and proper ordinances for the benefit of the populace of the community,

WHEREAS, it is necessary to update and amend the Municipal Code to control the placement and controls of privately owner salt and other de-icing material storage locations to prevent discharge into waterways and affect the quality of such waters; and

WHEREAS, the Municipal Council has found it proper to amend the language of the Code accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Borough of Haledon, that Chapter 346, Stormwater Quality, of the Code of the Borough of Haledon, is hereby amended as follows:

ARTICLE X – PRIVATELY OWNED SALT STORAGE

§346-39 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) in Borough of Haledon to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§346-40 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.

§346-41 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 Department:
 - 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;
 - 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 should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met.

§346-42 EXEMPTIONS

- A. This ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.
- B. This ordinance does not apply to any residential or commercial uses that have de-icing materials for use on their own property and the weight of the de-icing material does not exceed 20 pounds. De-icing materials are to be kept in an impermeable container.
- C. This ordinance does not apply to any commercial uses which are in the routine business of selling de-icing materials provided that the materials are contained within sealed plastic bags that individually weigh less than 30 pounds each. The total weight of de-icing materials shall not exceed 600 pounds at any given time.

§346-43 ENFORCEMENT

This ordinance shall be enforced by the Haledon Police Department during the course of ordinary enforcement duties.

§346-44 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: up to a \$1000 per day violation.

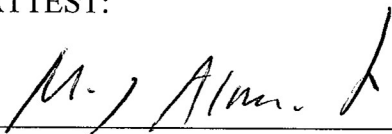
NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Borough of Haledon shall remain in full force and effect.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

INTRODUCED: 5/25/2023


PASSED: 6/22/2023

ATTEST:



Municipal Clerk

APPROVE:



Mayor