

CITY OF LONG BRANCH
COUNTY OF MONMOUTH

ORDINANCE NO. O-12-24

AN ORDINANCE AMENDING CHAPTER 296, "STORM SEWERS," OF THE CODE
OF THE CITY OF LONG BRANCH BY CREATING ARTICLE III, "PRIVATELY
OWNED SALT STORAGE"

SUMMARY

The purpose of this Ordinance is to establish requirements for privately owned salt storage and other de-icing materials on properties not owned by the City in order to prevent said materials from being exposed to stormwater.

WHEREAS, the City of Long Branch (hereinafter referred to as the "City") wants to establish requirements for salt storage and other solid de-icing materials on properties not owned or operated by the City, including residences, in order to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply; and

WHEREAS, the City is desirous of amending Chapter 296, "Storm Sewers" by creating Article III, "Privately Owned Salt Storage to establish these requirements.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Long Branch that Chapter 296, "Storm Sewers" of the City Code be and is hereby amended to read as follows:

Deletions are noted by ~~strikethroughs~~.

Additions are indicated in **bold underline**.

Language that remains unchanged is not highlighted in anyway.

SECTION I

Chapter 296 Storm Sewers

The following shall be inserted after Article II, "Private Storm Drain Inlet Retrofitting"

ARTICLE III Privately Owned Salt Storage

§296-14 Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

§296-15 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.

DE-ICING 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.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

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.

§296-16 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.**
 - f. 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 temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations as set forth in Chapter 345.

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.

§296-17 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 NJ Pollutant Discharge Elimination System permit.

§296-18 Enforcement

This article shall be enforced by the City of Long Branch Police Department and/or other municipal officials of the City of Long Branch.

§296-19 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this article shall be subject to punishment as provided in Chapter 1, General Provisions, Article I.

SECTION II

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudications shall apply to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid in effect.

SECTION III

Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV

This Ordinance shall take effect upon passage and publication in accordance with the applicable law.

Introduced: May 8, 2024

Adopted: May 22, 2024

MOVED: Voogt
SECONDED: Widdis

AYES: 4
NAYS: 0
ABSENT: 1 (Celli)
ABSTAIN: 0

Date: 5/24/2024

Amanda Caldwell
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Date: 5/24/2024

John Pallone
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