

**TOWNSHIP OF OLD BRIDGE  
ORDINANCE NO. 24-08**

**ORDINANCE AMENDING CHAPTER 432 OF THE TOWNSHIP CODE ENTITLED "STORMWATER QUALITY" BY ADDING A NEW ARTICLE X ENTITLED "SALT STORAGE – PRIVATELY OWNED"**

**BE IT ORDAINED** by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey that Chapter 432 of the Township Code entitled "Stormwater Quality" be and is hereby amended by adding a new Article X entitled "Salt Storage – Privately Owned" as follows:

**SECTION 1. Article X Salt Storage – Privately Owned**

**§432-50 Purpose.**

To prevent stored salt and other solid de-icing materials from being exposed to stormwater and establishing 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 Old Bridge Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§432-51 Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

**§432-52 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:

- 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 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. Temporary and/or permanent structures must also comply with all other Township 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.

**§432-53 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 §432-52 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.

**§432-54 Enforcement.**

This article shall be enforced by the Police Department and/or other appropriate Municipal Officials of Old Bridge Township during the course of ordinary enforcement duties.

**§432-55 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:

1 <sup>st</sup> Offense	\$1,000.00
2 <sup>nd</sup> Offense	\$2,500.00
3 <sup>rd</sup> Offense	\$5,000.00

**SECTION 2. 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 3. Inconsistent Ordinances.**

All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4. Partial Invalidity.**

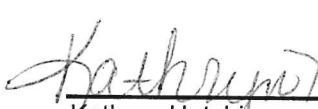
If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

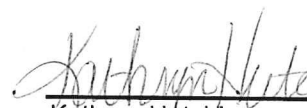
**SECTION 5. Copies of Ordinance.**

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.


**SECTION 6. Effective Date.**

- A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to N.J.S.A. 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to N.J.S.A. 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.
- B. If the Mayor vetoes the Ordinance (in the manner set forth at N.J.S.A. 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.
- C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the council vote in favor of such resolution.

Motion/ Second	Roll Call To Adopt On Introduction/First Reading				Adopted On First Reading Dated: April 9, 2024
	YAY	NAY	ABSTAIN	ABSENT	
	Mr. Accettulli	X			 Kathryn Hutchinson Township Clerk
	Ms. DeCaro	X			
Second	Mr. DePalma	X			
	Mr. Desai			X	
	Mr. Garcia	X			
	Mr. Murphy	X			
	Mr. Paskitti	X			
Motion	Dr. Greenberg-Belli	X			
	President Sohor	X			

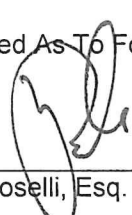
Motion/ Second	Roll Call To Adopt On Adoption/Second Reading				Adopted On Second Reading Dated: April 30, 2024
	YAY	NAY	ABSTAIN	ABSENT	
	Mr. Accettulli	x			 Kathryn Hutchinson Township Clerk
	Ms. DeCaro	x			
	Mr. DePalma	x			
	Mr. Desai	x			
	Mr. Garcia	x			
Second	Mr. Murphy	x			
	Mr. Paskitti		x		
Motion	Dr. Greenberg-Belli	x			
	President Sohor	x			

ATTEST:

  
 Kathryn Hutchinson, Township Clerk

  
 Mary Sohor, Council President

Approved As To Form And Sufficiency

  
 Mark Roselli, Esq. Department of Law

  
 Eleanor Walker, Mayor