

ORDINANCE NO. 2024-20

**BOROUGH OF POINT PLEASANT BEACH
COUNTY OF OCEAN**

ORDINANCE REGARDING PRIVATELY OWNED SALT STORAGE

WHEREAS, the Borough of Point Pleasant Beach (Borough) seeks to manage the impacts of stormwater within the Borough; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has developed a model ordinance regarding privately-owned salt storage in order to protect salt and other solid de-icing materials from exposure to stormwater, pursuant to its Tier A Municipal Stormwater General Permit;

WHEREAS, the Borough desires to incorporate the NJDEP’s model ordinance regarding privately-owned salt storage into the Borough’s Ordinances in order to manage the effects of stormwater in conformance to NJDEP standards.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Point Pleasant Beach in the County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 26 of the Borough Code, titled “Environmental Protection”, is hereby supplemented as follows:

§ 26-2 Privately-Owned Salt Storage.

26-2.1 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 Borough (privately owned) to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

26-2.2 Definitions.

For the purpose of this section, 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 not inconsistent 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 water 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 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.

26-2.3 De-icing 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:

- 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 car 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 de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15th-April 15th.
 - 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.

26-2.4 Exemptions.

This Ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJDEP permit.

26-2.5 Enforcement.

This Ordinance shall be enforced by the Department of Public Works during the course of ordinary enforcement duties.

26-2.6 Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$1,000.00. If any paperwork required under this section is not submitted, a fine of not more than \$1,000.00 shall be assessed for each month that said paperwork is not submitted.

SECTION 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

Approved this _____ day of _____, 2024:

Borough of Point Pleasant Beach
Douglas R. Vitale, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Governing Body of the Borough of Point Pleasant Beach, in the County of Ocean, State of New Jersey, on August 20, 2024. It was further considered for final passage after public hearing thereon, and was adopted, at a regular meeting of the Governing Body held in the Council Chambers at Borough Hall, 416 New Jersey Avenue, Point Pleasant Beach, NJ, on September 3, 2024, at which time and place any person desiring to be heard was given an opportunity to be so heard.

EILEEN A. FARRELL, RMC
Municipal Clerk

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A.40:49-2

This Ordinance addresses stormwater management related to privately-owned salt storage in conformance with NJDEP standards.