

**BOROUGH OF PROSPECT PARK
COUNTY OF PASSAIC**

ORDINANCE NO. 2023-18

**ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PROSPECT PARK
ADOPTING THE NJDEP MANDATED REGULATIONS FOR PRIVATELY OWNED
SALT STORAGE**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated regulations for privately owned salt storage; and

WHEREAS, the Borough Engineer has reviewed the model ordinance provided by NJDEP and recommends its adoption; and

WHEREAS, the Mayor and Borough Council have determined that it is in the best interest of the Borough of Prospect Park to adopt the NJDEP model ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Prospect Park, County of Passaic, State of New Jersey, that it hereby establishes a Green Team Advisory Committee for the purposes of advising and recommending to the Mayor and Council improved municipal operations with green initiatives which are economically and environmentally sound through research and evaluation; and

BE IT FURTHER ORDAINED, by the Council of the Borough of Prospect Park that the Code of the Borough of Prospect Park is hereby amended to create a Chapter entitled, "Privately Owned Salt Storage" and to govern and provide for the regulations of Privately Owned Salt Storage and the enforcement thereof to state as follows:

PRIVATELY OWNED SALT STORAGE

Section 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 municipality (privately-owned), including residences, in the Borough of Prospect Park to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

Section 2 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.

Section 3 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.

Section 4 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.

Section 5 Enforcement

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Prospect Park during the course of ordinary enforcement duties.

Section 6 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 set forth in Section 1-15 of the Code of the Borough of Prospect Park.

In addition, upon failure to take such corrective action in a timely fashion, the Mayor and Council of the Borough of Prospect Park, at its sole discretion, may also authorize the Borough of Borough of Prospect Park to take such action as deemed necessary to remedy said violation and condition, and the cost of said remedy, together with any other charges incurred, shall be a principal lien against the real property upon which said costs and charges were incurred in the same manner of real property taxes, such costs to include the manpower cost per hour of Borough employees required to complete said remedies as certified by the Superintendent of Public Works, direct costs for materials, and/or the costs of any third-party contractor.

BE IT FURTHER ORDAINED by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason

whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and

BE IT FURTHER ORDAINED this Ordinance shall take effect upon final passage and publication according to law.

**Introduction and First Reading:
November 20, 2023**

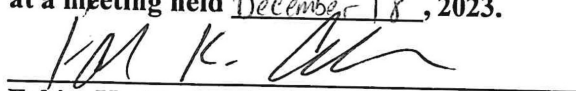
COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Hussain			✓			
Artis	✓		✓			
Daghstani		✓	✓			
Ortiz						✓
Perez						✓
Shah			✓			

**Second and Final Reading of Ordinance Adoption:
December 18, 2023**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Hussain			✓			
Artis						✓
Daghstani		✓	✓			
Ortiz			✓			
Perez			✓			
Shah	✓		✓			


Mohamed Khairullah, Mayor

This Ordinance was duly passed on second and final reading
by the Council of the Borough of Prospect Park
at a meeting held December 18, 2023.


Fahim K. Abedrabbo, MPA
Acting Municipal Clerk