

ROCKAWAY TOWNSHIP
COUNTY OF MORRIS, NEW JERSEY
ORDINANCE # 23-26

AN ORDINANCE OF THE TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 54, STORMWATER CONTROL, OF THE TOWNSHIP CODE TO ESTABLISH NJDEP MANDATED REGULATION FOR PRIVATELY OWNED SALT STORAGE

WHEREAS, N.J.S.A. 40:48-1 and 2 permit a municipality to make and amend an ordinance as it may deem necessary and proper for good government, order, and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and,

WHEREAS, the Township has deemed it necessary to ensure that storm water drains efficiently and in a manner that is most environmentally advantageous; and

WHEREAS, as part of MS4 Tier A Permit stormwater requirement, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated regulations for privately owned salt storage in an effort to reduce or eliminate their potential impact on the environment; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the model ordinance provided by NJDEP and have recommended the adoption of an ordinance that is compliant with N.J. State Regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Township of Rockaway Council, County of Morris, State of New Jersey, as follows:

Section 1. Chapter 54, Stormwater Control, of the Township Code is hereby amended to establish Chapter 25-14 Privately Owned Salt Storage, to read as follows:

25-14 Privately Owned Salt Storage

A. Purpose.

The purpose of this ordinance is to prevent stored salt and other 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 Township of Rockaway to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

B. Definitions.

For the purposes 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 is not merely used to provide direction.

- (1) “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.
- (2) “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- (3) “Storm drain inlet” means the point of entry into the storm sewer system.
- (4) “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:

- (a) 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;
 - (b) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - (c) The structure shall be erected on an impermeable slab;
 - (d) The structure cannot be open sided; and
 - (e) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- (5) “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - (6) “Resident” means a person who resides on a residential property where de-icing material is stored.

C. Deicing Material Storage Requirements.

- (1) Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

- (a) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - (b) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - (c) 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;
 - (d) Loose materials 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, movement, or displacement by wind; and
 - (v) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure to inhibit materials shift and to direct runoff flows downward 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;
 - (e) Containers must be sealed when not in use; and
 - (f) There shall be no outdoor storage of loose de-icing materials stored on any property between April 16th and October 14th. Storage of loose de-icing materials in a permanent structure may be stored on a year-round basis.
- (2) All such temporary and/or permanent structures must also comply with all other Township of Rockaway ordinances, including but not limited to building and zoning regulations.

The property owner, or owner of the de-icing materials, if different, shall be jointly, severally, and individually responsible for operations at any site where de-icing materials are stored outdoors. They shall also be responsible to document that weekly inspections are being or have been 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. Except as hereinafter provided, these obligations extend to owner occupied residences that utilize de-icing materials.

D. 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 two (2) weeks from the day that any exposure to the elements may first occur.

If containerized (in bags or buckets) de-icing materials that are stored within a permanent structure, are not subject to the storage and inspection requirements in Section C. above. Piles of de-icing materials are not exempt from the requirements of Section C, even if they are stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated by an NJPDES permit that has been issued for the subject property.

E. Enforcement.

This ordinance shall be enforced by the Rockaway Township Engineer or designee during the course of ordinary enforcement duties.

F. Violations and Penalties.

Any person(s) who has received a Notice of 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 subject such person(s) to fines and penalties in accordance with N.J.S.A. 40:49-5.

Section 2. Ordinances, resolutions, regulations or parts of ordinance, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. If any section, subsection, sentence, 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 portions of this Ordinance.

Section 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

CERTIFICATION

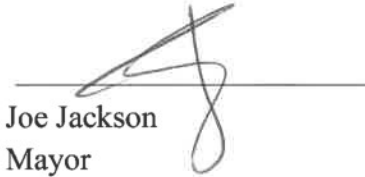
I, EVERETT FALT, DO HEREBY CERTIFY the above to be a true copy of an Ordinance adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on December 12, 2023.



Howard Kritz
Council President



Everett Falt, MPA, RMC, CMC
Township Clerk



Joe Jackson
Mayor

APPROVE
VETO

X
—

(SEE ATTACHED STATEMENT)

ORDINANCE 23-26

Introduced NOV 13TH TWP COUNCIL REG. MEETING

Motion R. BROOKES

Second SALBERG

Roll Call AYE FRIEDLANDER, NOON, SACKETT, R. BROOKES, SALBERG,
WOJTOWICZ, QUINN, PRESIDENT KRITZ
NAY NONE

Advertised NOV 22, 2023

Adopted DEC 12TH TWP COUNCIL REGULAR MEETING

Motion SALBERG

Second SACKETT

Roll Call AYE FRIEDLANDER, NOON, D. BROOKES, SACKETT, R. BROOKES,
SALBERG, WOJTOWICZ, PRESIDENT KRITZ
NAY NONE

Advertised DEC 15, 2023