

First Reading:	06-06-2024
Publication:	06-13-2024
Second Reading:	06-20-2024
Publication:	06-27-2024

**ORDINANCE NO. 2784**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ROSELLE PARK  
ESTABLISHING A NEW CHAPTER 21 AS MANDATED BY THE NJDEP ENTITLED,  
“PRIVATELY-OWNED SALT STORAGE”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that the Code of the Borough of Roselle Park be and hereby is amended to establish a new Chapter 21 as follows:

**SECTION 1.** New Chapter Title

(Reserved)

**§ 21 Privately-Owned Salt Storage**

**SECTION 2.** Chapter Purpose

**§ 21-1 PURPOSE.**

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

**This chapter 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 Borough of Roselle Park to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.**

**SECTION 3.** Definitions of Terms within Chapter

**§ 21-2 DEFINITIONS.**

**For the purpose of this Chapter, 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.**

**PERMANENT STRUCTURE**

**Shall mean 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.

#### **STORM DRAIN INLET**

The point of entry into the storm sewer system.

#### **SECTION 4.** Stipulations for Storage Requirements

#### **§ 21-3 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 fifty (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 (i.e. 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<sup>th</sup> - April 15<sup>th</sup>.
  - c. Any and all temporary and/or permanent deicing storage 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 chapter 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 5.** Specified Exemptions

**§ 21-4 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 two (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 §21-3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This chapter does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**SECTION 6.** Enforcement of Regulations  
**§ 21-5 ENFORCEMENT.**

**This Chapter shall be enforced by the Department of Code Enforcement and Borough Engineer of the Borough of Roselle Park.**

**SECTION 7.** Penalty Provisions

**§ 21-6 VIOLATIONS AND PENALTIES.**

**Any person(s) who is(are) found to be in violation of the provisions of this Chapter shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows:**

- a. The fine for a first offense shall be one-hundred fifty dollars (\$150.00);**
- b. The fine for a second offense shall be five-hundred dollars (\$500.00); and,**
- c. The fine for third and subsequent, repeat offenses shall be one-thousand five-hundred dollars (\$1,500.00).**

**SECTION 8.** Invalidation

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 9.** Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 10.** Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, all strike through text, ~~thusly~~, should be considered a deletion from Borough Code, and all bolded text, **thusly**, should be considered an addition to Borough Code.

**SECTION 11.** Effective Date.

This Ordinance shall become effective upon publication of the Notice of Final Adoption prepared by the Office of the Borough Clerk.

Introduction: June 6, 2024

Adoption: June 20, 2024

Attest: \_\_\_\_\_

Andrew J. Casais, RMC  
Borough Clerk

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Joseph Signorello III  
Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson	X			
Signorello	X			
Robaina	X			
Lyons	X			
Patel	X			

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson				X
Signorello	X			
Robaina	X			
Lyons	X			
Patel	X			

Copy To: **Richard Belluscio (Construction Official), Neglia Group (Special Projects Engineer), Colliers Engineering (Borough Engineer), CME Associates (Municipal Planner).**