

**ORDINANCE 24-08**

**AN ORDINANCE ADDING CHAPTER 144, ENTITLED “STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS ON PROPERTIES NOT OWNED OR OPERATED BY THE CITY OF SOUTH AMBOY”**

**BE AND IT IS HEREBY ORDAINED** by the Council of the City of South Amboy, Middlesex County, New Jersey, that the Code of the City of South Amboy be amended and supplemented as follows:

Add: Chapter 144

Storage of Salt and Other Solid De-Icing Materials

**§144-1 Findings; purpose.**

The South Amboy City Council finds that improper and unregulated storage of salt and other solid materials can result in those materials being exposed to stormwater. The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater by establishing requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality, including residences, in the City of South Amboy in order to protect the environment, public health, safety and welfare.

**§144-2 Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and expressions shall have the following meanings, unless the context clearly indicates a different meaning:

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 with 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.

**§144-3. 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 temporary and/or permanent structures referred to in this Chapter must 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.

**§144-4. 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 deicing materials from leaking or spilling out. 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, provided that such bags, buckets and container prevent leakage or spilling out. 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.

**§144-5. Enforcement.**

This ordinance shall be enforced by the South Amboy Police Department and by any Code Enforcement or Zoning Official of the City of South Amboy during the course of ordinary enforcement duties.

**§144-6. Violations and Penalties.**

Prior to issuing a summons for violation of any provision of this Chapter, the enforcing officer shall have the option, but not the obligation, to allow seventy-two (72) hours for complete corrective action. Any person, firm, partnership, association or other legal entity violating or causing to be violated any of the provisions of this chapter shall be subject to a fine of not less than \$100 and not more than \$2,000.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect after final passage and publication as provided by law.

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Deborah Brooks, RMC

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