

**ORDINANCE NO. 2023-23**

**AN ORDINANCE OF THE TOWNSHIP OF STAFFORD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING CHAPTER 114, FLOOD HAZARD AREAS, OF  
THE TOWNSHIP CODE TO ADD ARTICLE XVIII TO BE  
TITLED “PRIVATELY OWNED SALT STORAGE”.**

**WHEREAS**, the Township Council of the Township of Stafford, County of Ocean and State of New Jersey deems it in the public interest to amend Chapter 114 Flood Hazard Areas, of the Code to add Article XVIII to be titled “Privately Owned Salt Storage”;

**NOW THEREFORE**, BE IT ORDAINED, by the Township Council of the Township of Stafford, County of Ocean and State of New Jersey as follows:

Section 1. The Code of the Township of Stafford is hereby amended to add Article XVIII to Chapter 144 Flood Hazard Areas of the Code and to be titled “Privately Owned Salt Storage” and to read as follows:

§114-93 Privately-Owned Salt Storage.

§114-94 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) in the Township of Stafford to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§114-95 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their deviations 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 structure 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.

§114-96 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>, 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:
  - 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;

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. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15-April 15.

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.

#### §114-97 Exemptions:

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

#### §114-98 Enforcement:

This ordinance shall be enforced by the Construction/Zoning Official of Stafford Township or their designee during the course of ordinary enforcement duties.

#### §114-99 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 follows: First violation: \$200.00, Second violation: \$500.00, Third violation: \$1,000.00 plus revocation of business license.

Section 2. All sections of the Township Code not amended hereunder shall remain in full force and effect.

Section 3. All Ordinances or parts of Ordinances inconsistent with any of the terms of this Ordinance are hereby repealed to the extent of such inconsistency or inconsistencies.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This Ordinance shall take effect immediately upon final passage and publication, as provided by law.

#### NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed by the Township Council on the first reading at a meeting of the Township Council of the Township of Stafford on the 25<sup>th</sup> day of July, 2023, and will be considered for second reading and final passage at a meeting of the Township Council to be held on the 22<sup>nd</sup> day of August, 2023, at 7 P.M. at the Municipal Building located at 260 East Bay Ave, Manahawkin, New Jersey 08050, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
SUSAN FARRELL, RMC  
MUNICIPAL CLERK

Introduction: July 25, 2023

Motion to Introduce: <i>Otte</i>	Second: <i>Henken</i>	Roll Call:	Esposito	<i>yes</i>
			Henken	<i>yes</i>
			Krier	<i>absent</i>
			Otte	<i>yes</i>
			Mower	<i>yes</i>
			Steadman	<i>yes</i>
			Myhre	<i>yes</i>

Adoption: August 22, 2023

Motion to Adopt: <i>Otte</i>	Second: <i>Steadman</i>	Roll Call:	Esposito	<i>absent</i>
			Henken	<i>absent</i>
			Krier	<i>yes</i>
			Otte	<i>yes</i>
			Mower	<i>yes</i>
			Steadman	<i>yes</i>
			Myhre	<i>yes</i>

**CERTIFICATION**

I, **SUSAN M. FARRELL**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing Ordinance was duly adopted on second reading and public comment by the Stafford Township Governing Body at their meeting held on the 22<sup>nd</sup> day of August 2023.

*Susan M. Farrell*  
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**Susan M. Farrell, RMC**  
**Municipal Clerk, Stafford Township**  
**Ordinance No. 2023-23**