

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-30**

AN ORDINANCE TO ADD CHAPTER 29, ENTITLED “SALT STORAGE, PRIVATELY OWNED” TO THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

BE IT ORDAINED by the Borough Council of the Borough of Sussex in the County of Sussex, as follows:

SECTION 1. The Code of the Borough of Sussex is amended to add a new Chapter 29, entitled “Salt Storage, Privately Owned” which shall read as follows:

Chapter 29. Salt Storage, Privately Owned.

§ 29-1. Purpose. The purpose of this ordinance 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) in Sussex Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 29-2. Definitions.

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.

STORM DRAIN INLET

The point of entry into the storm sewer system.

PERMANENT STRUCTURE

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.

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.

§ 29-3. De-icing 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, and/or ditches or other stormwater conveyance channels;
 3. Loose materials shall be formed 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.
 - i. 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. 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, 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.

§ 29-4. Exemptions.

- A. 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.
- B. 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 of Section 29-3. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- C. This chapter does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 29-5. Enforcement. This chapter shall be enforced by the Sussex Borough Code Enforcement Officer during the course of ordinary enforcement duties.

§ 29-6. Violations and Penalties. Any person(s) who is determined by the Code Enforcement Officer to be in violation of the provisions of this chapter shall have 72 hours after notice of noncompliance with this chapter is given by the Code Enforcement Officer to complete corrective action. A violation and/or failure to complete corrective action shall result in penalties in accordance with Section 3-9 of the Code.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

SECTION 4. This Ordinance shall take effect upon its passage and publication as provided by law.

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-30 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on November 9, 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on December 5, 2023 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC