

**BOROUGH OF WALLINGTON  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2024-013**

**AN ORDINANCE TO AMMEND AND SUPPLEMENT CHAPTER 268 OF THE CODE OF THE BOROUGH OF WALLINGTON TO REVISE THE REQUIREMENTS FOR THE STORAGE OF SALT AND OTHER DE-ICING MATERIALS ON PROPERTIES NOT OWNED OR OPERATED BY THE MUNICIPALITY, INCLUDING RESIDENCES IN WALLINGTON TO PROTECT THE ENVIORNMENT, PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Wallington as follows:

1. Section 268-11 through 268-14 of the Code of the Borough of Wallington are amended and supplemented to read as follows:

**SECTION I. 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 Borough of Wallington to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II. Definitions:**

For the purpose 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 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 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.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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**SECTION III. 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.

**SECTION IV. Exemptions:**

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

**SECTION V. Enforcement:**

This ordinance shall be enforced by the **Wallington Police Department and/or other Municipal Officials of The Borough of Wallington** during the course of ordinary enforcement duties .

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**SECTION VI. 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:

- A. First violation: \$200
- B. Second Violation: \$500
- C. Third Violation: \$1,000, plus revocation of business license.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**ADOPTION NOTICE**

**BOROUGH OF WALLINGTON  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

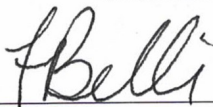
**ORDINANCE # 2024-013**

**FIRST READING/INTRODUCTION:** June 6, 2024

**SECOND READING / ADOPTION:** June 20, 2024


MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
RACHELSKI			X			
GRAHAM			X			
BALIK	X		X			
PREINFALK		X	X			
IVANICKI			X			
ANDROWIS			X			

CERTIFIED AS A TRUE COPY OF AN  
ORDINANCE ADOPTED BY THE  
BOROUGH WALLINGTON AT A MEETING  
DATE BELOW



FRANK BELLI  
MUNICIPAL CLERK, ACTING

ADOPTED THIS 20<sup>TH</sup> DAY OF JUNE, 2024

  
MELISSA DABAL, MAYOR  
BOROUGH OF WALLINGTON