

**BOROUGH OF WRIGHTSTOWN
COUNTY OF BURLINGTON**

ORDINANCE NO. 2024-09

**AN ORDINANCE OF THE BOROUGH COUNCIL AMENDING THE
BOROUGH OF WRIGHTSTOWN CODE OF ORDINANCES TO ADOPT
AND ESTABLISH NEW CHAPTER 147 “PRIVATELY OWNED SALT STORAGE”
IN THE CODE OF THE BOROUGH OF WRIGHTSTOWN**

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Borough’s 2023 Tier A MS4 NJPDES permit renewal requires permittees to, at a minimum, adopt and enforce a community-wide ordinance to prevent stored salt and other solid de-icing materials from being exposed to stormwater; and

WHEREAS, the Borough Council of the Borough of Wrightstown finds that it is in the best interests of the Borough to adopt the required ordinances to promote the public health, safety, and general welfare of its citizenry.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WRIGHTSTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AS FOLLOWS:

Section 1. New Chapter 147 entitled “Privately Owned Salt Storage” is hereby created as attached hereto as Schedule “A” and made a part hereof.

Section 2. All other provisions of the Code currently in effect, are hereby saved from revision, and shall remain in full force and effect;

Section 3. If any provision of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Section 4. This ordinance shall be effective as of the date hereof and shall remain in force until modified, amended or rescinded by Borough of Wrightstown, Burlington County, New Jersey.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Wrightstown held on March 27, 2024. It will be further considered for final passage after a public hearing at the regular meeting to be held on

April 24, 2024, at the Borough Hall, 21 Saylor's Pond Road, Wrightstown, New Jersey at 6:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

FREDA H. GORMAN, RMC
Municipal Clerk

Introduction/First Reading March 27, 2024

Motion: Mrs. Carroll

Second: Mrs. Knapp

Roll Call Vote:

Ayes: Mr. Bird, Mr. Bushnell, Mrs. Carroll, Mr. Craig, Mrs. Knapp, Mr. Lownds

Nays: None

Absent: None

Abstain: None

Second Reading/Public Hearing April 24, 2024

Motion: Mrs. Carroll

Second: Mr. Craig

Roll Call Vote:

Ayes: Mr. Bird, Mr. Bushnell, Mrs. Carroll, Mr. Craig, Mrs. Knapp, Mr. Lownds

Nays: None

Absent: None

Abstain: None

DONALD COTTRELL
Mayor

CERTIFICATION

The aforementioned Ordinance Number 2024-09 was finally adopted by the Borough Council of the Borough of Wrightstown, County of Burlington, State of New Jersey, after Second Reading and Public Hearing at their Regular Meeting held on April 24, 2024.

FREDA H. GORMAN, RMC
Municipal Clerk

Dated: April 24, 2024

Ord2024-09 PrivateSaltStorageChapter147StormwaterMngmnt

SCHEDULE “A”
NEW CHAPTER 147
PRIVATELY OWNED SALT STORAGE

§147-1. 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), including residences, in the Borough of Wrightstown to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§147-2. 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.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§147-3. 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 such temporary and/or permanent 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 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.

§147-4. 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 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 Section III above. 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.

§147-5. Enforcement:

This ordinance shall be enforced by the Borough Zoning Officer or Code Enforcement Officer during the course of ordinary enforcement duties.

§147-6. 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 no less than \$100.00 and no more than \$1,000.00.