

ORDINANCE # 6 OF 2024

ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 217 ENTITLED "SEWER SYSTEM" TO INCLUDE REQUIREMENTS FOR THE STORAGE OF SALT AND SOLID DE-ICING MATERIALS

Chapter 217-7

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), including residences, in the Borough of Tuckerton 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.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. 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.

SECTION IV. 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.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer during the course of ordinary enforcement duties.

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 fine of not more than \$1,000 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION VII. Severability:

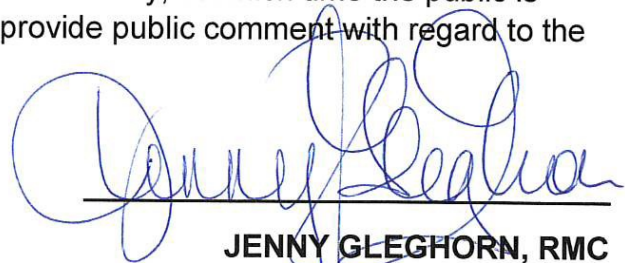
Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of Tuckerton Borough on first reading at a meeting held on the 15th day of April, 2024. The Ordinance will be considered for second, and final reading at a meeting of the Borough Council which is scheduled for the 6th day of May, 2024 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 420 East Main Street, Tuckerton, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.



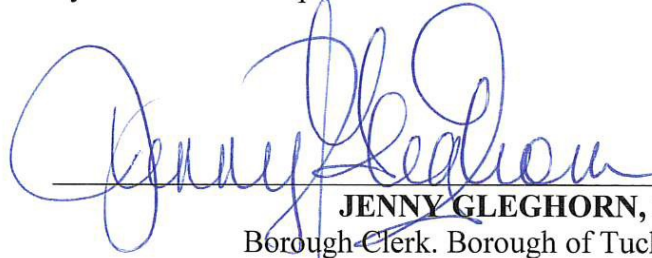
JENNY GLEGHORN, RMC

BOROUGH CLERK

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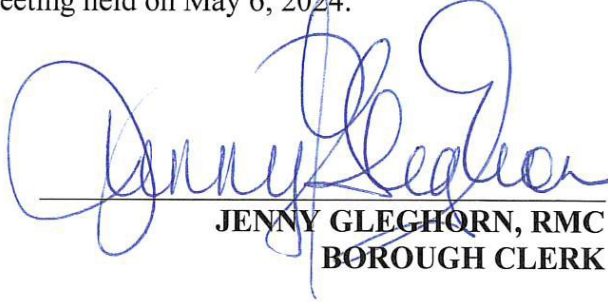
The Borough of Tuckerton introduced the above ordinance at its April 15, 2024 meeting. The ordinance amends the stormwater management chapter to include regulations on private storage of salt and solid de-icing material. The ordinance will be considered on second and final reading at the May 6, 2024 meeting of the governing body. All meetings are held at the municipal complex building located at 420 East Main Street, Tuckerton, NJ, commencing at 7:00 pm. Copies of all ordinances are available at no cost at the Municipal Clerk's Office located 420 East Main Street, Tuckerton, NJ 08087, Monday through Friday 9:00 am to 4:00 pm



JENNY GLEGHORN, RMC
Borough Clerk, Borough of Tuckerton

PUBLIC NOTICE

PLEASE TAKE NOTICE that Ordinance #6 of 2024, an ordinance entitled, ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 217 ENTITLED "SEWER SYSTEM" TO INCLUDE REQUIREMENTS FOR THE STORAGE OF SALT AND SOLID DE-ICING MATERIALS was adopted by the Tuckerton Borough Council at a meeting held on May 6, 2024.



**JENNY GLEGHORN, RMC
BOROUGH CLERK**

PASSAGE ON FIRST READING:

MOVED BY: Vreeland

SECOND BY: Martin

VOTE: VREELAND y MARTIN y COLANGELO y
D'AMORE y DUPUIS y PETERSON y

FINAL PASSAGE:

MOVED BY: Vreeland

SECOND BY: Martin

VOTE: VREELAND y MARTIN y COLANGELO y
D'AMORE y DUPUIS y PETERSON y

APPROVED:

Susan R. Marshall
SUSAN R. MARSHALL, MAYOR