

Ord. 2023-12

**WHEREAS**, the Town of Hackettstown has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and

**WHEREAS**, the Town of Hackettstown has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between January 1, 2023 and December 31, 2027; and

**WHEREAS**, the Town of Hackettstown is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and

**WHEREAS**, the Community-Wide Ordinance requirements in the Town of Hackettstown's new Tier A Municipal Stormwater Permit necessitate the adoption of the ordinance regarding privately owned salt storage on or before January 1, 2024;

**NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY THAT CHAPTER 11 OF THE CODE OF THE TOWN OF HACKETTSTOWN, ENTITLED "HEALTH AND SANITATION", IS AMENDED TO ADD AN ARTICLE 14 ENTITLED "PRIVATELY OWNED SALT STORAGE" AS FOLLOWS:**

**Part One** – Article 14 entitled "Privately-Owned Salt Storage" is added to Chapter 11 of the Code entitled "Health and Sanitation" as follows:

**11-14.1. 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 Town of Hackettstown to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**11-14.2. 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.

**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.

**IMPERVIOUS SURFACE**

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

**STORM DRAIN INLET**

Means the point of entry into the storm sewer system.

**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:

- 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**

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**RESIDENT**

Means a person who resides on a residential property where de-icing material is stored.

**11-14.3. 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, 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.
      - 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 shall 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 15th - April 15th.
- 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.
  2. Residents of single-family residential dwellings where no businesses are being operated are exempt from the weekly inspection requirements subject to compliance with the provisions in Section 4 of this ordinance.

#### **11-14.4. 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 3 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.

#### **11-14.5. Enforcement.**

This ordinance shall be enforced by the Superintendent of the Department of Public Works and/or the Town Engineer of the Town of Hackettstown during the course of ordinary enforcement duties.

#### **11-14.6. 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 not to exceed Two Thousand Dollars. After notification, each day of continuing violation of the terms of this section shall be deemed to be a separate and distinct offense hereunder.

**Section Two -** If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

#### **Section Three -**

This ordinance shall take effect upon the publication of notice of final adoption as provided by law.