

## ORDINANCE 2023 -12

**AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING PART II (GENERAL LEGISLATION) OF THE MUNICIPAL CODE OF THE BOROUGH OF CHESTER TO CREATE A NEW CHAPTER 110, ENTITLED “PRIVATELY OWNED SALT STORAGE.”**

**WHEREAS**, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to statute (N.J.S.A. 40:48-1, et seq.); and

**WHEREAS**, municipalities are required by statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has enacted stormwater control and management regulations which include the requirement for municipalities to prevent salt storage from entering into a stormwater system; and

**WHEREAS**, the NJDEP has recommend to municipalities to adopt ordinances to regulate privately owned salt storage; and

**WHEREAS**, the Mayor and Council of the Borough of Chester believe that it is in the best interests of the residents of the Borough of Chester that Part II (General Legislation), Chapter 110 of the Borough Code be amended to create a new Chapter 110 entitled “Privately Owned Salt Storage” to regulate the private storage of salt consistent with the NJDEP regulations; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

**SECTION 1:** Article II, Chapter 110, is hereby amended and enacted at “Borough of Chester” to read as follows:

**Section 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 **Borough of Chester** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**Section 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.

### **Section 3. 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>.
  - 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 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 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 any and all other applicable local ordinances, including but not limited to 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 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.

**Section 5. Enforcement:**

This ordinance shall be enforced by the Chester Police Department, the Chester Borough Construction Officer, Zoning Officer, Construction Code Official, or any other Chester Borough official during the course of ordinary enforcement duties.

**Section 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 upon receipt of a notice of violation. Repeat violations and/or failure to complete corrective action shall be brought before the Municipal Court Judge of the Borough of Chester by summons. Any person, firm or corporation violating any provision of this Chapter shall be subject to the General Penalty Provisions of this Code, set forth in Chapter 1 (General Provisions), Article III (General Penalties). Fines and imprisonment shall be at the discretion of the Judge of the Borough of Chester Municipal Court and may be imposed for every day the violation continued after issuance of a summons, without the need for the issuance of repetitive summonses every day.

**SECTION 2:** 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 3:** All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Dated: November 8, 2023

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Janet Hoven, Mayor

Attest:

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Robin Ghebreal, Municipal Clerk

## **LEGAL NOTICE OF PENDING ORDINANCE**

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 3<sup>rd</sup> day of October 2023. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on November 8, 2023 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

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Robin Ghebreal, Municipal Clerk