

ORDINANCE NO. 2023-24

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MANSFIELD TO INCLUDE A NEW CHAPTER, ENTITLED CHAPTER 261, PRIVATELY OWNED SALT STORAGE.

STATEMENT OF PURPOSE:

The purpose of this Ordinance is amend the Code of the Township of Mansfield to include a new Chapter, entitled Chapter 261, Privately Owned Salt Storage and to establish regulations and enforcement for such.

WHEREAS, the New Jersey Department of Environmental Protection has adopted new regulations and interpretations of existing regulations regarding privately owned salt storage and, in connection herewith has prepared a model ordinance through which municipalities can comply with those requirements; and

WHEREAS, the Township of Mansfield adopted new stormwater control regulations through Ordinance #2021- adopted on codified as Chapter of the Township code; and

WHEREAS, in order to be in compliance with regulations set forth from the New Jersey Department of Environmental Protection, the Township of Mansfield herewith adopts regulations on privately owned salt storage; and

WHEREAS, through *N.J.S.A 40-48:2*, the Township Committee is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety, and welfare and it may be necessary to carry into effect the powers and duties conferred and imposed by the Township by law.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Township of Mansfield, County of Warren, State of New Jersey that the Code of the Township of Mansfield is hereby amended, revised and/or supplemented as follows;

SECTION 1. The Code of the Township of Mansfield is hereby amended, revised, and/or supplemented by adding Chapter 261, entitled "Privately-owned Salt Storage" as follows:

§261-01 PURPOSE:

The purpose of this ordinance is to prevent stored salt and other 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 Mansfield Township to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

§261-02 DEFINITIONS:

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning 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 this 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.

§261-03 DE-ICING MATERIAL STORAGE REQUIREMENTS:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements in accordance with 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 fifty (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 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. 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.

§261-04 EXEMPTIONS:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents participation 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 two (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 **§261-03** above. Piles of de-icing materials are not exempt, even if stored in permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJDEP permit.

§261-05 ENFORCEMENT:

This Ordinance shall be enforced by the Police Department or its municipal designee of Mansfield Township during the course of ordinary enforcement duties.

§261-06 VIOLATIONS AND PENALTIES:

Any person(s) who is found to be in violation of the provisions of this Ordinance shall have seventy-two (72) hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows:

First violation - \$200.00

Second violation - \$500.00

Third or subsequent violation- \$1,000.00

§261-07 SEVERABILITY:

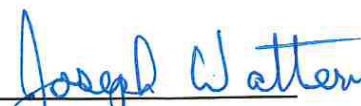
Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect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

§261-08 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.

ATTEST:


Wendy Barras
Township Municipal Clerk


Joseph Watters
Mayor

INTRODUCED/PASSED ON FIRST READING:

Roll Call Vote

Introduced	Seconded	Committee Member	Yes	No	Abstain	Absent
		Mr. Farino				✓
✓		Mr. Hayes	✓			
		Mr. McGuinness	✓			
	✓	Mrs. Mora Dillon	✓			
		Mayor Watters	✓			

PUBLISHED: *October 31, 2023*
ADOPTED: *November 8, 2023*

Roll Call Vote

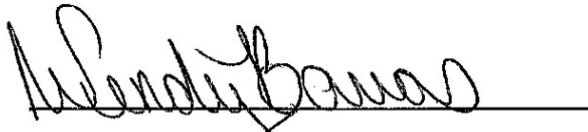
Introduced	Seconded	Committee Member	Yes	No	Abstain	Absent
		Mr. Farino	✓			
✓		Mr. Hayes	✓			
	✓	Mr. McGuinness	✓			
		Mrs. Mora Dillon	✓			
		Mayor Watters	✓			

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on the first reading meeting of the Township Committee of the Township of Mansfield held on October 25 , 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on November 8, 2023, at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, Mansfield Township, 100 Port Murray Road, Port Murray, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

CERTIFICATION

I, Wendy Barras, Township Municipal Clerk of the Township of Mansfield, do hereby certify that the foregoing Ordinance was duly adopted by the Township of Mansfield Committee on the November 8, 2023


Wendy Barras, Township Municipal Clerk