

ORDINANCE NO. 2023-29

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY ESTABLISHING CHAPTER 70I OF
THE TOWNSHIP CODE ENTITLED
“PRIVATELY OWNED SALT STORAGE”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 70I of the Township Code entitled “Privately Owned Salt Storage” is hereby established and shall read as follows:

SECTION 1.

Chapter 70I Privately Owned Salt Storage.

A. Purpose.

The purpose of this ordinance is to prevent storage of salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for storage of salt and other solid de-icing materials on property that is not owned or operated by the Township of Barnegat, including residences, to protect the environment, public health, safety, and welfare and to prescribe penalties for violation of the ordinance.

B. Definitions.

For the purpose of this chapter, 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.

1. **De-icing Materials.** Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
2. **Impervious Surface.** A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

3. **Storm Drain Inlet.** The point of entry into the storm sewer system.
4. **Permanent Structure.** 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. 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.
5. **Person.** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
6. **Resident.** A person who resides on a residential property where de-icing material is stored.

C. De-icing Material Storage Requirements.

1. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

- a. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
- b. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
- c. 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;
- d. Loose materials shall be covered as follows:
 1. The cover shall be waterproof, impermeable, and flexible;
 2. The cover shall extend to the base of the pile(s);
 3. The cover shall be free from holes or tears;
 4. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 5. 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;
 - ii. Containers must be sealed when not in use; and
 - iii. The site shall be free of all de-icing materials between April 16th and October 14th.

- e. 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.
- f. Any temporary or permanent de-icing structure shall comply with all other Township ordinances for accessory structures including the zoning and building regulations.
- g. 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.

D. 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 New Jersey Pollution Discharge Elimination System (NJPDES) permit.

E. **Enforcement.**

This Chapter shall be enforced by the Barnegat Township Police Department, the Zoning and Code Enforcement Department, and/or their designees.

F. **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. Repeated violations and/or failure to complete the corrective action shall result in fines for any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed one hundred fifty dollars (\$150.) for each offense. Each day a violation occurs it will be a separate and distinct violation.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **5th day of September, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **3rd day of October, 2023, at 10:00 AM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely **Ordinance 2023- 29** entitled "Establishing Chapter 70I of the Township Code, Entitled "Privately Owned Salt Storage" was introduced and passed on first reading at a meeting held on the **5th day of September 2023**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **3rd day of October 2023 at 10:00 AM** at the Municipal Complex, 900 West Bay Avenue Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk