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**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 23-18

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22 OF THE BOROUGH CODE, ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY ARTICLE VIII, ENTITLED "ZONING BOARD OF ADJUSTMENT", AND MORE PARTICULARLY § 22-89, ENTITLED "ZONING BOARD OF ADJUSTMENT", MORE PARTICULARLY § 22-101, ENTITLED "WATER RUNOFF CONTROL," BY ADDING A NEW § 22-101.5 ENTITLED "PRIVATELY-OWNED SALT STORAGE FACILITIES", TO THE ORDINANCES OF THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield has previously enacted a Stormwater Management and Control Ordinance contained in the Borough Code; and,

WHEREAS, the State of New Jersey Department of Environmental Protection (NJDEP) requires that the Borough make certain revisions to its Stormwater Management and Control Code provisions.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Chapter 22 of the Borough Code, entitled "Land Development", more specifically, Article VIII, entitled "Zoning Board of Adjustment", and more particularly § 22-101, entitled "Water Runoff Control", be amended, revised and supplemented by adding a new subsection § 22-101.5, entitled "Privately Owned Salt Storage."

§ 22-101.5 Privately-Owned Salt Storage Facilities

§ 22-101.5.1 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) in the Borough of North Plainfield to protect the environment, public health, safety and welfare and to prescribe penalties for failure to comply.

§ 22-101.5.2 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

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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.

§ 22-101.5.3 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 fifty (50) feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

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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 Borough 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.

§ 22-101.5.4 Exemptions.

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

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§ 22-101.5.5 Enforcement.

This Ordinance shall be enforced by the Construction Official and/or Property Maintenance Inspectors of the Borough of North Plainfield during the course of ordinary enforcement duties.

§ 22-101.5.6 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:

- (a) The fine for any offense which is a first (1st) repeat offense shall be \$500, plus costs; and,
- (b) The fine for any offense which is a second (2nd) repeat offense, or any subsequent repeat offense shall be \$1,500, plus costs.

§ 22-101.5.7 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.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: November 13, 2023

PASSED: November 13, 2023

PUBLISHED: November 17, 2023

ADOPTED: November 27, 2023

ROLL CALL:

AYES: Corza, Given, McIntyre, Merrill, Miller, Schaefer
Stabile
NAYS:

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ABSTAIN:

ABSENT:

APPROVED BY THE MAYOR:

Yes No

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on November 27, 2023

ATTEST:

Michele Irby Garry

Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

Date signed: November 27, 2023

BOROUGH OF NORTH PLAINFIELD

Frank A. "Skip" Stabile, Jr.

Frank A. "Skip" Stabile, Jr., Council President

Date signed: November 27, 2023

Lawrence LaRonde
Lawrence LaRonde, Mayor

Date signed: Nov. 27, 2023