

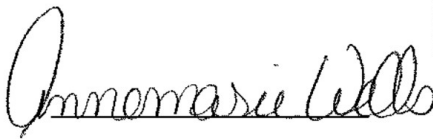
TOWNSHIP OF ROCHELLE PARK

ORDINANCE NO. 2023-018

AN ORDINANCE TO AMEND CHAPTER 185 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" TO ADD A NEW SECTION ENTITLED "PRIVATELY-OWNED SALT STORAGE"

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
COMM. ARTOLA	X		X			
COMM. BONIFACE			X			
COMM. MILLER		X	X			
COMM. MOSCA			X			
DEPT. MAYOR BESSETTI					X	

I hereby certify that the above Ordinance was
 duly adopted by the Township Committee of the
 Township of Rochelle Park at a meeting held
 On December 13, 2023.


 Acting Municipal Clerk
 Annemarie Wells

WHEREAS, Chapter 185 of the Code of the Township of Rochelle Park regulates land use and development within the Township; and

WHEREAS, the Township Committee has determined that said Chapter should be revised to add a new article for privately-owned salt storage; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to revise the requisite chapter to add and regulate privately-owned salt storage pursuant to the below terms.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCHELLE PARK, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

SECTION ONE:

Chapter 185 is amended to add the following article and subsections:

Article XXIII – Privately-Owned Salt Storage

§185-158 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 Township (privately-owned), including residences, in the Township of Rochelle Park to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§185-159 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).

- (1) 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.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to Township jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

G. "Storm Drain Inlet" means the point of entry into the storm sewer system.

§185-160 Deicing 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 but no longer than 30 days without prior written approval from the Department

(1) Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

(a) Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

(b) 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;

(c) 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;

(d) Containers must be sealed when not in use; and

(e) 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 temporary or permanent structures for the storage of de-icing materials must meet the required setbacks for the zone in which the facility is located.

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 article are met. Inspection records shall be kept on site and made available to the Township upon request.

(1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§185-161 Exemptions:

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

§185-162 Enforcement:

This ordinance shall be enforced by the Code Enforcement and/or Zoning Enforcement Officers during the course of ordinary enforcement duties.

§185-163 Violations and Penalties:

A. 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 as follows:

- (1) First violation: \$200;
- (2) Second violations: \$500;
- (3) Third violation: \$1,000, plus revocation of business license.

SECTION TWO: Repealer

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

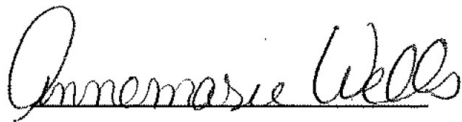
SECTION FOUR: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION FIVE: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

A handwritten signature in cursive script that reads "Annemarie Wells". The signature is written in dark ink and is positioned above the printed name.

Annemarie Wells

Acting Municipal Clerk