

**HARDING TOWNSHIP
ORDINANCE 12-2024**

ORDINANCE OF THE TOWNSHIP OF HARDING TITLED, "PRIVATELY OWNED SALT STORAGE," ESTABLISHING REQUIREMENTS TO PREVENT THE LEAKAGE OF STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER PURSUANT TO N.J.S.A. 40:55D-53, ARTICLE XL, CHAPTER 225-196

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") is responsible for implementing regulations pursuant to safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1 (also known as the "Stormwater Management Regulations"); and

WHEREAS, the DEP's Stormwater Management Regulations take into consideration the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.; and

WHEREAS, the DEP's regulations have certain effects upon municipalities, including but not limited to a municipality's planning powers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and

WHEREAS, to be in compliance with the DEP's new Stormwater Management Regulations enacted in July of 2023, the Township is required to amend and/or create certain portions of its Township Code; and

WHEREAS, one of the requirements pursuant to the Stormwater Management Regulations is the regulation of the storage of salt and other solid de-icing material from being exposed to stormwater; and

BE IT ORDAINED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

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 Harding Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION I. The Municipal Code, Article XL, Chapter 225-196, "Privately-Owned Salt Storage," is hereby created and shall read as follows:

I. 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.

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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.

II. 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 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

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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 from October 15 to April 15.

C. All such temporary and/or permanent structures must comply with all other Township 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.

III. 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.

IV. Enforcement: This ordinance shall be enforced by the Harding Township Police Department during the course of ordinary enforcement duties.

V. 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. Repeat violations and/or failure to complete corrective action shall result in fines as follows: \$100.00 for the first repeat violation, \$250.00 for the second repeat violation, and \$500.00 for every violation recorded thereafter.

VI. Severability: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this

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Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

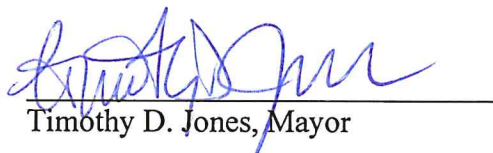
SECTION 2. This ordinance may be renumbered for the purposes of codification.

SECTION 3. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF HARDING


Lisa A. Sharp, Township Clerk


Timothy D. Jones, Mayor

INTRODUCED: April 15, 2024
PUBLIC HEARING: May 13, 2024
ADOPTED: May 13, 2024

ADVERTISED: April 18, 2024
ADVERTISED: May 16, 2024

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson	2nd 1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>