

Ordinance 2023-14

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE ESTABLISHING CERTAIN REGULATIONS AND AMENDING
AND SUPPLEMENTING “THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN,” IN ORDER TO ESTABLISH A NEW
CHAPTER 22 THEREOF TO BE KNOWN AS
“PRIVATELY-OWNED SALT STORAGE.”**

WHEREAS, the Mayor and Council wish to revise “The Revised General Ordinances of the Borough of Hightstown” (the “Borough Code”), in order to establish certain regulations relating to privately-owned salt storage.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown in the County of Mercer and State of New Jersey, as follows:

1. That Chapter 22, currently entitled “Reserved,” of the Borough Code, is hereby established to read as follows:

Chapter 22. Privately-Owned Salt Storage

Article 22-1. Privately-Owned Salt Storage Regulations

§ 22-1-1. Purpose.

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

This chapter establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Borough (privately-owned), including residences within the Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 22-1-2. 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.

DE-ICING MATERIALS

Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

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 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.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

A person who resides on a residential property where de-icing material is stored.

STORM DRAIN INLET

The point of entry into the storm water system.

§ 22-1-3. De-icing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials shall be allowed between October 15th and April 15th of the year, in accordance with the following requirements:
- (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 each 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 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 the time period between October 15th and April 15th.
- C. All temporary and/or permanent structures utilized for the storage of de-icing materials must also comply with all other applicable Borough 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 chapter 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.

§ 22-1-4. 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 § 22-1-3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

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

§ 22-1-5. Enforcement.

The provisions of this chapter shall be enforced by the Hightstown Borough Police Department and the Superintendent of Public Works or his/her designee(s).

§ 22-1-6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in penalties as stated in Chapter 1, Article 1-5.

2. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduction: August 21, 2023

Adoption: September 5, 2023

ATTEST:


MARGARET RIGGIO
MUNICIPAL CLERK


SUSAN BLUTH
MAYOR