

BOROUGH OF GARWOOD
ORDINANCE NO. 24-17
Adopted: June 27, 2024

Introduced:	June 13, 2024
Motion:	Councilman Lazarow
Seconded:	Councilman Foley

Public Hearing:	June 27, 2024
Motion:	Council President Kearney
Seconded:	Councilman Foley

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 134 AND CREATING NEW ARTICLE IX “PRIVATELY-OWNED SALT STORAGE”, SECTIONS 134-42 THROUGH 134-46.

WHEREAS, the Borough of Garwood (the “Borough”) seeks to prevent stored salt and other solid de-icing materials from being exposed to storm water; and

WHEREAS, the ordinance 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 in the Borough of Garwood to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply; and

WHEREAS, the Borough Council seeks to amend the Code to create new Article IX Privately Owned Salt Storage, Sections 134-42 through 134-46; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 134 (Sewers), Article IX (Privately Owned Salt Storage), subsections 134-42 and 134-46 of the Borough Code of the Borough of Garwood is hereby created as follows (additions underscored, deletions ~~struck through~~):

Article IX - Privately-Owned Salt Storage

Section 42. 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).

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 storm water 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.

SECTION 43. 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 15:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents storm water run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other storm water 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 and 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 local 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. Inspection records shall be kept on site and made available to the municipality.
 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION 44. 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 storm water discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION 45. Enforcement:

This ordinance shall be enforced by the Garwood Police Department and/or Garwood Code Enforcement Officer during the course of ordinary enforcement duties.

SECTION 46. 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:

Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

ATTEST:

APPROVED:



Catherine D. Cameron, R.M.C.
Borough Clerk

Jennifer Blumenstock, Mayor

<u>RECORDED VOTE</u>	<u>INTRODUCTION:</u>	<u>ADOPTION:</u>
COUNCILWOMAN BOTO	AYE	AYE
COUNCILMAN FOLEY	AYE	AYE
COUNCILMAN LAZAROW	AYE	AYE
COUNCILWOMAN NOLDE	ABSENT	AYE
COUNCILWOMAN SALMON	ABSENT	AYE
COUNCIL PRESIDENT KEARNEY	AYE	AYE