

**BOROUGH OF BRADLEY BEACH
MONMOUTH COUNTY**

ORDINANCE 2024-3

**AN ORDINANCE AMENDING CHAPTER 350: “PROPERTY
MAINTENANCE AND HOUSING STANDARDS” OF THE
BOROUGH’S REVISED GENERAL ORDINANCES TO
ESTABLISH STANDARDS FOR THE STORAGE OF SALT AND
OTHER SOLID DE-ICING MATERIALS IN ACCORDANCE
WITH NJDEP REQUIREMENTS.**

Mayor Fox offered the following Ordinance and moved its introduction:

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:.

SECTION 1. Chapter 350: “Property Maintenance and Housing Standards” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended to include *new* Section 350-7: “Salt Storage” as follows:

CHAPTER 350: PROPERTY MAINTENANCE AND HOUSING STANDARDS

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§ 350-7 Salt Storage.

The purpose of this Section is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This Section establishes requirements for the storage of salt and other solid de-icing materials on privately-owned properties not owned or operated by the Borough of Bradley Beach to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

- A. *Definitions.* For the purpose of this Section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. When not inconsistent 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.

- (1) “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.

- (2) “Impervious Surface” – means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- (3) “Storm Drain Inlet” – means the point of entry into the storm sewer system.
- (4) “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:
 - (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.
- (5) “Person” – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- (6) “Resident” – means a person who resides on a residential property where de-icing material is stored.

B. *De-Icing Material Storage Requirements.* 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, and/or ditches or other stormwater conveyance channels;
- (3) Loose materials shall be formed 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;
 - (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. 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.
- (7) 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 15th to April 15th.
- (8) 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.
- (9) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

C. *Exemptions.*

- (1) 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 two (2) weeks.

(2) 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.

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

D. *Enforcement.* This Section shall be enforced by the Code Enforcement Officer.

E. *Violations and Penalties.* Any person(s) who is found to be in violation of the provisions of this Section shall have 72 hours to complete corrective action. Upon conviction for a violation of the provisions of this Section, the violator(s) shall be subject to a fine not to exceed \$500.00 for a first offense; \$1,000.00 for a second offense; and \$2,000.00 for a third or subsequent offense.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

ERICA KOSTYZ, RMC, CMR
Municipal Clerk

LARRY FOX
Mayor

Introduced: March 27, 2023

Date of Hearing and Adoption: