

**BOROUGH OF PENNINGTON  
ORDINANCE 2024-6**

**AN ORDINANCE REGULATING PRIVATELY-OWNED  
SALT STORAGE**

**WHEREAS**, the Borough of Pennington seeks to regulate privately-owned salt storage to protect the environment in accordance with the directives of the New Jersey Department of Environmental Protection and its proposed model ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that Chapter 155 of the Code of the Borough of Pennington is hereby amended to regulate Privately-Owned Salt Storage, as follows:

**SECTION I. 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 Borough (privately-owned), including residences in the Borough, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II. 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 context 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 with a door or other means of sealing the access way from wind driven rainfall. A “permanent structure” shall include a fabric frame 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, or association subject to municipal jurisdiction. Persons subject to the prohibitions contained in this ordinance shall include the owner of the affected property and any tenant or other person in control of the property.
- F. “Resident” means a person who resides on a residential property where de-icing material is stored.

**SECTION III. Deicing Material Storage Requirements.**

- A. No person shall store de-icing materials outdoors in the Borough except from October 15<sup>th</sup> through April 15<sup>th</sup> in compliance with the requirements below:
  - 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 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.
    - 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.
  6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. Storage of de-icing materials in a permanent structure, including storage of loose de-icing materials in such a structure is not restricted to October 15th through April 15th.
- C. All temporary and permanent structures must comply as well 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 Borough upon request.
- E. Residents who operate businesses from their homes that utilize de-icing materials are also required to perform weekly inspections.

**SECTION IV. Exemptions:**

Residents other than those described in Section III.E. above 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.

The storage and inspection requirements in Section III above shall not apply if the de-icing materials are containerized (in bags or buckets) and stored within a permanent structure. 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.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Pennington Borough Police Department and the Department of Public Works during the course of ordinary enforcement duties. Enforcement shall be in the municipal court having jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of any provision of this article. The proceedings shall be summary and in accordance with the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.). Process shall be in the nature of a summons or warrant and shall be issued by those authorized by the Borough Police Department.

**SECTION VI. 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:

A. Maximum penalty. Any person who shall violate any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: a fine not exceeding \$2,000 or imprisonment for a period not exceeding 90 days or to a period of community service not exceeding 90 days at the discretion of the Judge of the Municipal Court.

B. Separate violations. Except as otherwise provided, every day in which a violation of any provision of this article or any other ordinance of the Borough exists shall constitute a separate violation.

C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

D. Minimum penalty. A minimum penalty shall be imposed equal to \$100 for each day a violation continues.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and ~~any~~ publication as may be required by law.

Introduced: March 4, 2024

Advertised: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

\_\_\_\_\_  
James Davy, Mayor

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**RECORD OF COUNCIL VOTE ON INTRODUCTION**

| <b>COUNCILMAN</b> | <b>AYE</b> | <b>NAY</b> | <b>N.V.</b> | <b>A.B.</b> | <b>COUNCILMAN</b> | <b>AYE</b> | <b>NAY</b> | <b>N.V.</b> | <b>A.B.</b> |
|-------------------|------------|------------|-------------|-------------|-------------------|------------|------------|-------------|-------------|
| Angarone          |            |            |             | abstain     | Marciante         | S          |            |             |             |
| Chandler          | X          |            |             |             | Stern             | M          |            |             |             |
| Gnatt             |            |            |             | absent      | Valenza           | X          |            |             |             |

**RECORD OF COUNCIL VOTE ON ADOPTION**

| <b>COUNCILMAN</b> | <b>AYE</b> | <b>NAY</b> | <b>N.V.</b> | <b>A.B.</b> | <b>COUNCILMAN</b> | <b>AYE</b> | <b>NAY</b> | <b>N.V.</b> | <b>A.B.</b> |
|-------------------|------------|------------|-------------|-------------|-------------------|------------|------------|-------------|-------------|
| Angarone          |            |            |             |             | Marciante         |            |            |             |             |
| Chandler          |            |            |             |             | Stern             |            |            |             |             |
| Gnatt             |            |            |             |             | Valenza           |            |            |             |             |