

**BOROUGH OF TINTON FALLS
MONMOUTH COUNTY**

ORDINANCE NO. 2023-1506

**AN ORDINANCE AMENDING CHAPTER 16, SECTION 9 OF THE
BOROUGH CODE TO ADD A NEW SUBSECTION 9.3
TO BE ENTITLED “PRIVATELY-OWNED SALT STORAGE”**

BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

SECTION 1. Chapter 16, Section 9 of the Borough Code, entitled “Municipal Separate Storm Sewer System (MS4)” is hereby amended to add a new subsection 9.3, which will be entitled “Privately-Owned Salt Storage” and shall read as follows:

§ 16-9.3 Privately-Owned Salt Storage

A. 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) in the Borough of Tinton Falls to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

B. 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.

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 sewer system.

C. De-icing Material Storage Requirements:

1. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - a) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - b) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;
 - c) 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;
 - d) Loose materials shall be covered as follows:
 - i. The cover shall be waterproof, impermeable, and flexible;
 - ii. The cover shall extend to the base of the pile(s);
 - iii. The cover shall be free from holes or tears;
 - iv. The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
 - v. 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.
 - vi. 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.

- e) Containers must be sealed when not in use; and
 - f) The site shall be free of all de-icing materials between April 16th and October 14th.
2. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15-April 15.
 3. Any such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
 4. 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.
 - a) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

D. 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 C 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.

E. Enforcement:

This ordinance shall be enforced by complaint signed by a member of the Department of Public Works, Code Enforcement or Public Safety of the Borough of Tinton Falls.

F. 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 stated in Chapter 1, Section 1-5 et seq.

G. 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 2. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

SECTION 3. This Ordinance shall take effective immediately upon final passage and publication as provided by law.

Introduced:

Adopted:

JOHN MANGINELLI
COUNCIL PRESIDENT

VITO PERILLO
MAYOR

ATTEST:

MICHELLE HUTCHINSON
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.
DIRECTOR OF LAW