

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2024-21

**ORDINANCE ADDING NEW CHAPTER 539: "SALT STORAGE" TO 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.**

WHEREAS, pursuant to recently revised stormwater regulations promulgated by the New Jersey Department of Environmental Protection, the Borough of Red Bank (the "Borough") must implement regulations within new Borough Code Chapter 539: "Salt Storage" to regulate the private storage of salt and other de-icing materials within the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that new Chapter 539: "Salt Storage" is hereby added to the Borough's Revised General Ordinances as follows:

CHAPTER 539: SALT STORAGE

§ 539-1 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 privately-owned properties not owned or operated by the Borough of Red Bank to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 539-2 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 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.

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.

STORM DRAIN INLET

Any point of entry into the Borough's storm sewer system.

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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:

- 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.

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.

§ 539-3 Salt and 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:

- 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:
 - (1) The cover shall be waterproof, impermeable, and flexible;
 - (2) The cover shall extend to the base of the pile(s);

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- (3) The cover shall be free from holes or tears;
- (4) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- (5) 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.

- 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.
- G. 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.
- H. 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.
- I. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 539-4 Exemptions.

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

§ 539-5 Enforcement.

This Section shall be enforced by the Code Enforcement Officer.

§ 539-6 Violations and Penalties.

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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.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that this Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.
	X	X				KRISTINA BONATAKIS			X		
		X				DAVID CASSIDY			X		
		X				NANCY FACEY-BLACKWOOD	X		X		
		X				BEN FOREST		X	X		
		X				LAURA JANNONE			X		
X		X				KATE TRIGGIANO			X		
		X				MAYOR WILLIAM PORTMAN			X		
Introduced: April 25, 2024			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on the aforementioned date.								
Final Adoption: May 9, 2024			 Laura Reinertsen, Borough Clerk								