



**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE #04-2023

Privately-Owned Salt Storage Structures

WHEREAS, it has been widely recognized that the open storage of salt and other solid, winter de-icing materials exposed to moisture, decomposition, runoff, and infiltration of storm water areas creates a public health and environmental hazard; and

WHEREAS, governmental entities, having recognized these problems, have taken remedial action to properly store and protect these types of materials, and

WHEREAS, it is necessary to prevent the personal and private storage of such materials to the detriment of public health and environment.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey, that the storage of salt and winter de-icing materials be regulated as follows:

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being openly exposed to the elements and subjected to possible runoff and stormwater dispersion.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials in structures and/or on properties not owned or operated by the municipality, or other governmental entities, and/or to include residential, commercial, or other privately owned properties or structures in the Borough of Lebanon, and in order to

protect the environment, and the 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 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 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, 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 III. Deicing Material Storage Requirements:

A. 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, ditches and/or other stormwater 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; 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, who shall document in a written record, 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.

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

SECTION IV. 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, fully enclosed structure, they are not subject to the storage and inspection requirements in Section III above. Piles of loose 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. Violations and Penalties:

1. For violation of any of the provisions or sections of this Ordinance and Code of the Borough of Lebanon or any amendments, modifications, revisions or additions thereto (with the exception of housing or zoning violations), the maximum penalty upon conviction of each violation shall be one or more of the following:

A fine not exceeding \$2,000.00; and/or a period of community service not exceeding ninety (90) days; and/or imprisonment in the County Jail or in any other place provided by the Court for the retention of prisoners for a term not exceeding ninety (90) days, as determined by the Court. (N.J.S. 40:49-5)

With regard to housing or zoning code violations, the maximum penalty for each violation shall be a fine not to exceed \$1,250.00.

Each day that a violation continues shall be deemed and treated as a separate and distinct violation for purposes of penalties to be imposed.

2. Any person who is convicted of violating this Ordinance or Code of the Borough of Lebanon within one year of the date of a previous violation of the same Ordinance and who is fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender.

3. Any person convicted of a violation of any Ordinance or Code of the Borough of Lebanon, may, in the discretion of the Court by which the person was convicted, and in default of the payment of any fine imposed therefore, be imprisoned in the County jail or place of detention provided by the Court, for any term not exceeding ninety (90) days or be required to perform community service for a period not exceed ninety (90) day.

SECTION VI. Repealer: All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION VII. Severability.: In event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

SECTION VIII. Effective Date: This Ordinance shall take effect upon final adoption and publication in accordance with the law.

Vote after public hearing and upon final adoption:

Burton 1
Berger 1
Crawford 1
Kirchofer 1
Lance 0
Logan 1

Ordinance approved by the Governing
Body and presented to the Mayor on

 Nov 20 , 2023

Veto in Whole or Part:

{or}

Approved:




James Pittinger, Mayor
Date:

James Pittinger, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2023

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on October 18, 2023 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on November 20, 2023 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey




Karen M. Romano, Borough Adm/Clerk

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE 2023-04

Privately-Owned Salt Storage Structures

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 18th day of October 2023, and the same came up for final passage at a meeting of the said Borough Council on the 20th day of November, 2023 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.


Karen M. Romano, RMC
Borough Administrator/ Clerk

**INTRODUCED: October 18, 2023
ADOPTED: November 20, 2023**