

City of Somers Point
Ordinance
No. 8 of 2024

An Ordinance Amending Chapter 169 - Littering & Property Maintenance; Article I - General Provisions, of the Code of the City of Somers Point, and Repealing All Ordinances Heretofore Adopted, the Provisions of Which Are Inconsistent Herewith

WHEREAS, from time to time, the City of Somers Point receives mandatory directives from the New Jersey Department of Environmental Protection (“DEP”); and

WHEREAS, the DEP has issued a mandatory directive for municipalities relative to the enactment of an ordinance relative to privately owned salt storage; and

WHEREAS, the City of Somers Point hereby wishes to be in compliance with such directive.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Somers Point, County of Atlantic, and State of New Jersey as follows:

SECTION 1. §169-19 of Chapter 169, Littering and Property Maintenance; Article I, General Provisions, of the Code of the City of Somers Point is hereby redesignated as §169-20;

SECTION 2. A new §169-19 of Chapter 169, Littering and Property Maintenance; Article I, General Provisions, of the Code of the City of Somers Point is hereby created, which will read as follows:

§ 169-19. 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), including residences, in the City of Somers Point 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.

- (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).

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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” means 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.

C. Deicing 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, ditches and/or other stormwater conveyance channels;
 - (c) 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;
 - (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);
 - [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.

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- a. 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 de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

(3) 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 III 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 the Code Enforcement Officer during the course of ordinary enforcement duties.

F. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this section of Chapter 169 shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as set forth in § 169-20

SECTION 2: All other provisions of Chapter 169 shall remain in full force and effect and shall apply to this amendment upon the effective date of this Ordinance.

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SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5: Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 6: This Ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: 3/14/2024
PUBLICATION: 3/20/2024
FINAL READING: 3/28/2024
PUBLICATION: 4/10/2024

The within Ordinance was introduced at a meeting of the Common Council of the City of Somers Point, County of Atlantic and State of New Jersey held on the 14th day of March 2024 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on the 28th day of March 2024.

4/16/23
Date


Dennis Tapp, Mayor