ORDINANCE 2024-8

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY ESTABLISHING NEW ARTICLE V ENTITLED "PRIVATELY-OWNED SALT STORAGE" OF THE CODE OF COLTS NECK TOWNSHIP

WHEREAS; Colts Neck Township is a "Tier A MS4" Municipal Stormwater Community and holds a New Jersey Pollution Discharge Elimination System Permit # NJG0151564 / PID# 172078; and

WHEREAS, on July 17, 2023 the New Jersey Department of Environmental Protection amended its Stormwater Management Rules at N.J.A.C. 7:8, and

WHEREAS, the new rules require Tier A MS4 communities to adopt an ordinance regulating the storage of privately-owned salt and de-icing materials, and

WHEREAS, the adoption of a privately-owned salt storage ordinance is a requirement pursuant to the Township's Pollution Discharge Elimination System Permit #NJG0151564 / PID#172078, and

WHEREAS, The Township Committee of Colts Neck Township finds that it is in the best interest of the Township to adopt the State's Model Privately-Owned Salt Storage ordinance.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows:

SECTION I: That new Article V "Privately-Owned Salt Storage" in Chapter 195 "Solid Waste" is hereby established as follows:

Chapter 195
Solid Waste
Article V
Privately-Owned Salt Storage

§195-21 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 Colts Neck Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§195-22 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.

§195-23 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. The location of all temporary and/or permanent structures shall comply with the accessory structure Schedule of Limitations (§102-87 or §102-114) for the applicable zone district.

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 municipality upon request.

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

§195-24 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 §195-23 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.

§195-25 Enforcement.

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of Colts Neck Township during the course of ordinary enforcement duties.

§195-26 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 penalties set forth in Chapter 1, Section 1-9 of this Code.

SECTION II Severability.

If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 31st day of January 2024. A public hearing will be held on March 13, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 31, 2024					March 13, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X						X			
Deputy Mayor Buss			X				M		X			
Viola			X						X			
Bartolomeo		S	X						Ab			
Fitzpatrick		M	X					S	X			

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

MUNICIPALITY OF COLTS NECK TOWNSHIP PLANNING BOARD
CONSISTENCY REPORT PURSUANT TO N.J.S.A. 40:55D-26

WHEREAS, pursuant to N.J.S.A. 40:55D-64, the Governing Body of a Municipality shall refer any proposed zoning ordinance or amendment thereto to its Planning Board prior to hearing on the adoption of such zoning ordinance or amendment; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the Planning Board shall make and transmit to the Governing Body a report with respect to such zoning ordinance or amendment thereto including identification of any provisions in the proposed Development Regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, the Governing Body has submitted to the Planning Board a proposed ordinance amendment entitled, **ORDINANCE 2024-08 "AN ORDINANCE OF COLTS NECK TOWNSHIP, IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY ESTABLISHING NEW ARTICLE V ENTITLE "PRIVATELY-OWNED SALT STORAGE" OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED" DEVELOPMENT REGULATIONS.**
pursuant to the aforesaid statutory requirements; and

WHEREAS, the Planning Board conducted a meeting on **March 12, 2024** due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present, the Board reviewed and considered the proposed amendments to the Zoning Ordinance to determine their consistency with the Master Plan and Re-Examination Report, the Planning Board does hereby make the following report to the Governing Body of the Municipality:

1. The proposed Development Regulation revision or amendment thereto reviewed is entitled as set forth above.
2. The purpose of the proposed Development Regulation revision or amendment is to: **PREVENT STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEING EXPOSED TO STORMWATER.**
3. The proposed Development Regulation revision or amendment is (X) consistent, ( ) inconsistent, with the Master Plan of the Municipality. The inconsistent provisions are:

4. The Planning Board makes the following recommendations as to the inconsistencies referenced in paragraph 3 above and as to such other matters as the Planning Board deems appropriate:

NOW, THEREFORE BE IT RESOLVED by the Planning Board on this **12TH** day of **March, 2024** that the within report be transmitted to the Governing Body of the Municipality forthwith.

OFFERED BY: Rizzuto
SECONDED BY: Penczak
ROLL CALL:

Yes:	Tobia, Lukowitz, Buss, Rizzuto, Lutkewitte, Penczak, Visci, Sullivan
No:	None
Absent:	Bader, Corsi, Taeschler

I HEREBY CERTIFY that the above is a true and exact copy of the report adopted by the Planning Board of the Municipality of at its meeting held on **March 12, 2024.**

Dated: March 13, 2024

Secretary Planning Board of the
Municipality of COLTS NECK TOWNSHIP