

ORDINANCE O – 6 – 2024

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 86 ENTITLED “STORMWATER
MANAGEMENT” OF THE CODE OF THE TOWNSHIP OF ELK

WHEREAS, the Mayor and Committee, Township of Elk, have determined that amendments to Chapter 86 entitled “Stormwater Management” are necessary; and

WHEREAS, in all other respects Chapter 86 entitled “Stormwater Management” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 86 entitled “Stormwater Management” shall be amended to include a new Article V entitled “Privately-Owned Salt Storage” as follows:

Article V. Privately-Owned Salt Storage.

§ 86-27. Purpose.

The purpose of this Article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This Article establishes requirements for the storage of salt and other de-icing materials on properties not owned or operated by the Township (privately-owned), including residences, in the Township of Elk to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 86-28. Definitions.

For the purpose of this Article, 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 use of the word “shall” means the requirement is always mandatory and not merely directory.

- a. De-icing materials – any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- b. Impervious surface – 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 – the point of entry into the storm sewer system.
- d. 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:

- i. 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;
- ii. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

- iii. The structure shall be erected on an impermeable slab;
 - iv. The structure cannot be open sided; and
 - v. The structure shall have a roll up door or other means of sealing the access way form wind driven rainfall.
- e. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to Township jurisdiction.
 - f. Resident – a person who resides on a residential property where de-icing material is stored.

§ 86-29. 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-shaped during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into 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 flow down to the base of the pile.
 - i. 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 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 Article are met. Inspection records shall be kept on site and made available to the Township upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 86-30. 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 § 86-29 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

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

§ 86-31. Enforcement.

This Article shall be enforced by the Elk Township Engineer, Elk Township Public Works Department and/or Elk Township Code Enforcement Official.

§ 86-32. Violations and Penalties.

Any person who shall violate any of the terms or provisions of this Chapter or shall commit or do any act or thing prohibited by the terms of this article shall, upon conviction thereof, be subjected to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days. Offenses on separate days shall be deemed to be separate offenses, so that a continued violation from day to day shall be construed to be a new violation for each day such violation occurs.

Section 2.

Repealer.

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

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision 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.

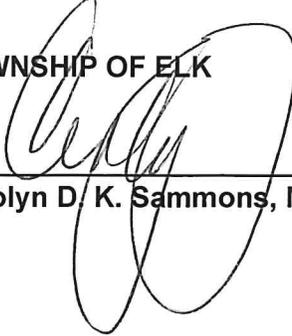
Section 4.

When effective.

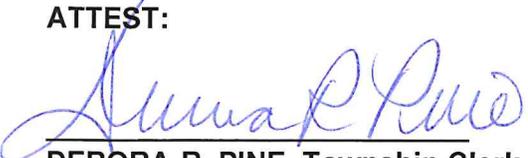
This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan	✓		✓			
Lucas						✓
Nicholson		✓	✓			
Rambo						✓
Sammons			✓			

TOWNSHIP OF ELK


Carolyn D. K. Sammons, Mayor

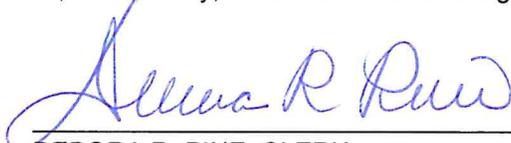
ATTEST:


DEBORA R. PINE, Township Clerk

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan		✓	✓			
Lucas			✓			
Nicholson	✓		✓			
Rambo			✓			
Sammons			✓			

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on October 15, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on November 7, 2024, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.


DEBORA R. PINE, CLERK