

Ordinance of the City of Jersey City, N.J.

File No. Ord. 24-074
Agenda No. 3.9 (1st Reading)
Agenda No. 4.8 (2nd Reading and Final Passage)



AN ORDINANCE REGARDING THE PROPER STORAGE OF ROAD SALT AND OTHER SOLID DE-ICING MATERIALS ON PRIVATELY OWNED PROPERTIES.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

Whereas, pursuant to regulations of the New Jersey Department of Environmental Protection, Tier A municipalities are required to renew NJPDES MS4 permits; and

Whereas, the City of Jersey City (the "City") is a Tier A municipality; and

Whereas, the renewal of the MS4 permit requires permittees to adopt and enforce an ordinance requiring salt and other solid (granular) de-icing material to be covered when not in use to prevent exposure to rain, snow, or stormwater run-on; and

Whereas, the use of anti-icing agents is critical to the public safety and economy of the state during winter precipitation events; and

Whereas, the use of anti-icing agents is widespread, both publicly and privately, despite the environmental impacts that de-icing agents can cause; and

Whereas, when left uncovered, pollutants from piles of such anti-icing materials are transported by winds, waters, human activities, etc. into the nearest storm drain inlet; and

Whereas, road salt being deposited into the receiving surface waters has become a nationwide problem, as the increase in chloride levels can be toxic to aquatic life and can contaminate surface and ground water drinking water supplies; and

Whereas, this ordinance is intended to reduce the detrimental effects of salt laden stormwater runoff on surface and ground waters due to unnecessary runoff from improperly stored, private stockpiles.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

A. The following amendments to Chapter 281 (SEWERS) of the Jersey City Municipal Code are hereby adopted:

ARTICLE V. – Privately-Owned Salt Storage

§ 281-14. Purpose.

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

APPROVED AS TO LEGAL FORM

A handwritten signature in black ink, appearing to be "JMA", is written over a horizontal line.

Business Administrator

A handwritten signature in black ink, appearing to be "B. M. King", is written over a horizontal line.

Corporation Counsel

An Ordinance regarding the proper storage of road salt and other solid de-icing materials on privately owned properties.

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 Jersey City to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 281-15. 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.

§ 281-16. 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;

An Ordinance regarding the proper storage of road salt and other solid de-icing materials on privately owned properties.

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.[Municipality may add optional language here requiring that 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, 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.

§ 281-17. 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.

§ 281-18. Enforcement.

This ordinance shall be enforced by the Jersey City Municipal Utilities Authority and employees of the City of Jersey City, including its police officers, during the course of ordinary enforcement duties.

§ 281-19. 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 fines to be determined by the Municipal Court of the City of Jersey City not to exceed \$2,000 per violation.

§ 281-20. Severability.

An Ordinance regarding the proper storage of road salt and other solid de-icing materials on privately owned properties.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

§ 281-21. Effective Date.

This Ordinance shall be in full force and effect on September 25, 2024.

B. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

C. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined and words that are ~~struck through~~ are omitted.

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RECORD OF COUNCIL VOTE ON INTRODUCTION – Aug 14 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	ABSENT	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Sep 11 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Phlip Carrington

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Sep 11 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Aug 14 2024**
 Adopted on second and final reading after hearing on **Sep 11 2024**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Sep 11 2024



City Clerk



Joyce E. Watterman, President of Council
 Approved: Sep 11 2024



Steven M. Fulop, Mayor
 Date to Mayor: Sep 12 2024
 Approved: Sep 13 2024

Ord. 24-074

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

John McKinney, Attorney	5229	jmckinney@jcnj.org
Department	Department of Law	
Division	Corporation Counsel	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Aug 14 2024
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Purpose

This ordinance is intended to reduce the detrimental effects of salt laden stormwater runoff on surface and ground waters due to unnecessary runoff from improperly stored, private stockpiles in accordance with the requirements of the NJDEP's NJPDES MS4 permit.
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Cost (Identify all sources and amounts)

N/A

Contract term (include all)

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Approved by
John McKinney, Attorney
John Metro, Business Administrator

Status:
Approved - Jul 17 2024
Approved - Aug 07 2024