

**BOROUGH OF LODI
INTRODUCTION NOTICE
ORDINANCE # 2024-02**

NOTICE IS HEREBY GIVEN that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lodi, County of Bergen, State of New Jersey, held on March 19, 2024, and that said ordinance will be taken up for further consideration for final passage at the meeting of said Borough Council to be held at its meeting room in the Borough Hall in Lodi, N.J. on April 16, 2024 at 7:00 P.M., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given the opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough of Lodi, N.J. and a copy is available up to and including the time of such meeting to the members of the general public of the Borough who shall request such copies, at the Office of the Borough Clerk in said Borough Hall in Lodi, N.J.

Rebecca Paladino, RMC
Borough Clerk

*ORDINANCE# 2024-02
BOROUGH OF LODI
COUNTY OF BERGEN
STATE OF NEW JERSEY*

*AN ORDINANCE SUPPLEMENTING CHAPTER 490 OF THE
CODE OF THE BOROUGH OF LODI, COUNTY OF BERGEN
STATE OF NEW JERSEY, SO AS TO ESTABLISH
SECTION 490-14 ENTITLED PRIVATELY OWNED SALT STORAGE*

BE IT ORDAINED by the Governing Body of the Borough of Lodi, Bergen County, New Jersey that Chapter 490 of the Code of the Borough be and hereby is amended and supplemented so as to establish Section 490-14 thereof entitled PRIVATELY OWNED SALT STORAGE.

PRIVATELY OWNED SALT STORAGE

SECTION I - 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 Borough of Lodi to protect the environment, 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 Permanent structure as defined herein would require a building permit and site plan or variance approval where applicable.

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.

SECTION III - DE-ICING 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. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;
3. Materials shall be formed and maintained in a cone-shaped storage pile;
4. All storage piles 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;
 - 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. The site shall be free of all de-icing materials between April 16th and October 14th.
8. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met.

SECTION IV - EXEMPTIONS

This ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

SECTION V - ENFORCEMENT

This Ordinance shall be enforced by the Lodi Police Department and/or the Lodi Building Department during the course of ordinary enforcement duties.

SECTION VI - 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 as follows:

- (A) First offense \$1,000.00 fine;
- (B) Second offense \$1,250.00 fine;
- (C) Third offense: Up to 90 days of community service or up to 90 days in County Jail or up to \$1,250.00 fine all in the discretion of the Municipal Court Judge.

SECTION VII - SEVERABILITY

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.

SECTION VIII - INCONSISTENCIES

All other provisions of the Code of the Borough of Lodi that are inconsistent with the within Ordinance shall remain in full force and effect except as otherwise modified herein.

SECTION IX - VALIDITY

In the event any section, part or provision of this Ordinance shall be held unconstitutional or otherwise invalid by any Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance or the remaining provisions which shall remain in full force and effect.

SECTION X - REPEAL

All parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION XI - EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its adoption and publication as prescribed by law.

Introduced on this ____ day of _____, 2024