

**CITY OF PASSAIC**

ORDINANCE NO// \_\_\_\_\_ **2451-24**

**ORDINANCE AMENDING CHAPTER 258 OF THE CODE OF  
THE CITY OF PASSAIC ENTITLED "STORM SEWER"**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated regulations for privately owned salt storage; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, Chapter 258 of the Code of the City of Passaic, "**Storm Sewer**," sets forth regulations regarding storm sewers, storm water runoff, and water quality protection within the City of Passaic; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Passaic, that Chapter 258 of the Code of the City of Passaic, "Storm Sewers," is hereby amended to add "Article IV: Privately-Owned Salt Storage" as follows:

**SECTION I**

Chapter 258: Storm Sewers

Article IV: Privately Owned Salt Storage

**Section 258-17. 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 Passaic to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**Section 258-18. 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**

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:

- (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**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**F. Resident**

A person who resides on a residential property where de-icing material is stored.

**Section 258-19. Deicing Material Storage Requirements**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:

- (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.
- (5) Containers must be sealed when not in use; and
- (6) The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

|| 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;

- 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 City of Passaic requires 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.

**Section 258-20. 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.

**Section 258-21. Enforcement & Penalties**

- A. This article shall be enforced by the Department of Public Works, Police Department and Code Enforcement of the City of Passaic.
- B. 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 be subject to the penalties set forth in the general penalty provisions, Ch. 1, Article II, § 1-3 of the Code of the City of Passaic.

**SECTION II**

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. If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION III**

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IV**

This ordinance shall take effect upon publication as provided by law.

INTRODUCED BY COUNCILPERSON: Terrence Love

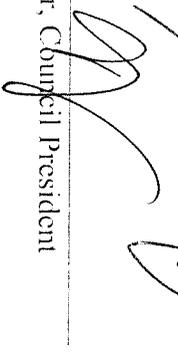
SECONDED BY COUNCILPERSON: Maritza Colon-Montanez

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
COLON-MONTANEZ, M.	<input checked="" type="checkbox"/>			
GARCIA, J.	<input checked="" type="checkbox"/>			
LOVE, T.	<input checked="" type="checkbox"/>			
MELLO, T.	<input checked="" type="checkbox"/>			
MUNK, C.	<input checked="" type="checkbox"/>			
SCHWARTZ, D.	<input checked="" type="checkbox"/>			
SCHAIER, G.	<input checked="" type="checkbox"/>			

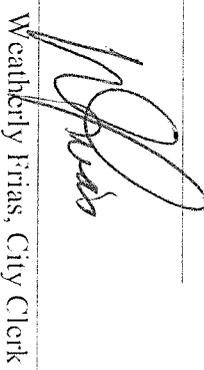
Adopted on the second and final reading after the hearing on June 06, 2024.

APPROVED:

Hector C. Lora, Mayor



Date



Gary S. Schaer, Council President

Weatherly Frias, City Clerk

## **Ordinance # [ ] – 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 municipality (privately-owned), including residences, in [insert name of municipality] 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 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. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- 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.

#### **SECTION IV. 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.

#### **SECTION V. Enforcement:**

This ordinance shall be enforced by the **[Police Department and/or other Municipal Officials of insert name of municipality]** during the course of ordinary enforcement duties.

CITY OF PASSAIC

ORDINANCE NO# 2481-24

ORDINANCE AMENDING CHAPTER 258 OF THE CODE OF THE CITY OF PASSAIC ENTITLED "STORM SEWER"

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated regulations for privately owned salt storage; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, Chapter 258 of the Code of the City of Passaic, "Storm Sewer," sets forth regulations regarding storm sewers, storm water runoff, and water quality protection within the City of Passaic; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Passaic, that Chapter 258 of the Code of the City of Passaic, "Storm Sewers," is hereby amended to add "Article IV: Privately-Owned Salt Storage" as follows:

SECTION I

Chapter 258: Storm Sewers  
Article IV: Privately Owned Salt Storage

Section 258-17. 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 Passaic to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

Section 258-18. Definitions  
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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:

- 1) Concrete blocks, Jersey barriers or other similar material shall be placed around the exterior 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

- WORK;
- (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  
Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.  
F. Resident  
A person who resides on a residential property where de-icing material is stored.

Section 258-19. 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:

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- (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;
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  - (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 City of Passaic requires 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.

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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 111 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.

Section 258-21. Enforcement & Penalties  
A. This article shall be enforced by the Department of Public Works, Police Department and Code Enforcement of the City of Passaic.

B. 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 be subject to the penalties set forth in the general penalty provisions, Ch. 1, Article 11, § 1-3 of the Code of the City of Passaic.

SECTION II

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. If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect upon publication as provided by law.

THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC, N.J. HELD MAY 21, 2024 THE SAME WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE BY THE CITY COUNCIL AT THE COUNCIL CHAMBERS LOCATED AT 300 PASSAIC STREET, PASSAIC, NJ, AT THE MEETING OF June 06, 2024, AT 7:00 P.M. ALL PERSONS INTERESTED WILL BE GIVEN THE OPPORTUNITY TO BE HEARD CONCERNING THIS ORDINANCE.

By Order of the City Council  
Dated: May 22, 2024, Weatherly Frias, City Clerk  
The Record/Herald News 05/26/2024 (458) Fee \$178.62 Ad # 10208020

CITY CLERK'S OFFICE  
CITY OF PASSAIC

330 PASSAIC STREET  
PASSAIC, NEW JERSEY 07055  
COUNTY OF PASSAIC

OF FULL AGE, BEING DULY SWORN  
ACCORDING TO LAW ON HIS/HER  
OATH SAYS THAT HE/SHE IS  
EMPLOYED AT CITY OF PASSAIC,  
ANNEXED HERETO IS A TRUE COPY  
OF THE NOTICE THAT WAS PUBLISHED  
ON THE FOLLOWING

DATE(S):  
DATES: 5/24/2024

IN THE HERALD NEWS, A NEWS PAPER OF  
GENERAL CIRCULATION AND  
PUBLISHED IN WEST PATERSON IN THE  
COUNTY OF PASSAIC AND CIRCULATED  
IN BERGEN, PASSAIC, AND ESSEX  
COUNTIES, SAID PAPER IS PUBLISHED  
SEVEN DAYS A WEEK

SUBSCRIBE BEFORE ME THIS  
26 DAY OF May, 2024  
AT PASSAIC, NJ  
Weatherly Frias  
WEATHERLY FRIAS, CITY CLERK

CITY CLERK'S OFFICE  
CITY OF PASSAIC

330 PASSAIC STREET  
PASSAIC, NEW JERSEY 07055  
COUNTY OF PASSAIC

CITY OF PASSAIC

ORDINANCE NO# 2451-24

ORDINANCE AMENDING CHAPTER  
288 OF THE CODE OF THE  
CITY OF PASSAIC ENTITLED  
"STORM SEWER"

NOTICE IS HEREBY GIVEN THAT  
THE ORDINANCE SET FORTH IN  
THE ABOVE TITLE, WHICH WAS  
PUBLISHED IN FULL ON MAY 26,  
2024, WAS FINALLY PASSED AT A  
REGULAR MEETING OF THE CITY  
COUNCIL ON JUNE 06, 2024, AND  
WILL BE IN FULL FORCE IN THE  
CITY OF PASSAIC, N.J. AT THE EXPI-  
RATION OF TWENTY (20) DAYS.

APPROVED: HECTOR LORA,  
MAYOR  
DATE: June 06, 2024  
WEATHERLY FRIAS,  
ACTING CITY CLERK  
DATED: June 06, 2024  
Record/Herald 6/23/2024  
Fee \$ 13.26 (33) 10303995

OF FULL AGE, BEING DULY SWORN  
ACCORDING TO LAW ON HIS/HER  
OATH SAYS THAT HE/SHE IS  
EMPLOYED AT CITY OF PASSAIC,  
ANNEXED HERETO IS A TRUE COPY  
OF THE NOTICE THAT WAS  
PUBLISHED ON THE FOLLOWING  
DATE(S):

DATES: June 23, 2024

IN THE HERALD NEWS, A NEWS PAPER  
OF GENERAL CIRCULATION AND  
PUBLISHED IN WEST PATERSON IN THE  
COUNTY OF PASSAIC AND CIRCULATED  
IN BERGEN, PASSAIC, AND ESSEX  
COUNTIES, SAID PAPER IS PUBLISHED  
SEVEN DAYS A WEEK

SUBSCRIBE BEFORE ME THIS  
2 DAY OF July, 2024  
AT PASSAIC, NJ

  
\_\_\_\_\_  
WEATHERLY FRIAS, OPA  
CITY CLERK