

Ordinance

Ordinance No. 14

OF THE
CITY OF ATLANTIC CITY, N.J.

Date...3-20-2024.....
Date to Mayor..4-18-2024....

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor/s/ Karl Timbers

Director of Public Works/s/ Crystal J. Lewis

Prepared by the City Solicitor's Office

Council Members MARSHALL, RANDOLPH & SHABAZZ Present the following Ordinance:

AN ORDINANCE AMENDING THE CODE OF THE CITY ATLANTIC CITY TO REGULATE PRIVATELY OWNED SALT STORAGE

WHEREAS, the City of Atlantic City (the "City") is a municipal corporation organized and operating under the laws of the state of New Jersey; and

WHEREAS, the City adopted new stormwater control regulations through Ordinance No. 35 of 2022, codified as Chapter 223 of the City Code; and

WHEREAS, the revised regulations require the City to adopt regulations on privately-owned salt storage; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Atlantic City that the City Code is hereby amended, revised and/or supplemented as follows:

SECTION 1. 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)* in the City to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 2. 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; and
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak; and
- 3. The structure shall be erected on an impermeable slab; and
- 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 3. 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, but no longer than 30 days without prior written approval from the Department:
 - 1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through; and
 - 2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels; and
 - 3. Materials shall be formed in a cone-shaped storage pile; and

4. All storage piles shall be covered as follows:

- a. The cover shall be waterproof, impermeable, and flexible; and
- b. The cover shall extend to the base of the pile(s); and
- c. The cover shall be free from holes or tears; and
- 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. 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 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 4. Exemptions:

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

SECTION 5. Enforcement:

This Ordinance shall be enforced by the **Atlantic City Police Department and/or other Municipal Officials of the City of Atlantic City** during the course of ordinary enforcement duties.

SECTION 6. 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: **NO MORE THAN TWO THOUSAND DOLLARS (\$2,000.00)**

SECTION 7. 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 8. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

March 27, 2024 3-C

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
CROUCH	X					X	SHABAZZ	X				X	
DUNSTON	X						TIBBITT	X					
KURTZ	X						WEEKES	X					
MARSHALL				X			ZIA	X					
							RANDOLPH, PRESIDENT	X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MARCH 20, 2024.....

Adopted on second and final reading after hearing on...APRIL 17, 2024.....

Approved By.../s/.....MARTY SMALL, SR.Date...4/23/2024.....By Council.....Reconsidered Over
 Ride _____

Mayor

Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/.....PAULA GELETEI, City Clerk

October 11, 2024 2:57 PM 3-C

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
CROUCH	X					X	SHABAZZ	X				X	
DUNSTON	X						TIBBITT	X					
KURTZ	X						WEEKES	X					
MARSHALL	X						ZIA	X					
							RANDOLPH, PRESIDENT	X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MARCH 20, 2024.....