

**AN ORDINANCE ESTABLISHING AND ENACTING
A NEW CHAPTER 270 “SALT AND DEICING MATERIAL STORAGE”
OF THE CODE OF THE TOWNSHIP OF NORTH BRUNSWICK**

BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that the Code of the Township of North Brunswick be and his hereby amended and supplemented to establish and enact a new Chapter 270 “Salt and Deicing Material Storage” as follows:

Chapter 270 Salt and Deicing Material Storage

§ 270-1 Scope and Purpose.

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

This ordinance establishes requirements for the storage of salt and other solid deicing materials on properties not owned or operated by the municipality (privately-owned), including residences, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 270-2 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.

DEICING MATERIALS - Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

FABRIC FRAME STRUCTURE - 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 deicing 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.

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).

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

RESIDENT - a person who resides on a residential property where deicing material is stored.

STORM DRAIN INLET - The point of entry into the storm sewer system.

§ 270-3 Deicing Material Storage Requirements.

- A. Temporary outdoor storage of deicing 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.
 - (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) Containers must be sealed when not in use.
- (6) The site shall be free of all deicing materials between April 16th and October 14th.
- (B) Deicing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- (C) 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 deicing 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 deicing materials are required to perform weekly inspections.

§ 270-4 Exemptions.

Residents may store deicing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the deicing 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 two (2) weeks.

If containerized (in bags or buckets) deicing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in § 270-3 above. Piles of deicing materials are not exempt, even if stored in a permanent structure.

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

§ 270-5 Enforcement.

This chapter shall be enforced by the Director of the Department of Public Works or his/her designee and/or the Police Department of the Township of North Brunswick.

§ 270-6 Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

TITLE

This Ordinance shall be known and may be cited as the Ordinance to Establish and Enact a New Chapter 270 "Salt and Deicing Material Storage"

Michael C. Hritz
Director of Community Development

Steven Bloyed
Acting Director of Public Works

Justine Progebin
Business Administrator

Ronald H. Gordon, Township Attorney
(Approved as to legal form)

RECORDED VOTE FIRST READING

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MEHTA				
MAYOR WOMACK				

RECORDED VOTE SECOND READING

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MEHTA				
MAYOR WOMACK				

CERTIFICATION

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on October 2, 2023.

Lisa Russo, Township Clerk

EFFECTIVE DATE

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

- APPROVED
- REJECTED

Francis M. Womack III, Mayor
Township of North Brunswick

Date Signed: _____, 2023