

Introduced: 07/11/2023
Public Hearing: 08/08/2023
Adopted: 08/08/2023

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 21-2023**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY CREATING TITLE 9, PUBLIC PEACE,
MORALS, AND WELFARE, CHAPTER 9.22, PRIVATELY-OWNED SALT
STORAGE, OF THE TOWNSHIP CODE OF ORDINANCES**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) had determined that exposed deicing material presents significant pollution hazards to streams and waterways, including those located in the Township of Tewksbury (the “Township”); and

WHEREAS, in August 2022, NJDEP re-classified 101 municipalities, including the Township, from MS4 Permit Program Tier B to Tier A; and

WHEREAS, the Township Committee finds and declares that in order to comply with the Tier A MS4 Permit Program requirement, it is in the best interests of the Township and its residents to regulate outdoor storage of de-icing materials.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Title 9, Public Peace, Morals, and Welfare, Chapter 9.22, Privately-Owned Salt Storage, of the Township Code of Ordinances is hereby created as follows:

9.22.010 – Purpose.

To prevent stored salt and other solid de-icing materials from being exposed to stormwater. This chapter establishes requirements for the storage of salt and other solid de-icing materials on privately owned properties not owned or operated by the Township of Tewksbury to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

9.22.020- Definitions.

The following terms, phrases, words, and their derivations shall have the meanings stated herein.

- 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 residential property where de-icing material is stored.

9.22.030 – 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, and/or ditches or other stormwater conveyance channels.
3. Loose materials shall be formed 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.
 - 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 in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - f. 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, including tires, shall not be used.
 5. Containers shall be sealed when not in use.
 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 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, or owner of the de-icing materials if not the property owner, shall designate a person 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 Chapter are met. Residents who operate business from their homes that utilize de-icing materials are required to perform weekly inspections. Inspection records shall be kept on site and made available to the Township upon request.

9.22.040 – Exemptions.

- A. 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 required, but repair or replacement of damaged or inadequate containers shall occur within two weeks.
- B. If containerized, in bags or buckets, de-icing materials that are stored within a permanent structure are not subject to the storage and inspection requirements of this Chapter.
- C. Piles of de-icing materials are not exempt from the requirements of this Chapter, even if stored in a permanent structure.

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

9.22.050 – Enforcement.

The provisions of this chapter may be enforced by any officer of the Township of Tewksbury.

9.22.060 – Violations and Penalties.

Any person who is found to be in violation of the provisions of this chapter shall be subject to the penalties set forth in the General Penalty Chapter of this Code.

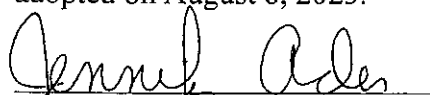
SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on July 11, 2023 and adopted on August 8, 2023.



Jennifer Ader
Township Clerk