

**TOWNSHIP OF WEST WINDSOR  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 2024-02**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 150 OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS  
PERTAINING TO STORMWATER POLLUTION PREVENTION REGULATIONS  
(DE-ICING MATERIALS)**

1st Reading January 29, 2024  
 2nd Reading & Public Hearing February 12, 2024  
 Date Adopted February 12, 2024  
 Date Effective March 4, 2024  
 DOT APPROVAL RECEIVED \_\_\_\_\_  
 Planning Board Approval \_\_\_\_\_

Date to Mayor February 12, 2024  
 Date Signed February 13, 2024  
 Date Resubmitted to Council \_\_\_\_\_  
 Approved as to Form and Legality \_\_\_\_\_

*[Signature]*  
 Township Attorney  
 Michael W. L. Esq.  
 Attorney

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
Gawas	✓						Gawas	✓					✓
Geevers	✓						Geevers	✓					
Mandel	✓				✓		Mandel	✓					
Weiss	✓					✓	Weiss	✓				✓	
Whitfield	✓						Whitefield	✓					

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

*[Signature]*  
 \_\_\_\_\_  
 Hemant Marathe, Mayor

February 13, 2024  
 \_\_\_\_\_  
 Date

Rejected \_\_\_\_\_

Reconsidered by Council \_\_\_\_\_

Override Vote: YES \_\_\_\_\_ NO \_\_\_\_\_

*[Signature]*  
 \_\_\_\_\_  
 Gay M. Huber, Township Clerk

**TOWNSHIP OF WEST WINDSOR  
MERCER COUNTY, NEW JERSEY**

**ORDINANCE NO. 2024-02**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 150 OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY  
MODIFYING PROVISIONS PERTAINING TO STORMWATER POLLUTION  
PREVENTION REGULATIONS (DE-ICING MATERIALS)**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has developed the Municipal Stormwater Regulation Program as a result of the US Environmental Protection Agency's (USEPA) Phase II rules addressing pollutants entering into our water tributaries; and

**WHEREAS**, the Township was required to obtain a Tier "A" Municipal Stormwater Discharge Permit as part of these new regulations; and

**WHEREAS**, the Township was required to develop a Stormwater Pollution Prevention Program; and

**WHEREAS**, the Township is required to periodically adopt or amend certain Ordinances aimed to prevent Stormwater Pollution as the State reauthorizes the Municipal Stormwater Discharge Permit; and

**WHEREAS**, the State is requiring the adoption of regulations pertaining to the proper storage of privately-owned de-icing materials in order to address them as a potential pollutant source.

**NOW, THEREFORE, BE IT ORDAINED**, by the West Windsor Township Council, County of Mercer, State of New Jersey, that the Code of West Windsor Township, be amended and supplemented as follows:

**Section 1.** Chapter 150 of the Code of the Township of West Windsor (1999), Stormwater Pollution Prevention Plan (SP3), is hereby amended by addition of the following text:

**Article IX Privately-Owned De-Icing Material Storage**

**§ 150-39. Purpose:**

The purpose of this article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This article establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by a public entity (privately-owned),

including residences, within West Windsor Township so as to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§ 150-40. Definitions:**

As used in this article, 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.

**DE-ICING MATERIAL**

Any granular or solid material such as salt or any other granular solid that assists in the melting of snow. May be in combination with sand or other insoluble material used to improve traction. "Loose" materials are those not contained within a sealed bag or container.

**ENVIRONMENTALLY CONSTRAINED AREA**

The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership, such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

**IMPERVIOUS SURFACE**

A surface that has been sufficiently compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**STORM DRAIN INLET**

The point of entry into the stormwater collection system, whether inlet, catch basin, manhole or other device.

**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 precipitation.

A fabric frame structure is a permanent structure if it meets all of 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 precipitation.

#### **PERSON**

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

#### **RESIDENT**

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

#### **STORMWATER FACILITY**

Infrastructure related to conveyance, collection or control of stormwater, including, but not limited to, catch basins, infiltration basins, detention basins, green infrastructure, filter strips, porous pavement, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, swales, ditches and other stormwater conveyances.

#### **§ 150-41. De-icing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials is allowed between October 15<sup>th</sup> and April 15<sup>th</sup> of each calendar year, subject to the following requirements:
  1. De-icing material shall be placed on a flat, impervious surface in a manner that prevents saturation of the material by precipitation and the creation of stormwater runoff;
  2. De-icing materials shall be placed at least fifty (50) feet from surface water bodies, storm drain inlets, stormwater facilities, environmentally constrained areas, ditches and/or other stormwater conveyance channels;
  3. Loose de-icing materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, spilled and tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone prior to ending each day's activities;
  4. Loose de-icing materials shall be entirely 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, tears and other unsealed openings;
  - d. The cover shall be secured and weighted down around its perimeter to prevent displacement by wind;
  - e. The cover shall be placed in a manner to minimize puddling of precipitation on top of same; and
  - f. Weight shall be placed on the cover in a manner that minimizes the potential of exposure as stored materials shift, precipitation accumulates on top of the cover and runoff flows down to the base of the pile.
    - (1) Sandbags lashed together with rope or cable and placed uniformly, and poly-cord nets are two examples of suitable methods.
    - (2) Items that can puddle 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 outdoor storage of all de-icing materials between April 16th and October 14th of each calendar year.
- B. Permanent structure. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of de-icing materials in a permanent structure, such storage may be permanent, and thus not limited to October 15 -April 15.
- C. Regulatory approvals. Both permanent and temporary structures must comply with all bulk, use & area requirements of the zoning district in which the structure is located, and shall secure a Zoning Permit prior to construction, erection or use. Permanent and temporary structures must comply with all applicable provisions of the NJ Uniform Construction Code and, where required, a valid Construction Permit is required to be obtained from the Township Division of Code Enforcement prior to the start of construction.
- D. Inspections and record keeping. The property owner shall designate a person or persons 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 article are met. This may be the owner of the de-icing materials, if different from the property owner. Inspection records shall be maintained and kept on-site and made available to West Windsor Township upon request.
1. A home occupation, as defined in Chapter 200 Land Use, that utilizes de-icing materials is required to perform weekly inspections.

**§ 150-42. 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 necessary, but repair or replacement of damaged or inadequate containers shall occur as soon as practicable and no later than two (2) weeks.

- B. If containerized de-icing materials (e.g. in bags or buckets) are also stored within a permanent structure, then they are not subject to the storage and inspection requirements in §150-41 above. Piles of loose de-icing materials are not exempt, even if stored in a permanent structure.
- C. This article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under a NJPDES permit.

**§ 150-43. Enforcement:**

This ordinance shall be enforced by the Police, Zoning Officer and/or their designee of the Township of West Windsor during the course of ordinary enforcement duties.

**§ 150-44. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this article shall have seventy-two (72) hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in penalties to be imposed on violators as provided in Chapter 1, General Provisions, Article II, Penalty, § 1-3, General penalty, of the Township Code.

**Section 2. SEVERABILITY.** Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**Section 3.** This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; and upon publication according to law.

INTRODUCTION: January 29, 2024  
PUBLIC HEARING: February 12, 2024  
ADOPTION: February 12, 2024  
MAYOR APPROVAL: February 13, 2024  
EFFECTIVE DATE: March 4, 2024


# **TOWNSHIP OF WEST WINDSOR**

*Community Development Department*

*Division of Engineering*

## **MEMORANDUM**

**TO:** Marlena Schmid, Business Administrator

**FROM:** Francis A. Guzik, PE, CME   
Director of Community Development / Township Engineer

**SUBJECT:** Proposed Township Code Addition  
Part 2 General Legislation  
Chapter 150 Stormwater Pollution Prevention Plan (SP3)

**DATE:** January 4, 2023

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With the State's reauthorization of the permitting for municipal separate storm sewer systems (MS4) in 2023, the State NJDEP included requirements for municipalities to adopt two additional community-wide ordinances related to stormwater pollution prevention. These are identified in Permit section F. "Minimum Standards for Pollution Prevention/Good Housekeeping for Municipal Operators" as:

- 1.b.i. Privately-Owned Salt Storage Ordinance: Adopt and enforce an ordinance requiring that piles of salt and other solid (granular) de-icing materials which are not stored in a permanent structure be covered by tarping when not in use and secured in a way to prevent its exposure to rain, snow, or stormwater run-on; and
- 1.b.ii. Tree Removal/Replacement Ordinance: Adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil.

A draft model of each ordinance has been circulated by the State to each municipality. The permit requires each Township to adopt these regulations by May 1, 2024. At this time the Engineering Division is prepared to move forward with the Privately-Owned Salt Storage Ordinance, retitled to "Privately-Owned De-Icing Material Storage". The State's model language was reviewed and amended to reflect the Township's formatting and numbering standards. The Ordinance to be presented to Township Council for adoption has been reviewed by Township staff. Minor comments received from other divisions have been incorporated therein.

The Tree Removal/Replacement Ordinance draft is currently under review with Shade Tree Committee for refinements and is expected to be ready to move forward with Township Council this Spring.

If you have any questions or comments, please do not hesitate to contact me.

FG

Administrative Services Unit, NJDEP, NJP&S

AFFIDAVIT

STATE OF NEW JERSEY :  
: SS  
COUNTY OF MERCER :  
AFFIDAVIT OF PUBLICATION

I, Gay M. Huber, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on February 2, 2024 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2024-02

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 150 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO STORMWATER POLLUTION PREVENTION REGULATIONS (DE-ICING MATERIALS)

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of West Windsor, in the County of Mercer, State of New Jersey, held on January 29, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the West Windsor Township Municipal Building, 271 Clarksville Road, in the Township on February 12, 2024 at 7:00 o'clock P.M., and during the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Gay M. Huber  
Township Clerk  
Township of West Windsor  
1x, PP, 2/2/24, Fee:\$16.51

Gay M. Huber  
Gay M. Huber, Township Clerk

Sworn and subscribed to  
before me this 5th day  
of March, 2024

Allison D. Sheehan  
Notary Public of New Jersey

Adv. Fee: \$16.51  
PD: 2/2/24

ALLISON D. SHEEHAN  
Notary Public, State of New Jersey  
Comm. # 50085844  
My Commission Expires 7/10/2028



AFFIDAVIT

STATE OF NEW JERSEY :  
: SS  
COUNTY OF MERCER :  
AFFIDAVIT OF PUBLICATION

I, Gay M. Huber, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on February 16, 2024 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

NOTICE

Notice is hereby given that the following ordinance entitled:

ORDINANCE NO. 2024-02

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was duly approved and adopted on Second and Final reading at a regular meeting of the West Windsor Township Council held on February 12, 2024 and was approved by Mayor Hemant Marathe on February 13, 2024. This Ordinance shall become effective on March 4, 2024.

Gay M. Huber  
Township Clerk  
West Windsor Township  
1x, PP, 2/16/24, Fee:\$15.01

Gay M. Huber  
Gay M. Huber, Township Clerk

Sworn and subscribed to  
before me this 5<sup>th</sup> day  
of March, 2024

Allison D. Sheehan  
Notary Public of New Jersey

Adv. Fee: \$15.01  
PD: 2/16/24

ALLISON D. SHEEHAN  
Notary Public, State of New Jersey  
Comm. # 50085844  
My Commission Expires 7/10/2028