

Explanation: This ordinance will add a new Section 12-5 “Privately-Owned Salt Storage” to Article XII “Stormwater Management” of the Land Development Ordinances of the Township of Branchburg as required by the NJDEP to better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways.

ORDINANCE NO. 2024-1479

ORDINANCE AMENDING ARTICLE XII “STORMWATER MANAGEMENT” OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BRANCBURG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO ADD A NEW SECTION 12-5 “PRIVATELY-OWNED SALT STORAGE”

WHEREAS, in accordance with N.J.A.C. 7:14A, on November 1, 2023 the New Jersey Department of Environmental Protection issued New Jersey Pollutant Discharge Elimination System Teir A Municipal Stormwater Permit; and

WHEREAS, in order to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways, the NJDEP requires Tier A municipalities to adopt specific ordinances to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways, including an ordinance to regulate private salt storage; and

WHEREAS, Land Development Ordinance No. 2024-1478 was forwarded to the Somerset County Planning Board for review and approval in accordance with N.J.A.C. 7:8-4.4. and any suggestions incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Branchburg, County of Somerset, State of New Jersey, as follows:

Section 1. Section 12-5 “Privately-Owned Salt Storage” is hereby added to Article XII "Stormwater Management", of the Land Development Ordinance of the Township of Branchburg, County of Somerset, State of New Jersey, as follows:

§ LDO12-5 PRIVATELY-OWNED SALT STORAGE

§ LDO12-5.1 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), including residential and non-residential, in Branchburg Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ LDO12-5.2 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;
- 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 a residential property where de-icing material is stored.

§ LDO12-5.3 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:
 - 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.
 - (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. A zoning permit is required in conformance with Article 7 of the Land Development Ordinance. The permit shall include a site plan showing the location of the structure and associated drainage structures downstream from the proposed structure. A detail of the structure shall be provided. The site plan shall demonstrate conformance with this Article.
- 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.

§ LDO12-5.4 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 §12-5.3 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.

§ LDO12-5.5 Enforcement.

This ordinance shall be enforced by the Zoning Officer during ordinary enforcement duties.

§ LDO12-5.6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines and penalties set forth in §7-1.4 of the Township Land Development Ordinance.

§ LDO12-5.7 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 2. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

Section 3. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

Section 4. After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board of the Township for its review in accordance with N.J.S.A. 40:55D-26. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral, a report including identification of any provisions in the

proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 5. After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: (1) the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and (2) the County Planning Board.

Section 6. After adoption, the Township Clerk shall forward to the Somerset County Planning Board and NJDEP a copy this Ordinance for review and approval in accordance with N.J.A.C. 7:8-4.4. This Ordinance shall be effective upon adoption, publication and approval by the Somerset County Planning Board or within 60 days of the Somerset County Planning Board's receipt of the Ordinance and failure to approve, conditionally approve or disapprove of the Ordinance.

Section 7. Within 30 days of the effective date of this Ordinance, the Township Clerk shall place the Ordinance on the Township website and notify the NJDEP, Soil Conservation District and State Soil Conservation Committee in accordance with N.J.A.C. 7:8-4.4.

INTRODUCED/PASSED ON FIRST READING: *July 22, 2024*

| ROLL CALL VOTE | | | | |
|------------------|-----|----|---------|--------|
| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
| SCHWORN | ✓ | | | |
| BEATRICE | ✓ | | | |
| OWENS | ✓ | | | |
| YOUNG | ✓ | | | |
| COLUMBUS | ✓ | | | |

PUBLISHED: *July 26, 2024*

ADOPTED: *August 26, 2024*

| ROLL CALL VOTE | | | | |
|------------------|-----|----|---------|--------|
| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
| SCHWORN | ✓ | | | |
| BEATRICE | | | | ✓ |
| OWENS | ✓ | | | |
| YOUNG | ✓ | | | |
| COLUMBUS | ✓ | | | |

ATTEST:

Maggie Schmitt
 Maggie Schmitt, RMC
 Township Clerk

Anna Columbus
 Anna Columbus
 Mayor