

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 23-28**

1st Reading 10-24-23

Date to Mayor 11-29-23

2nd Reading &  
Public Hearing 11-28-23

Date Returned 11-29-23

Date Adopted:  
11-28-23

Date Resubmitted to Council \_\_\_\_\_

Approved as to Form of Legality

Effective Date:  
12-21-23

\_\_\_\_\_  
Township Attorney

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, PART III, HEALTH LEGISLATION, ESTABLISHING THE REQUIREMENTS FOR THE STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS ON PRIVATE PROPERTIES NOT OWNED BY THE TOWNSHIP FOR THE PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH PER THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>	<b>X</b>				<b>X</b>	
<b>Keyes-Maloney</b>	<b>X</b>					
<b>Schroth</b>	<b>X</b>					<b>X</b>
<b>Steward</b>	<b>X</b>					
<b>Wollert</b>	<b>X</b>					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>			<b>X</b>			
<b>Keyes-Maloney</b>	<b>X</b>					<b>X</b>
<b>Schroth</b>	<b>X</b>				<b>X</b>	
<b>Steward</b>			<b>X</b>			
<b>Wollert</b>	<b>X</b>					

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 23-28**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, PART III, HEALTH LEGISLATION, ESTABLISHING THE REQUIREMENTS FOR THE STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS ON PRIVATE PROPERTIES NOT OWNED BY THE TOWNSHIP FOR THE PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH PER THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48-2 conferred upon local governments the authority to adopt regulations and ordinances designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the New Jersey Department of Environmental Protection (the “NJDEP”) has issued requirements for the storing of salt and other solid de-icing materials and is requiring all municipalities in the State to adopt such policies; and

**WHEREAS**, said requirements for the storing of salt and other solid de-icing materials is for the protection of the environment and public health and the safety and welfare of the residents of the Township of Ewing (the “Township”); and

**WHEREAS**, the purpose of NJDEP’s storage requirements is to prevent stored salt and other solid de-icing materials from being exposed to stormwater; and

**WHEREAS**, the below enumerated requirements shall apply to all privately owned (non-Township owned) properties within the Township; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1** Part III, HEALTH LEGISLATION, is hereby amended as follows:

**Chapter 426 Storage Requirements for Salt and Other Solid De-Icing Materials on Private Property**

**§426-1 Purpose and intent.**

The purpose of this Chapter is 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 properties not owned or operated by the Township (privately-owned), including residences, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§426-2 Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated 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 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.

**Storm drain inlet**

The point of entry into the storm sewer system.

**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).

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.

**Person**

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

**Resident**

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

**§426-3 De-Icing material storage requirements.**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:

- (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 16<sup>th</sup> and October 14<sup>th</sup>.

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<sup>th</sup> through April 15<sup>th</sup>

C. All 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 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 Chapter 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.

#### **§426-4 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 two (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 Section III 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.

#### **§426-5 Enforcement.**

This ordinance shall be enforced by the Ewing Township Zoning Officer during the course of ordinary enforcement duties.

#### **§426-6 Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this Chapter shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in a violation punishable as provided in Chapter 1, Article III, General Penalty.

**Section 2** This Ordinance shall take effect upon final adoption and publication in accordance with law.

**Section 3** Repealer. All prior Ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

**Section 4** Effective Date. This Ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted: