

**TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE #24-1721

AN ORDINANCE AMENDING CHAPTER 16, “LAND DEVELOPMENT”, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), COUNTY OF SOMERSET, STATE OF NEW JERSEY, ADDING THE REQUIREMENTS FOR PRIVATELY OWNED SALT STORAGE FOR COMPLIANCE WITH THE MUNICIPAL STORMWATER REGULATION PROGRAM REQUIREMENTS SET FORTH BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

BE IT ORDAINED by the Township Committee of the Township of Montgomery in Somerset County, New Jersey, adopt the following regulations:

Section 1. Section 16-17 added.

Section **16-17** entitled, “Privately Owned Salt Storage”, shall be added to the Code of the Township of Montgomery, 1984 (the “Code”), and shall read as follows:

Section 16-17 Privately Owned Salt Storage

Subsection 16-17.1. Purpose

- a. The purpose of this Section is to prevent stored salt and other solid de-icing materials from being exposed to stormwater by: establishing requirements for the storage of salt and other solid de-icing materials on privately-owned properties not owned or operated by Montgomery Township or other government agencies, in order to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

Subsection 16-17.2. Definitions

- a. As used in this Section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text 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 use of the word “shall” means the requirement 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 – as it pertains to privately owned salt storage, 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 shall meet the deicing material storage requirements herein (e.g. waterproof, impermeable, flexible, free from holes or tears) to prevent leakage;
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 – any individual, resident, partnership, corporation, company, firm, association, agency, or any other entity recognized by law that is subject to municipal jurisdiction.

RESIDENT – a person who resides on a residential property in Montgomery Township, where de-icing material is stored.

Subsection 16-17.3. Deicing Material Storage Requirements

- a. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15 and April 15:
 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; as well as well heads and water supply sources;
 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 through April 15.
 - c. Permanent Structures shall conform to the accessory structure requirements of Chapter 16, Land Development.
 - 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 Section 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.

Subsection 16-17.4. 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 within 2 weeks.
- b. If containerized (such as but not limited to bagged or bucketed) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Subsection **16-17.3** above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- c. This Section does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under a New Jersey Pollutant Discharge Elimination System (NJPDES) permit other than Montgomery Township's Tier A Municipal Stormwater General Permit issued by the New Jersey Department of Environmental Protection.

Subsection 16-17.5. Enforcement

- a. This Section shall be enforced by the Township Engineer and Zoning Officer of Montgomery Township during the course of ordinary enforcement duties.

Subsection 16-17.6. Violations and Penalties

- a. Any person(s) who is found to be in violation of the provisions of this Section shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in accordance with Section **16-10.6**.

Section 2. Repealer. All ordinances and resolutions or parts thereof, inconsistent with this ordinance are hereby repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and remainder of this ordinance shall be valid and enforceable.

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

ATTEST:

**TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET**

Lisa Fania, RMC
Township Clerk

Neena Singh
Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey at a meeting held on April 4, 2024 and the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of April 18, 2024 beginning at 7:00 p.m. at the Municipal Building, 100 Community Drive, Skillman, NJ at which time all interested persons will be heard. Copies of the ordinance can be obtained, without cost, by any member of the general public at the Municipal Clerk's office between the hours of 8:00 a.m. and 4:30 p.m.