

*****ADOPTED DECEMBER 16, 2024*****

TOWNSHIP OF DELANCO

ORDINANCE NO. 2024-28

AN ORDINANCE BY THE TOWNSHIP COMMITTEE AMENDING THE DELANCO TOWNSHIP CODE OF ORDINANCES TO ADD TO CHAPTER 249 STORMWATER MANAGEMENT, A NEW ARTICLE VIII TO REGULATE STORAGE OF DE-ICING MATERIALS ON PRIVATE PROPERTY AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Section 1. Chapter 249 of the codified ordinances of the Township of Delanco entitled “Stormwater Management” is hereby amended to add the following new Article:

Article VIII Storage of De-icing materials on Private Property

249-23 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 residences, in Delanco Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

249-24. 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.

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 are placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design prevents stormwater run-on and run through, and the fabric cannot leak;
3. The structure is erected on an impermeable slab;
4. The structure is not open sided; and
5. The structure has a roll up door or other means of sealing the access way from wind driven rainfall.

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

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

249-25. De-icing Material Storage Requirements:

A. De-icing materials are not permitted to be stored outdoors except as provided below:

1. Temporary outdoor storage of loose materials is allowed between October 15th and April 15th in accordance with the requirements below:
 - a. shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - b. shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - c. 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;
 - d. shall be covered as follows:
 - (1.) The cover shall be waterproof, impermeable, and flexible;
 - (2.) The cover shall extend to the base of the pile(s);

- (3.) The cover shall be free from holes or tears;
- (4.) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- (5.) 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.
 - (a) 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;

2. 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. When loose de-icing materials are stored in a permanent structure, such storage is therefore not considered temporary, and thus is not subject to the October 15 - April 15 regulations in Section A1 & 2 above.
 - C. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the record keeping and inspection requirements in Section E below. Containers must be sealed when not in use.
 - D. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
 - E. 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.

249-26. 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, the record keeping and inspection requirements in Section 249-25 E above are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

- B. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

249-27. Enforcement:

- A. Applicants for Business Licenses shall be provided with these regulations and shall provide to the Township, when requested, a description of the business's de-icing materials storage practices and their compliance with the terms of the requirements of this code section.
- B. This section of the Code shall be enforced by the Delanco Code Enforcement Officer during the course of ordinary enforcement duties.

Section 2. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to the penalties set forth in section 1-14 of the Delanco Township Code.

SECTION 3. 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 4. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.