

**TOWNSHIP OF CINNAMINSON**

**ORDINANCE 2024 – 2**

**AN ORDINANCE OF THE TOWNSHIP OF CINNAMINSON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AMENDING CHAPTER 446 OF THE GENERAL CODE OF THE TOWNSHIP OF CINNAMINSON ENTITLED “STORMWATER MANAGMENT’**

**WHEREAS**, Chapter 446 of the Code of the Township of Cinnaminson (“Township”), entitled “Stormwater Management,” establishes various provisions related to stormwater management practices within the Township; and

**WHEREAS**, the 2023 New Jersey Department of Environmental Protection (“NJDEP”) Tier A MS4 permit requires that the Township adopt and enforce a community-wide ordinance to assist with the prevention of stored salt and other solid-de-icing materials from being exposed to stormwater within the jurisdiction of the Township; and

**WHEREAS**, the Township, in furtherance of the requirements of the NJDEP, desires to replace Chapter 446, Article IX with certain provisions of the model ordinance provided by the NJDEP to municipalities in the State of New Jersey.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Mayor and Township Committee of the Township of Cinnaminson, County of Burlington and State of New Jersey as follows:

- 1. Article IX of Chapter 446 shall remain in full force and effect, except that Article IX shall become Article X by virtue of this Ordinance.**
- 2. Article IX Privately-Owned Salt Storage**

**446-30 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 **the Township of Cinnaminson** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**446-31 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.

#### **446-32 Permit Required**

No person shall temporarily store de-icing materials in any non-residential property until a written permit for such storage has been duly issued by the Department of Public Works.

#### **446-33 Permit Application Procedure**

Application for all permits to temporarily store de-icing materials shall be made on the forms provided by the Township and submitted to the Department of Public Works. Forms can be obtained from the Township Clerk's office during regular business hours. Accompanying all applications shall be the following:

A. Application submissions

1. A clearly drawn plan, aerial, or sketch which delineates the approximate location of the temporary de-icing material storage.
2. Application form.
3. Application fee in the amount of \$50.00.

#### **446-34 Deicing Material Storage Requirements:**

- B. 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>:

4. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
5. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
6. 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;
7. 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;

- 8. Containers must be sealed when not in use; and

- 9. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

C. 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.

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.

#### **446-35 Residents Storing of De-Icing Materials:**

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 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.

#### **446-36 Enforcement:**

The following municipal officials of the Township of Cinnaminson shall have the authority to enforce the provisions of this article: the Sewerage Authority, the Superintendent of Public Works

and/or his/her designee, the Code Enforcement Officer, the Health Officer, and the Zoning Official.

**446-37 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 result in fines in accordance with Chapter 446-41.

**446-38 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.

**446-39 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.

Attest:

Township of Cinnaminson

\_\_\_\_\_  
LISA A. PASSIONE, RMC

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MAYOR PAUL CONDA

**CERTIFICATION**

I, Lisa A. Passione, RMC, Clerk of the Township of Cinnaminson, County of Burlington, do hereby certify that the foregoing Ordinance was introduced at the meeting of the Township of Cinnaminson held on March 18, 2024 and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting held on April 15, 2024, at which time any person interested therein was given an opportunity to be heard.

LISA A. PASSIONE, RMC  
Township Clerk