

**CRANBURY TOWNSHIP ORDINANCE 04-24-10**

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY,  
NEW JERSEY REGULATING THE STORAGE OF SALT AND OTHER GRANULAR  
DE-ICING MATERIAL PURSUANT TO THE TOWNSHIP'S MS4 PERMIT  
REQUIREMENTS**

**WHEREAS**, Cranbury Township's Municipal Separate Stormwater System (MS4) permit requires the municipality to regulate salt storage facilities; and

**WHEREAS**, the purpose of said regulation is to enhance the quality of water entering the Township's stormwater system; and

**WHEREAS**, the purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater; and

**WHEREAS**, Section I of this ordinance, which follows the model ordinance recommended by the New Jersey Department of Environmental Protection, establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality, including residences, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply; and

**WHEREAS**, the requirements set forth in Section I of this ordinance will be incorporated in Chapter 130 of the Code of the Township of Cranbury, which is the chapter that includes other ordinances that address MS4 requirements; and

**WHEREAS**, Section II of this ordinance amends the Land Development Ordinance of Cranbury Township (LDO), and is designed to ensure that outdoor storage of de-icing material continues to be a prohibited use in all districts, except as provided by these new requirements.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that the Code of the Township of Cranbury is supplemented and amended as follows:

**SECTION I. AMENDMENT TO CHAPTER 130, STREETS AND SIDEWALKS**

(This Section I establishes a new Article VII in Chapter 130 of the Code of the Township of Cranbury.)

Article VII – Privately-Owned Salt Storage

#### **Section 130-44 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 Cranbury Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

#### **Section 130-45 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 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**

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.

### **Section 130-46 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 -April 15.
  - C. All such 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 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.

#### Section 130-47 **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 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.

#### Section 130-48 **Enforcement.**

This ordinance shall be enforced by the Cranbury Township Police Department, and/or any other municipal official designated by the Township Administrator, during the course of ordinary enforcement duties.

#### Section 130-49 **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 and other penalties as are provided for in Chapter I, Section 15 of this Code, entitled "General penalty; continuing violations."

## **SECTION II.           AMENDMENT TO CHAPTER 150, LAND DEVELOPMENT ORDINANCE (LDO)**

(This Section II adds language to Section 150-10G of the Code of the Township of Cranbury.  
The new language is underlined.)

### **Section 150-10 Uses prohibited in all districts.**

All uses not expressly permitted in this article are prohibited, including, but not limited to, the following:

- A. Carnivals and similar open air commercial amusements, except those in place for one week or less for which a permit has been issued by the Township Committee.
- B. Airports, heliports and helistops.
- C. Quarrying or mining of soil, soil aggregate, rock or minerals.
- D. Trucking terminals and truck stops.
- E. Junk yards.
- F. The dumping of garbage, trash, waste or scrap material of any kind, except clean fill by permit from the construction official.
- G. Outdoor storage of de-icing material, except as provided in Article VII of Chapter 130 of this Code.

## **SECTION III.           SEVERABILITY.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**SECTION IV.                    EFFECTIVE DATE.**

This ordinance shall take effect upon its passage and publication and filing with the Middlesex County Planning Board, and as otherwise provided for by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey held on April 8, 2024. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on May 13, 2024 at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

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Debra A Rubin, RMC  
Municipal Clerk