



# Township of Hillsborough

COUNTY OF SOMERSET  
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## ORDINANCE 2024-14

### **Ordinance Amending Chapter 232, "Property Maintenance," to Create a New Article IV, "Privately Owned Salt Storage," of the Code of the Township of Hillsborough, Somerset County, New Jersey, to Address Private Salt and De-icing Material Storage within the Township**

**WHEREAS**, the New Jersey Department of Environmental Protection ("NJDEP") has by way of their November 1, 2023 Tier A Municipal Stormwater General Permit renewal under the New Jersey Discharge Elimination System ("NJPDES") defined minimum requirements and published a sample ordinance section; and

**WHEREAS**, the NJDEP has promulgated a model Privately Owned Salt Storage ordinance to establish requirements for the storage of salt and other solid de-icing materials on privately owned properties to prevent them from being exposed to stormwater; and

**WHEREAS**, the Township now wishes to adopt the within ordinance based on the NJDEP Privately Owned Salt Storage model ordinance setting forth procedures and requirements associated with the private storage of salt and other de-icing materials within the Township of Hillsborough.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 232 "Property Maintenance" of the Municipal Code of the Township of Hillsborough is amended to add a new Article IV "Privately Owned Salt Storage" as follows:

**Section 1.** Chapter 232 "Property Maintenance" of the Municipal Code of the Township of Hillsborough is amended to add a new Article IV "Privately Owned Salt Storage" as follows:

#### **Article IV Privately Owned Salt Storage**

##### **§ 232-24. Purpose.**

The purpose of this Article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This Article 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 Hillsborough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

##### **§ 232-25. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article 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.

### **§ 232-26 Deicing Material Storage Requirements.**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th, but no longer than 30 days without prior written approval from the Department:

1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;
3. Materials shall be formed in a cone-shaped storage pile;
4. All storage piles 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;

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. 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 solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met.

#### **§ 232-27 Exemptions.**

A. This Article does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

B. 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.

C. 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 §232-26 above. Piles of deicing materials are not exempt, even if stored in a permanent structure.

#### **§ 232-28 Enforcement.**

This Article shall be enforced by the enforcement officer during the course of ordinary enforcement duties.

#### **§ 232-29 Violations and Penalties.**

Any person who violates any provision of this Article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1 "General Provisions", Article II "Penalties" of the Municipal Code of the Township of Hillsborough.

**Section 2.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 3.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 4.** After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the

Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least one week prior to the scheduled hearing.

**Section 5.** If adopted, the Township Clerk, in accordance with N.J.S.A. 40:49-2 is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

**Section 6.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**ATTEST:**

**TOWNSHIP OF HILLSBOROUGH:**

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**Sarah Brake, Township Clerk**

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**Robert Britting Jr., Mayor**

*Introduced:*

*Published:*

*Public Hearing:*

*Adopted:*

*Published:*