

TOWNSHIP OF MANALAPAN

ORDINANCE 2025-03

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN AMENDING AND SUPPLEMENTING CHAPTER 201, "STORMWATER REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN, PROVIDING FOR THE REGULATION OF PRIVATELY-OWNED SALT STORAGE FACILITIES

BE IT ORDAINED, by the Township Committee of the Township of Manalapan, in the County of Monmouth, and State of New Jersey as follows:

Section One. Chapter 201, "Stormwater Regulations", of the Code of the Township of Manalapan, be and the same is hereby amended and supplemented by the addition thereto of the following Article pertaining to privately-owned salt storage materials:

"Article VIII - Privately-Owned Salt Storage

§201-51. 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 Manalapan to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§201-52. 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.

§201-53. 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, subject to the following conditions:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater penetration.

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels, unless a more restrictive Municipal, County or State regulation is applicable, in which case the more restrictive regulation shall govern.
 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.
 - 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.
 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 - April 15.

- C. If required by the New Jersey State Uniform Construction Act and/or the State Building Codes in effect at the time of proposed construction, construction permits shall be obtained from the Township Construction Department for any temporary or permanent structures. Prior to construction, erection or placement of both temporary and permanent structures, a Zoning Permit shall be obtained, pursuant to §95-3.4.A of the Township Development Regulations. All temporary and permanent structures shall comply with the applicable accessory structure setback requirements.
- 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. The person(s) responsible for the maintenance and documentation shall be identified in the required Zoning Permit Application. Inspection records shall be kept on site and made available to the Township upon request.
- E. Residents who have obtained the required Township and outside agency permits and approvals to operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections and are required to keep records of the weekly inspections and any maintenance performed.

§201-54 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 §201-53 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.

§201-55. Enforcement.

This ordinance shall be enforced by the Code Enforcement Officer, Township Engineer, Director of Public Works, or Township Police Department during the course of ordinary enforcement duties.

§201-56. 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 within the time prescribed shall be subject to a fine not to exceed \$1,000, or imprisonment for not more than 90 days, or both. Each and every day that a violation exists may be considered a separate and specific violation, and accordingly, may be subject to the penalties defined herein. “

Section Two. 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 Three. This Ordinance shall take effect immediately upon its passage and publication and any according to law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [January 29, 2025](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [February 26, 2025](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [February 26, 2025](#).

SHARI ROSE, RMC
Municipal Clerk