



**Township of Delaware  
Ordinance No. 2023-10**

**AN ORDINANCE TO ENACT CHAPTER 315 OF THE CODE OF THE TOWNSHIP OF DELAWARE ENTITLED  
"STORMWATER QUALITY" TO CONFORM TO THE REQUIREMENTS OF THE TOWNSHIP'S 2023 NJDEP TIER A  
MUNICIPAL STORMWATER PERMIT AND COMMUNITY WIDE ORDINANCE REQUIREMENTS ISSUED BY THE STATE  
OF NEW JERSEY**

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**WHEREAS**, the Township of Delaware has a Municipal Separate Storm Sewer System Permit from the State of New Jersey; and

**WHEREAS**, the Township of Delaware has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between 2023 and 2028; and

**WHEREAS**, the Township of Delaware was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023; and

**WHEREAS**, the Township of Delaware has been reclassified as a Tier A municipality and is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and

**WHEREAS**, the Community-Wide Ordinance requirements in the Township of Delaware's new Tier A Municipal Stormwater Permit necessitate the adoption of the ordinances herein on or before January 1, 2024;

**NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 315 OF THE CODE OF THE TOWNSHIP OF DELAWARE, ENTITLED "STORMWATER QUALITY", IS CREATED AS FOLLOWS:**

**Part One** – Chapter 315 of the Code of the Township of Delaware entitled "Stormwater Quality" shall be created as follows:

**Chapter [315] – Stormwater Quality**

**Article I – Containerized Yard Waste**

**§[315]-1. Scope and Purpose.**

An ordinance to establish requirements for the proper handling of yard waste in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-2. 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 not inconsistent 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.

**CONTAINERIZED**

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

**PERSON**

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

**STREET**

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

**YARD WASTE**

Means leaves and grass clippings.

**§[315]-3. Prohibited Conduct.**

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**§[315]-4. Enforcement.**

The provisions of this ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

**§[315]-5. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article II – Litter Control**

**§[315]-6. Purpose.**

An ordinance to establish requirements to control littering in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-7. 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 not inconsistent 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.

**LITTER**

Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

**LITTER RECEPTACLE**

A container suitable for the depositing of litter.

**PERSON**

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

**§[315]-8. Prohibited Conduct.**

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

**§[315]-9. Enforcement.**

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

**§[315]-10. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article III – Pet Waste Control**

**§[315]-11. Purpose.**

An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**§[315]-12. 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 not inconsistent 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.

**IMMEDIATE**

Shall mean that the pet solid waste is removed at once, without delay.

**OWNER/KEEPER**

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

**PERSON**

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

**PET**

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

**PET SOLID WASTE**

Waste matter expelled from the bowels of the pet; excrement.

**PROPER DISPOSAL**

Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**§[315]-13. Requirement for Disposal.**

All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.

**§[315]-14. Exemptions.**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**§[315]-15. Enforcement.**

The provisions of this Article shall be enforced by the Delaware Township Police and Board of Health.

**§[315]-16. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article IV – Private Storm Drain Inlet Retrofitting**

**§[315]-17. Purpose.**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Delaware so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-18. 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 not inconsistent 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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

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

**STORM DRAIN INLET**

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**WATERS OF THE STATE**

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§[315]-19. Prohibited Conduct.**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 19 below prior to the completion of the project.

**§[315]-20. Design Standard.**

Storm drain inlets identified in Section 17 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section C. below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - 1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- C. This standard does not apply:
  1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.
  3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
  4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### **§[315]-21. Enforcement.**

This ordinance shall be enforced by the Township Engineer and Zoning Officer of the Township of Delaware.

#### **§[315]-22. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Article III of this Code for each storm drain inlet that is not retrofitted to meet the design standard.

#### **Article V – Wildlife Feeding Control**

#### **§[315]-23. Purpose.**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**§[315]-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 not inconsistent 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.

**FEED**

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

**PERSON**

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

**WILDLIFE**

All animals that are neither human nor domesticated.

**§[315]-25. Prohibited Conduct.**

No person shall feed, in any public park or on any other property owned or operated by the Township of Delaware, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

**§[315]- 26. Enforcement.**

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**§[315]-27. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article VI – Yard Waste Collection**

**§[315]-28. Purpose.**

An ordinance to establish a yard waste collection and disposal program in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-29. 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 not inconsistent 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.

**CONTAINERIZED**

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

**PERSON**

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

**STREET**

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

**YARD WASTE**

Means leaves and grass clippings.

**§[315]-30. Yard Waste Collection.**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**§[315]-31. Enforcement.**

The provisions of this ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

**§[315]-32. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article VII – Illicit Connection**

**§[315]-33. Purpose.**

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-34. 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 not inconsistent 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

**DOMESTIC SEWAGE**

Waste and wastewater from humans or household operations.

**ILLCIT CONNECTION**

Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Delaware, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**INDUSTRIAL WASTE**

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater.

**NJPDES PERMIT**

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

**NON-CONTACT COOLING WATER**

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

**PERSON**

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

**PROCESS WASTEWATER**

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**§[315]-35. Prohibited Conduct.**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Delaware any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§[315]-36. Enforcement.**

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

**§[315]-37. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article VIII – Improper Disposal of Waste**

**§[315]-38. Purpose.**

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-39. 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 not inconsistent 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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

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

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**§[315]-40. Prohibited Conduct.**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Delaware is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

**§[315]-41. Exceptions to Prohibition.**

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water
- H. Flows from fire fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
  - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
  - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

**§[315]-42. Enforcement.**

This ordinance shall be enforced by the Police or Zoning Officer, and the Board of Health of the Township of Delaware.

**§[315]-43. Penalties.**

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be fined as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article IX – Privately-Owned Salt Storage**

**§[315]-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 the Township of Delaware to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§[315]-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**

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

**IMPERVIOUS SURFACE**

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

**STORM DRAIN INLET**

Means the point of entry into the storm sewer system.

**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:

- A. 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;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and
- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

**PERSON**

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**RESIDENT**

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

**§[315]-46. 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:
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.
      - i. 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 th and October 14 th.
- 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 used for the storage of de-icing materials shall 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.

**§[315]-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 45.D. 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.

**§[315]-48. Enforcement.**

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

**§[315]-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 as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article X – Refuse Containers / Dumpsters**

**§[315]-50. Purpose.**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Delaware and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§[315]-51. 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 not inconsistent 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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

**PERSON**

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

**REFUSE CONTAINER**

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**STORMWATER**

Means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE**

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§[315]-52. Prohibited Conduct.**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Delaware.

**§[315]-53. Exceptions to Prohibition.**

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**§[315]-54. Enforcement.**

This ordinance shall be enforced by the Police or Zoning Officer, and the Board of Health of the Township of Delaware.

**§[315]-55. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be fined as provided in Chapter 1, Article III, General Penalty, of this Code.

**Article XI – 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.

**Article XII – More Stringent Restrictions to Prevail**

This Chapter is not intended to repeal, abrogate, or impair any existing ordinance. However, wherever this chapter and any other ordinance conflict or overlap, whichever imposed the more stringing restrictions shall prevail.

**Article XIII – 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:

Diana Rumage  
Diana Rumage, Deputy Clerk

Charles Herman  
Charles Herman, Mayor

I, Diana Rumage, Deputy Clerk of the Township of Delaware, do hereby certify that Ordinance #2023-09 was introduced on first reading by the Township Committee of the Township of Delaware on September 11, 2023.

Diana Rumage  
Diana Rumage, Deputy Clerk

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held September 11, 2023. It will be considered on second reading for final adoption at a regular meeting to be held November 21, 2023, beginning 7:30 P.M. at Township Hall, Sergeantsville, New Jersey. At that time, an opportunity will be given for all interested citizens to be heard.

Introduction: September 11, 2023

Adoption: November 21, 2023

Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower			X			
Susan Lockwood					X	
Joseph Vocke		X	X			
James Waltman	X		X			
Charles Herman, Mayor			X			