

**Code of the Township of  
Berlin Ordinance #  
Chapter 101 Stormwater  
Article II: Illicit Connections**

**A. Purpose:**

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

**B. 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 Article clearly demonstrates a different meaning. When not 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. 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.

- a. Domestic Sewage - waste and wastewater from humans or household operations.
- b. Illicit 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 storm sewer system operated by the Township of Berlin, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJOI41852). Non-physical connections may include, but are not limited to, leaks, flows or overflows into the municipal sewer system.
- c. 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 V.S.C. 1317 (a), (b) or (c)).
- d. Municipal 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 Berlin or other public body, and is designed and used for collecting and conveying stormwater.
- e. 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.
- f. 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 algacides or biocides to control fouling of equipment, such as heat exchangers and/or corrosion inhibitors.

- g. Person - any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- h. 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.
- 1. Stormwater - water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**C. Prohibited Conduct:**

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

**D. Enforcement:**

This ordinance shall be enforced by the Berlin Township Police Department.

**E. Penalties:**

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed twenty five dollars (\$25.) for the first offense. For the second or subsequent offense the fine shall not exceed one hundred dollars (\$100.).

**F. Severability:**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, clause or phrase, and the 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.

**G. 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.

ALL OF WHICH IS ADOPTED this \_\_ day of \_\_ ~,2005, by the Governing Body of the Township of Berlin.