

Code of the Township of Berlin
Ordinance #
Chapter 101 Stormwater
Article I: Improper Disposal of Waste

A. Purpose:

An ordinance to prohibit the spilling, dumping or disposal of materials other than stormwater into the separate municipal storm sewer system (MS4) 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 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.

- a. 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.

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.

C. Prohibited Conduct:

The spilling, dumping or disposal of materials other than stormwater to the separate municipal storm sewer system operated by the Township of Berlin 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 separate municipal storm sewer system is also prohibited.

D. 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).
- Air conditioning condensate (excluding contact and non-contact cooling water).
- 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.
- 1. Flows from clean water rinsing of 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 residue 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.

E. Enforcement:

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

F. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being dilly 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.).

G. 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.

H. 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.