

BOROUGH OF MILFORD
ORDINANCE NUMBER 967-2023

**ORDINANCE REGULATING “LITTERING” IN
THE BOROUGH OF MILFORD IN ACCORDANCE
WITH MANDATES FROM NEW JERSEY’S DEPARTMENT
OF ENVIRONMENTAL PROTECTION.**

CHAPTER XX
LITTER

SECTION I.
Purpose.

An ordinance to establish requirements to control littering in the Borough of Milford to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.

SECTION II.
Definitions.

For 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 discretionary.

A. 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 or mining or other extraction processes, logging, sawmilling, farming or manufacturing.

B. Litter Receptacle – a container suitable for the depositing of litter.

C. Person – any individual, corporation, company, partnership, firm, association, political subdivision of this State subject to municipal jurisdiction.

SECTION II.
Prohibited Conduct.

1. 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.

2. 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.

SECTION III.
Violations, Penalties, and Enforcement.

Any person who violates the terms of this Ordinance after having been notified shall pay a fine of not less than \$1,500.00 but no more than \$7,500.00 plus court costs. This Chapter shall be enforced by the Borough’s Zoning Officer, the Borough’s Sewer Administrator, or other Borough personnel as may be assigned by resolution of the Milford Borough Common Council

**SECTION IV.
Repealer.**

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION V.
Severability.**

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION VI.
Effective Date.**

This Ordinance shall take effect after passage and publication in the manner provided by law.

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 7th day of August, 2023, at a meeting of the Borough Council of the Borough of Milford and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Borough Council of the Borough of Milford to be held on the 2nd day of October, 2023, at 7:00PM, or as soon thereafter as the matter may be reached, to be held at the Milford Borough Fire Company, located at 21 Water Street, Milford, New Jersey 08848. Copies of said Ordinance are at the office of the Milford Borough Municipal Clerk, 30 Water Street, Milford, New Jersey 08848, and posted on the Borough website.

HENRI SCHEPENS, MAYOR

ATTEST:

KAREN DYSART, RMC
MUNICIPAL CLERK

Introduction: August 7, 2023
Public Hearing: October 2, 2023
Adoption: October 2, 2023
Publication: October 12, 2023

FIRST READING - ROLL CALL VOTE

Council Member	Motion	Adopt	Second	Ayes	Nays	Abstain	Absent
James Gallos							x
Noralie LaFevre		x		x			
Ron Rehl				x			
Douglas Sloyer				x			
Robert White	x			x			
Elisa Yager			x	x			

SECOND READING & FINAL ADOPTION - ROLL CALL VOTE

Council Member	Motion	Adopt	Second	Ayes	Nays	Abstain	Absent
James Gallos							x
Noralie LaFevre			x	x			
Ron Rehl							x
Douglas Sloyer				x			
Robert White	x			x			
Elisa Yager		x		x			