

BOROUGH OF MILFORD
ORDINANCE NUMBER 969-2023

**ORDINANCE REGULATING “REFUSE CONTAINERS & DUMPSTERS”
WITHIN THE BOROUGH OF MILFORD IN ACCORDANCE WITH
MANDATES FROM NEW JERSEY’S DEPARTMENT OF
ENVIRONMENTAL PROTECTION.**

CHAPTER XX
REFUSE CONTAINERS & DUMPSTERS.

SECTION I.
Purpose.

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibiting 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 Borough of Milford 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.

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. 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 Borough of Milford or other public body of the Borough of Milford, and is designed and used for collecting and conveying stormwater.
- B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- D. 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.
- E. 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.

SECTION III.
Prohibited Conduct.

Any person who controls whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is always covered 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 Borough of Milford

SECTION IV.

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; and
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**SECTION V.
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 VI.
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 VII.
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 VIII.
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

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| 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 | | | |