

BOROUGH OF MILFORD
ORDINANCE NUMBER 985-2024

**ORDINANCE PRESCRIBING THE PUBLIC'S ACCESS
AND USE OF THE BOROUGH'S
GOVERNMENT USE ZONE, BLOCK 29, LOT 5.01.**

WHEREAS, certain real property under the sole and exclusive ownership of the Borough of Milford, officially designated as the Borough's "Government Use Zone" (Block 29, Lot 5.01) (hereinafter the "GU Zone") is utilized for critical Borough infrastructure including various Borough wells and sanitary sewer lines; and

WHEREAS, the GU Zone has areas within it which have been delineated by the New Jersey Department of Environmental Protection as protected wetlands; and

WHEREAS, the Borough has an area within the GU Zone which has been historically utilized by both the Borough and the Borough's residents for the collection of leaves and brush; and

WHEREAS, the Borough has experienced issues involving the dumping of leaves and brush, at dates and times not specifically authorized by the Borough, and has also discovered various other household materials, tires, and other refuse dumped upon the GU Zone; and

WHEREAS, the Borough's GU Zone has been subjected to and remains subject to various unlawful "self-help" repairs and landscaping measures which have been undertaken without the permission of the Borough; and

WHEREAS, the Common Council of the Borough of Milford has determined that the existence of the Borough's wells, the presence of delineated wetlands, the unlawful dumping of materials, and various unlawful acts of trespass upon the Borough's GU Zone, each subject the Borough to potential liability resulting in increased insurance costs, and regulatory fines and penalties, resulting in increased costs ultimately borne by the Borough's residents; and

WHEREAS, the potential liability(ies) presented coupled with increased insurance premiums, which would ultimately be borne by all of the Borough's residents, necessitates that various restrictions as to usage of the GU Zone by members of the public be implemented including both the permitted hours of usage and the permitted areas of access within the GU Zone.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the Borough of Milford, State of New Jersey, that:

Section I. Purpose.

A. The public's access to and upon the Borough's Government Use Zone, Block 29, Lot 5.01 is hereby prohibited between sunset and sunrise without the express consent of the Milford Borough Common Council, or in the case of bona fide emergency.

B. The Government Use Zone shall be closed to the public annually for the entirety of the 26th day of the month of June for the Borough's inspection of same. No one shall be permitted on the Government Use Zone on that day.

B. The public is permitted only on the paths as depicted on the attached map of the Borough's Government Use Zone. Said paths are for pedestrian use only, eg. walking, running and non-

motorized bicycling only. No motorized methods of transportation, including but not limited to “E-bikes, ATVs, and “quads”, are permitted in or on the Borough’s Government Use Zone.

C. Ingress and egress to the Government Use Zone shall solely be from the area designated on the attached map.

D. There shall be no disposal of any item(s) including but not limited to the disposal of any household items, rubbish, building materials, automotive parts, tires of any kind, leaves, limbs and branches, tree stumps, soil, lumber, rocks and stones, and / or recyclable materials.

E. There shall be no other use(s) permitted on the Borough’s Government Use Zone.

F. The public shall be permitted to be on and have access to the Government Use Zone from sunrise to sunset.

G. The Borough shall post signs referencing this Ordinance by Ordinance Number and shall indicate the hours of the Government Use Zone’s permitted use, and the prohibition against any use(s) other than walking, running or bicycling on the permitted and maintained areas of the Government Use Zone.

H. This Ordinance shall not prohibit those from entering upon the Government Use Zone who are permitted to do so as of right as evidenced by a properly recorded deed or easement of record in the Hunterdon County Clerk’s office.

Section II. Enforcement. This Ordinance shall be enforced by the Borough of Milford’s Zoning Officer, or any other employee or agent of the Borough so authorized by resolution of the Borough of Milford, or by the New Jersey State Police or any other law enforcement agency having jurisdiction within the Borough of Milford.

Section III. Penalties: Any person who violates this Chapter shall be subject to a penalty upon conviction of not less than \$750.00 and not more than \$2,000.00 for each violation.

Section IV. 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.

Section V. 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.

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 3rd day of June, 2024, 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 1st day of July, 2024, 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.

ATTEST:

KAREN DYSART, RMC
MUNICIPAL CLERK

Introduction: June 3, 2024
Public Hearing:
Adoption:
Publication:

FIRST READING - ROLL CALL VOTE

Council Member	Motion	Adopt	Second	Ayes	Nays	Abstain	Absent
James Gallos			x	x			
Noralie LaFevre	x			x			
Helen Livingston				x			
Alex Peredjogin				x			
Douglas Sloyer				x			
Elisa Yager		x		x			

SECOND READING & FINAL ADOPTION - ROLL CALL VOTE

Council Member	Motion	Adopt	Second	Ayes	Nays	Abstain	Absent
James Gallos							
Noralie LaFevre							
Helen Livingston							
Ron Rehl							
Douglas Sloyer							
Elisa Yager							
Henri Schepens, Mayor*							