

Mr. Urbanski offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-09-26**  
**ORDINANCE AMENDING THE BOROUGH OF HIGHLANDS**  
**CODE TO ADD THE FOLLOWING REGULATIONS ON**  
**“GARBAGE COLLECTION”**

**WHEREAS**, the Borough of Highlands has maintained garbage collection for both residential and commercial uses within the Borough, providing much greater individual pick-up services for the commercial uses when compared to the residential use pick-up; and

**WHEREAS**, residential garbage collection and/or reimbursement is required under N.J.S.A. 40:66-1.2 et seq., and is provided by the Borough and limited to Four (4) receptacles that shall not exceed 40 pounds in weight each; and,

**WHEREAS**, there is no similar statutory obligation to provide the same type of garbage collection for commercial uses within the Borough; and

**WHEREAS**, the Borough of Highlands seeks to reduce municipal expenses by applying uniform pick-up procedures and quantities for both residential and commercial use garbage collection.

**BE IT ORDAINED**, by the Borough Council of the Borough of Highlands that the Code of the Borough of Highlands be amended and supplemented as follows, and all parts inconsistent herewith are hereby deleted:

**SECTION 3-7A**

**NONRESIDENTIAL GARBAGE**

A. The Borough of Highlands shall collect four (4) receptacles, not to exceed 40 pounds in weight each, for the removal of garbage, trash and refuse from business or commercial establishments. The collection of garbage beyond the four (4) receptacles per pick up shall be the responsibility of the owners and occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable Federal, State and Borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also be entitled to four (4) receptacles of 40 pounds in weight each for recycling as required by law. The remaining recycling must be disposed of by the owner or occupant of the establishment through private collection to comply with all applicable Federal, State and Borough laws, rules and regulations regarding such collection.

B. For purposes of this ordinance, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile license issued under Section 4-9.1 of the Code of the Borough of Highlands.

## **SECTION TWO**

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

## **SECTION THREE**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

## **SECTION FOUR**

This ordinance shall take effect immediately after passage and publication as required by law.

Seconded by Mr. Francy and adopted on the following roll call vote:

### **ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** October 22, 2009

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**CAROLYN CUMMINS, BOROUGH CLERK**

Introduced: September 16, 2009

Published: September 25, 2009, Two River Times

Published: October 12, 2009, Asbury Park Press – Change in Meeting Date

2<sup>nd</sup> Rdg/ P.H.: October 22, 2009

Adoption: October 22, 2009

Published:

I hereby certify this to be a true copy of Ordinance O-09-26 adopted by the Governing Body of the Borough of Highlands on October 22, 2009.

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**BOROUGH CLERK/DEPUTY CLERK**

