

**ORDINANCE NO. 3636-23**

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 40 "GARBAGE, RUBBISH AND REFUSE" OF THE BOROUGH CODE OF THE BOROUGH OF RUTHERFORD**

**WHEREAS** the Governing Body of the Borough of Rutherford believes it is in the best interest of the Borough to amend and revise Chapter 40 of the Borough Code entitled "Garbage, Rubbish and Refuse" of the Borough Code as set forth herein.

**BE IT ORDAINED** by the Mayor and Council of Rutherford, County of Bergen, State of New Jersey, as follows:

**SECTION 1.** §40-2 of the Borough Code of the Borough of Rutherford, entitled "Use of proper containers" is hereby amended and revised as follows:

§40-2 B.

Any owner(s) or occupant(s) shall be permitted the use of an additional thirty-two-, sixty-five- or ninety-five-gallon automated cart upon presentation of the nonrefundable one-time fee in the amount of ~~\$100~~ **\$200** (payable to the Borough of Rutherford) and upon executing an automated cart usage agreement. Any additional carts provided under this section shall remain the property of the Borough of Rutherford and shall remain at the location referenced on the receipt for same regardless of change of residence or occupancy. The automated cart usage agreement form and additional carts shall be available at the Department of Public Works garage. All fees collected for additional automated carts shall be collected by the Department of Public Works.

**SECTION 2.** All ordinances of the Borough of Rutherford, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.


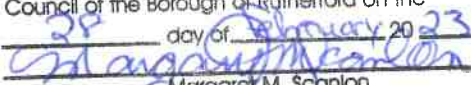
**SECTION 4.** All other provisions of Chapter 40 of the Code of the Borough of Rutherford are not further amended and remain in full force and effect

**SECTION 5.** The ordinance shall take effect immediately upon final passage.

**ATTEST:**

  
Margaret M. Scanlon, Borough Clerk

**BOROUGH OF RUTHERFORD**

  
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Frank Nunziato, Mayor  
I hereby certify that this is a true and exact copy  
of an ordinance adopted by the Mayor and  
Council of the Borough of Rutherford on the  
38 day of January, 2023  
  
Margaret M. Scanlon  
Borough Clerk