

**BOROUGH OF HARVEYS LAKE
LUZERNE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ OF 2026

AN ORDINANCE OF THE BOROUGH OF HARVEYS LAKE, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 19 OF THE CODE OF THE BOROUGH OF HARVEYS LAKE, ENTITLED “GARBAGE, RUBBISH AND REFUSE,” TO DISCONTINUE BOROUGH-ARRANGED MUNICIPAL WASTE COLLECTION AND THE BOROUGH COLLECTION FEE; TO REQUIRE THE OWNER OF EVERY IMPROVED PROPERTY TO SUBSCRIBE TO AND MAINTAIN COLLECTION SERVICE WITH A BOROUGH-LICENSED COLLECTOR FOR BOTH MUNICIPAL WASTE AND RECYCLABLE MATERIALS AT THE OWNER’S EXPENSE; TO ESTABLISH OBJECTIVE LICENSING STANDARDS, MINIMUM SERVICE STANDARDS AND A UNIFORM COLLECTION DAY FOR COLLECTORS; AND TO PROVIDE FOR ENFORCEMENT, PENALTIES, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Borough of Harveys Lake (the “Borough”) is a borough organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, Section 1202 of the Borough Code, 8 Pa.C.S. § 1202, authorizes the Borough to prohibit accumulations of garbage and other refuse material upon public and private property, to make regulations for the care, removal and collection of garbage and other refuse material, and to require the owner or occupant of premises to provide for such removal; and

WHEREAS, Chapter 19, Article I of the Code of the Borough of Harveys Lake, adopted April 17, 1984 by Ordinance No. 3-84, established a system of Borough-arranged refuse collection funded by an annual fee billed by the Borough to property owners; and

WHEREAS, Chapter 19, Article II of said Code, adopted January 16, 1991 by Ordinance No. 1-1991, established a licensing system for municipal solid waste collectors operating within the Borough; and

WHEREAS, the Borough’s agreement with its contracted hauler for Borough-arranged collection expires in January 2027, and Borough Council has determined that the continuation of Borough-arranged collection, and of the Borough’s role in billing and collecting refuse fees from property owners, is no longer in the best interests of the Borough and its taxpayers; and

WHEREAS, Borough Council has determined that the public health, safety and welfare require that municipal waste and recyclable materials generated within the Borough continue to be collected not less than weekly and lawfully disposed of, and that this objective is best achieved by requiring each property owner to contract directly with a collector licensed by the Borough; and

WHEREAS, Borough Council intends that a license be issued to every applicant that satisfies the objective standards set forth in this Ordinance, and that the number of licenses issued shall not be limited; and

WHEREAS, Borough Council finds that the Borough's streets are predominantly narrow, lake-adjacent and of limited cartway width, and that restricting collection activity to a single designated day each week reduces heavy-vehicle traffic, roadway wear, noise and hazards to pedestrians and bicyclists, and promotes the orderly set-out and removal of receptacles; and

WHEREAS, the Borough remains obligated to comply with the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, 53 P.S. § 4000.101 *et seq.*, the Solid Waste Management Act, 35 P.S. § 6018.101 *et seq.*, and the Luzerne County Municipal Waste Management Plan;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Harveys Lake, Luzerne County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. AMENDMENT OF § 19-1 (DEFINITIONS).

Section 19-1 of the Code is hereby amended to read as follows:

§ 19-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COLLECTOR — Any person licensed by the Borough under Article II of this chapter to collect or transport municipal waste or recyclable materials within the Borough.

GARBAGE — Every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fruit or vegetables.

IMPROVED PROPERTY — Any lot, parcel or tract of land within the Borough upon which is erected a dwelling unit, building or other structure that is occupied or capable of occupancy, or that is used or capable of use for residential, commercial, institutional, industrial or municipal purposes, and in or upon which municipal waste is or may be generated. The term does not include a dock or boathouse held in common ownership with, and used in connection with, an Improved Property for which collection service is maintained under § 19-36.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act. The term does not include source-separated recyclable materials.

OCCUPANT — Any person who occupies or has the use of an Improved Property, whether as owner, tenant, lessee or otherwise.

OWNER — Any person holding record title to an Improved Property, or the authorized agent of such person.

PERSON — Any natural person, association, partnership, firm, corporation, limited liability company, trust or other legal entity.

RECYCLABLE MATERIALS — Those source-separated or commingled materials designated for recycling under Article III of this chapter, the regulations issued thereunder, and the Luzerne County Municipal Waste Management Plan.

RUBBISH — Waste material and refuse of every character collected or accumulated within the Borough, except garbage, and shall include by way of enumeration, but not by way of limitation, grass, leaves, sticks, tree branches, stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans and newspapers.

SEASONAL PROPERTY — An Improved Property that is occupied or used for fewer than four consecutive calendar months in any calendar year and is vacant and unoccupied during the remainder of the year.

SECTION 2. AMENDMENT OF § 19-3 (PLACEMENT IN CONTAINERS).

Section 19-3 of the Code is hereby amended to read as follows:

§ 19-3. Placement in containers.

All municipal waste and recyclable materials shall be placed in containers of the type and size prescribed by this chapter and shall be placed for collection at the curb, at the edge of the cartway, or at such other location adjacent to the street as is readily accessible to the collecting vehicle. No container shall be placed so as to obstruct the cartway, a sidewalk, a fire hydrant, a mailbox or the sight distance of motorists.

SECTION 3. AMENDMENT OF § 19-4 (MATERIALS EXCLUDED FROM REGULAR COLLECTION).

Section 19-4 of the Code is hereby amended in its entirety to read as follows:

§ 19-4. Materials excluded from regular collection.

A. The following materials are not required to be collected as part of regular weekly collection service, and the Owner or Occupant shall be responsible for their lawful disposal, whether by separate arrangement with a Collector or otherwise:

- (1) Motor vehicles and motor vehicle parts.
- (2) Waste from the demolition, destruction, renovation or disposal of buildings, and other construction debris.
- (3) Large household appliances, including stoves, refrigerators, washing machines, dryers and freezers.
- (4) Concrete, brick, block, stone, dirt and rock.
- (5) Large limbs, tree trunks and tree roots.
- (6) Any single item weighing more than 50 pounds.
- (7) Hazardous waste, residual waste, infectious or chemotherapeutic waste, tires, and lead acid batteries.

B. Nothing in this section prohibits a Collector and a customer from agreeing, as a term of their private service agreement, to the collection of any material that the Collector is lawfully permitted to collect and dispose of.

C. Newspapers and cardboard shall be prepared for collection in accordance with Article III of this chapter and the program regulations of the Owner's Collector.

SECTION 4. AMENDMENT OF § 19-5 (STANDARDS FOR CONTAINERS).

Section 19-5 of the Code is hereby amended in its entirety to read as follows:

§ 19-5. Standards for containers.

Municipal waste shall be placed for collection in one or more of the following:

- A. Metal or plastic containers with tight-fitting covers and handles, not exceeding 35 gallons in capacity;
- B. Wheeled carts furnished or approved by the Owner's Collector, not exceeding 96 gallons in capacity, with attached covers, designed for mechanical or semi-automated lifting; or

Containers within the weight limits specified by that Collector.

SECTION 5. AMENDMENT OF § 19-8 (UNAUTHORIZED REMOVAL FROM CONTAINERS).

Section 19-8 of the Code is hereby amended to read as follows:

§ 19-8. Unauthorized removal from containers.

It shall be unlawful for any person, other than the Collector servicing the Improved Property in question or an authorized employee or agent of the Borough, to collect, remove or disturb any municipal waste or recyclable material from any container or from any material placed at the curb or other collection point for collection.

SECTION 6. AMENDMENT OF § 19-9 (RECEPTACLE SPECIFICATIONS).

Section 19-9A of the Code is hereby amended to read as follows:

A. Containers other than Collector-furnished wheeled carts shall be of a durable grade of galvanized metal or other suitable material, from 20 to 35 gallons in capacity, weighing less than 25 pounds empty. They shall be provided with two lifting handles on opposite sides and a tightly fitting cover. The container shall be without inside protrusions, and the refuse shall be loosely packed so that the contents discharge freely when the receptacle is inverted. Collector-furnished wheeled carts shall meet the specifications of the furnishing Collector and shall be maintained by the customer in clean and serviceable condition.

Section 19-9B of the Code shall remain in full force and effect as presently enacted.

SECTION 7. AMENDMENT OF § 19-14 (SUPERVISION OF RECEPTACLES; NOTICE OF MISSED COLLECTION).

Section 19-14 of the Code is hereby amended to read as follows:

§ 19-14. Supervision of receptacles; notice of missed collection.

Each Owner and Occupant of an Improved Property shall maintain supervision over the containers serving such premises and shall remove such containers from the collection point not later than the evening of the collection day. If the containers serving an Improved Property are not emptied on the scheduled collection day, the Owner or Occupant shall notify the Collector within 48 hours. If the Collector fails to render service within five days after such notice, the Owner or Occupant shall notify the Borough within five days thereafter.

SECTION 8. AMENDMENT OF § 19-15 (COLLECTION REQUIREMENTS; UNIFORM COLLECTION DAY).

Section 19-15 of the Code is hereby amended in its entirety to read as follows:

§ 19-15. Collection requirements; uniform collection day.

A. Municipal waste shall be collected from each Improved Property not less than one time per week, for the protection of the public health and the control of flies, insects and rodents. Recyclable materials shall be collected not less than one time every other week, or more frequently as the Collector's program provides.

B. **Uniform collection day.** All collection of municipal waste and recyclable materials within the Borough shall occur on **Monday** of each week, between the hours of 6:00 a.m. and 6:00 p.m., except as provided in this section.

C. **Holidays and emergencies.** When the designated collection day falls on a legal holiday observed by the disposal facility, or when collection is prevented by severe weather or other cause beyond the Collector's control, collection shall occur on the next day on which the disposal facility is open, and the Collector shall notify its customers of the revised schedule.

D. **Authority to modify.** Borough Council may, by resolution, designate a different collection day, establish collection zones within the Borough and assign a separate collection day to each zone, or authorize additional collection days for commercial or multifamily premises, whenever Council determines that such modification will better serve the public health, safety and welfare or will accommodate the operational capacity of licensed Collectors. Any such resolution shall be advertised once in a newspaper of general circulation and shall take effect not less than 30 days after adoption.

E. **Set-out times.** No container shall be placed at any collection point earlier than 6:00 p.m. on the evening before the scheduled collection day.

F. All collections shall be made from a place readily accessible to the street. Collections shall not be made from inside structures or enclosures.

SECTION 9. REPEAL OF BOROUGH COLLECTION FEE PROVISIONS.

The following sections of the Code are hereby **repealed in their entirety**:

- **§ 19-16** (Collection fees);
- **§ 19-17A** (Responsibility for payment of Borough annual fee);
- **§ 19-18** (Exemptions from fee);
- **§ 19-20** (Limit on number of containers); and
- **§ 19-21** (Timely payment of fees).

Section 19-17B of the Code is hereby amended and redesignated as § 19-17, to read as follows:

§ 19-17. Nonresidential premises.

Business, commercial, educational, institutional and other nonresidential buildings and establishments are responsible for the removal of municipal waste and recyclable materials generated on their premises, at their own cost, through a Collector licensed under Article II of this chapter. Such premises are subject to each and every provision of this chapter as it applies to them, and may satisfy the requirements of § 19-36 through the use of shared containers or detachable containers serviced by a licensed Collector.

SECTION 10. AMENDMENT OF § 19-19 (ADDITIONAL RULES AND REGULATIONS).

Section 19-19 of the Code is hereby amended in its entirety to read as follows:

§ 19-19. Additional rules and regulations.

Borough Council, or its designated representative, shall have the authority to adopt by resolution such additional rules and regulations concerning the manner and method of the collection, storage and set-out of municipal waste and recyclable materials within the Borough as Council deems necessary, provided that no such regulation shall be inconsistent with this chapter, the Luzerne County Municipal Waste Management Plan, or applicable law. Nothing in this chapter authorizes the Borough to establish, regulate or approve the rates charged by a Collector to its customers.

SECTION 11. AMENDMENT OF § 19-22 (VIOLATIONS AND PENALTIES).

Section 19-22 of the Code is hereby amended in its entirety to read as follows:

§ 19-22. Violations and penalties.

A. Any person who violates any provision of **Article I or Article IV** of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution, and in default of payment thereof, to imprisonment to the extent permitted by law for the punishment of summary offenses. Enforcement shall be by criminal action brought in the name of the Borough in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

B. Each day that a violation continues shall constitute a separate and distinct offense.

C. Prior to the institution of a summary proceeding for a violation of § 19-36, the Borough shall serve written notice of violation upon the Owner, by first class mail to the address shown on the Borough's tax records and by posting upon the premises, affording the Owner not less than 20 days from the date of mailing to cure the violation. No notice shall be required for a second or subsequent violation by the same Owner within any 12-month period.

D. The remedies provided in this section are in addition to, and not in limitation of, any other remedy available to the Borough at law or in equity, including abatement of a nuisance and the recovery of the costs of abatement as authorized by 8 Pa.C.S. § 1202.

SECTION 12. AMENDMENT OF §§ 19-24 AND 19-25 (DEFINITIONS; LICENSING OF COLLECTORS).

A. Section 19-24 of the Code is hereby amended by deleting the definitions of “COLLECTOR,” “MUNICIPAL WASTE” and “PERSON” therefrom, and by adding at the end thereof the following:

The terms “Collector,” “Improved Property,” “Municipal Waste,” “Occupant,” “Owner,” “Person” and “Recyclable Materials,” as used in this article, shall have the meanings assigned to them in § 19-1 of this chapter. The definition of “Disposal” set forth in this section shall remain in full force and effect.

B. Section 19-25 of the Code is hereby amended in its entirety to read as follows:

§ 19-25. Licensing of collectors.

A. License required; no limitation on number.

(1) No person shall collect or transport municipal waste or recyclable materials within the Borough without first obtaining a Collector’s license from the Borough pursuant to this article.

(2) **The number of licenses issued under this article shall not be limited.** The Borough shall issue a license to every applicant that satisfies the requirements of this section. Issuance is a ministerial act and is not subject to the discretion of Borough Council or its designee except as to whether the stated requirements have been met.

(3) Each license shall be effective for one calendar year, terminating on December 31 of the year for which it was issued, and shall be subject to renewal upon application.

(4) Application shall be made on the form prescribed by the Borough. Upon receipt of a complete application and the required fee, the Borough shall either issue the license or refuse to issue it within 30 days. **A refusal shall be in writing and shall state each requirement the applicant failed to satisfy.** An applicant whose application is refused may appeal to Borough Council by written request filed within 30 days of the date of the refusal, and Council shall conduct a hearing under the Local Agency Law, 2 Pa.C.S. Ch. 5, Subch. B, and Ch. 7, Subch. B.

(5) No license is transferable from one Collector to another.

B. Licensing fees. The annual license fee shall be established from time to time by resolution of Borough Council and shall be prorated according to the number of months remaining in the license year. Fees shall be reasonably related to the Borough’s cost of administering and enforcing this article. The annual license fee commencing on **January 1, 2027 shall be \$200 per year**

C. Qualifying requirements. Each applicant shall demonstrate the following:

(1) **Insurance.** Commercial general liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 aggregate; automobile liability insurance in an amount not less than \$1,000,000 combined single limit; and workers' compensation insurance as required by law. Each certificate of insurance shall name the Borough of Harveys Lake as an additional insured as respects operations within the Borough and shall provide for not less than 30 days' written notice to the Borough prior to cancellation or non-renewal.

(2) **Indemnification.** A written agreement to indemnify, defend and hold harmless the Borough, its officials, employees and agents from any claim arising out of the Collector's operations within the Borough.

(3) **Vehicles.** All vehicles used for the collection and transportation of municipal waste shall comply with the regulations of the Commonwealth of Pennsylvania, including 25 Pa. Code Ch. 285, shall be leakproof and equipped to prevent the escape of materials, and shall be maintained in clean and sanitary condition. Each vehicle shall bear the Collector's name and license number in a conspicuous location on the exterior, and a copy of the license shall be carried in each vehicle. Vehicles shall be available for inspection by an agent designated by the Borough annually and upon reasonable request.

(4) **Disposal.** No licensed Collector shall dispose of municipal waste collected within the Borough except at the disposal facility designated under the Luzerne County Municipal Waste Management Plan and any executed contract with Luzerne County, and no licensed Collector shall deliver recyclable materials collected within the Borough except to a facility that lawfully processes such materials for recycling.

(5) **Regulatory standing.** The applicant shall certify that it holds all licenses and permits required by the Commonwealth and by Luzerne County, and shall disclose any license revocation, suspension or denial by any Pennsylvania municipality within the preceding three years, together with the circumstances thereof. Disclosure of a prior revocation shall not itself be grounds for refusal; the Borough may refuse a license only where the circumstances demonstrate that the applicant cannot or will not comply with this article.

D. Minimum service standards. As a continuing condition of licensure, each Collector shall:

(1) Provide collection of municipal waste not less than weekly, and collection of recyclable materials not less than biweekly, to every customer within the Borough;

(2) Collect on the uniform collection day designated under § 19-15, and comply with any zone or day assignment established by resolution under § 19-15D;

(3) Offer service to any Owner of an Improved Property within the Borough requesting it, and not refuse or discontinue service except for nonpayment, repeated violation of the Collector's published service terms, or inability to access the property safely;

(4) File with the Borough Secretary, annually at the time of license application and within 30 days of any change, a schedule of the Collector's residential rates and service terms applicable within the Borough. **Such filing is for informational purposes only; the Borough neither approves nor regulates such rates;**

- (5) Furnish to the Borough Secretary, upon written request but not more often than quarterly, a list of the service addresses within the Borough served by the Collector, for the sole purpose of administering § 19-36. Such lists shall be used by the Borough only for enforcement of this chapter;
- (6) Provide its customers with a written schedule of collection days, including recycling collection days and holiday adjustments;
- (7) Maintain a telephone number and address at which service complaints are received, and provide the same to the Borough;
- (8) Not discontinue service to the Borough generally without providing not less than 60 days' written notice to the Borough and to each of its customers within the Borough;
- (9) Collect spillage occurring during collection, and not litter the streets of the Borough; and
- (10) Comply with the Borough's noise regulations and with all set-out and collection hours established by this chapter.

E. Suspension and revocation. The Borough may suspend or revoke a license for failure to maintain any qualifying requirement under Subsection C or for repeated violation of the service standards under Subsection D, provided that the Borough shall first give the Collector written notice specifying the deficiency and not less than 15 days to cure, and shall afford the Collector a hearing before Borough Council under the Local Agency Law upon written request. Revocation shall not relieve the Collector of the obligation under Subsection D(8) to give notice to its customers.

F. Penalty. The penalty for violation of this article, or for operating without a license, shall be a fine of not less than \$500 nor more than \$1,000, plus costs of prosecution. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 13. ADDITION OF ARTICLE IV (MANDATORY COLLECTION SERVICE).

Chapter 19 of the Code is hereby amended by the addition of a new Article IV, entitled "Mandatory Collection Service," consisting of a new § 19-36, to read as follows:

ARTICLE IV Mandatory Collection Service

§ 19-36. Mandatory collection service required.

A. Requirement. The Owner of every Improved Property within the Borough shall subscribe to and continuously maintain, at the Owner's sole cost and expense, collection service for both municipal waste and recyclable materials with a Collector licensed under Article II of this chapter, at a frequency not less than that required by § 19-15A.

B. Owner responsibility; tenants. The obligation imposed by Subsection A rests with the Owner. The obligation is satisfied if an Occupant of the Improved Property maintains the required service, but the Owner remains ultimately responsible for compliance.

C. Single subscription per property. One subscription shall satisfy this section as to an Improved Property and all accessory structures, including docks and boathouses, held in common ownership with, and used in connection with, that Improved Property. Each separate dwelling unit within a multifamily building shall be served, but a single shared container or detachable container serviced by a licensed Collector shall satisfy this section as to all units served by it.

D. Seasonal properties. The Owner of a Seasonal Property shall maintain the required service during each month in which the property is occupied or used. The Owner shall file with the Borough Secretary, on a form provided by the Borough, a statement identifying the months of occupancy. The Owner shall resume service upon any change in the period of occupancy.

E. Vacant properties. An Improved Property that is entirely vacant and unoccupied, and at which no municipal waste is generated, is exempt from Subsection A for so long as such condition continues, provided the Owner files with the Borough Secretary a written statement, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), attesting to that condition. The exemption terminates automatically upon reoccupancy.

F. Self-hauling not permitted in lieu of subscription. Except as provided in Subsections D and E, no Owner shall satisfy this section by transporting municipal waste generated at the Improved Property to a disposal facility. Nothing in this subsection prohibits an Owner from lawfully transporting materials excluded from regular collection under § 19-4 to a facility authorized to receive them.

G. Proof of service. Upon written request of the Borough, an Owner shall furnish within 20 days the name of the Collector serving the Improved Property and reasonable evidence of current service, such as a service agreement, invoice or statement. The Borough shall not request such proof from any Owner more than once in a calendar year, except upon receipt of a complaint or observation of a condition suggesting noncompliance with this chapter.

H. Effective date of this section. This section shall take effect on January 1, 2027.

SECTION 14. AMENDMENT OF ARTICLE III (RECYCLING).

A. **Section 19-27** of the Code is hereby amended by deleting the definition of “RESIDENTIAL DWELLINGS” therefrom and substituting the following:

RESIDENTIAL DWELLINGS — Any occupied single-family or multifamily dwelling within the Borough.

A-1. **Section 19-29A** of the Code is hereby amended in its entirety to read as follows:

A. Each Owner and Occupant of an Improved Property shall separate recyclable materials from municipal waste and shall place them for collection in accordance with the program regulations of the Collector serving the property and the Luzerne County Municipal Waste Management Plan. Where the Collector’s program provides for single-stream or

commingled collection, materials may be commingled to the extent that program permits. Containers for recyclable materials shall be furnished by the Collector or by the Owner.

B. **Section 19-31** of the Code is hereby amended in its entirety to read as follows:

§ 19-31. Ownership; unauthorized collection.

From the time of placement at the curb or other collection point, recyclable materials shall become and be the property of the Collector servicing that Improved Property. Recyclable materials deposited at a municipal recycling site maintained by the Borough shall become and be the property of the Borough. It shall be a violation of this article for any person, other than the Collector servicing the property or an authorized agent of the Borough, to collect or pick up any such recyclable materials. Each such collection or pickup in violation hereof shall constitute a separate and distinct offense.

C. **Section 19-34** of the Code is hereby amended in its entirety to read as follows:

§ 19-34. Agreements for collection of recyclable materials.

Nothing in this article shall prohibit the Borough from entering into an agreement with any person or agency for the collection or processing of recyclable materials, or from maintaining a municipal recycling site, in addition to the collection of recyclable materials by licensed Collectors required by this chapter.

D. **Section 19-35A** of the Code is hereby amended to read as follows:

A. Any person who violates or fails to comply with any provision of this article or any regulation promulgated thereunder, with the exception of those persons violating § 19-32 of this article, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$300, plus costs of prosecution. Each day that a violation continues shall constitute a separate and distinct offense.

Subsections B and C of § 19-35 shall remain in full force and effect as presently enacted.

SECTION 15. DISCONTINUANCE OF BOROUGH-ARRANGED COLLECTION.

Effective January 1, 2027, the Borough shall discontinue Borough-arranged collection of municipal waste and recyclable materials and shall cease billing and collecting the annual refuse fee previously imposed under § 19-16. Any refuse fee lawfully imposed and unpaid as of that date shall remain due and owing to the Borough and may be collected by any means available to the Borough at law, including proceedings for the collection of a municipal claim; the repeal of § 19-21 shall not be construed to extinguish any such obligation accrued prior to the effective date of this Ordinance.

SECTION 16. REPEALER.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Except as expressly amended or repealed by this Ordinance, all remaining provisions of Chapter 19 of the Code of the Borough of Harveys Lake shall remain in full force and effect.

SECTION 17. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall take effect five (5) days after enactment, except that § 19-36 (Mandatory collection service required) and Section 15 of this Ordinance shall take effect on the date specified therein.

ORDAINED AND ENACTED this _____ day of _____, 2026, by the Council of the Borough of Harveys Lake, Luzerne County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF HARVEYS LAKE

ATTEST

By: _____
President of Council

Borough Secretary

EXAMINED AND APPROVED by me this _____ day of _____, 2026

Mayor