

**BOROUGH OF KANE
MCKEAN COUNTY**

ORDINANCE #A-1076

AN ORDINANCE OF THE BOROUGH OF KANE, MCKEAN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 179 NUISANCES § 179-1 PROHIBITED ACTS; WORD USAGE; § 179-2 ADDITIONAL DEFINITIONS; § 179-3 NOTICE, and § 179-4 PROSECUTIONS

Change §179-1 Prohibited Acts; word usage. D:

D. The maintenance of any structure, equipment or device, or the accumulation or storage of debris, material, bulky waste or solid waste in such a condition as to allow the same to attract, harbor or provide breeding grounds for insects, rodents or other vermin or creates conditions harmful to public health or creates safety hazards, odors, unsightliness or public nuisance.

Add to §179-1 Prohibited Acts; word usage:

L. The accumulation or storage upon any public or private property within the borough, any garbage, rubbish, bulky waste or any other municipal or residual solid waste.

Add to §179-2 Additional Definitions:

BULKY WASTE

Large items of solid waste including, but not limited to, appliances, household furnishings, large auto parts, trees, branches, or stumps which may require special handling due to their size, shape, and weight.

GARBAGE

Any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

RUBBISH

All non-putrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood, and yard cleanings.

SOLID WASTE

Any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

STORAGE

The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

VEHICLE

An automobile, motorcycle, minibike, bicycle, go-cart, truck, all-terrain vehicle (ATV), or other wheeled means or conveyance, motorized or self-propelled.

Replace §179-3 Notice with §179-3 Inspection of premises; notice to comply:

A. Borough Council's designee is authorized and empowered to inspect the private property when a suspected prohibited act is witnessed or reported to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue a written notice to comply at the time of the inspection on the property. Within two (2) days, notice will also be sent by United States mail, and if no response by regular mail after 7 (seven) days, by posting the notice conspicuously upon the offending premises.

B. Said notice shall specify the condition or structure or improvement cited and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 7 days of posting of said notice, to fully comply with the requirements of the notice within a reasonable time, and to stay within compliance for a period of no less than 12 consecutive months.

Replace §179-4 Prosecutions with §179-4 Authority to remedy noncompliance:

If, the Council of the Borough of Kane determines that any person, partnership, association or corporation is carrying on any of the above prohibited activities, so as to constitute a nuisance in entity in default, thereupon Council may prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to accumulation of garbage and rubbish, the storage of abandoned or junked automobiles and any obstructions or nuisances in the streets of the Borough. The Borough may require the removal of any nuisance or dangerous structure by the owner or occupier of the grounds or remove the nuisance or dangerous structure itself and collect the cost of removal together with a penalty of 10% of the cost from the person or other entity who created, continued, caused or maintained the nuisance and/or permitted it to exist, in the manner provided by law for the collection of municipal claims. If payment is not made within 30 days, the Borough of Kane may lien the property for the cost of the abatement of the nuisance plus the penalty, and fees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Kane, to amend Chapter 179 Nuisances, §179-1, 2,3 and 4 of the Code of Ordinances of the Borough of Kane, McKean County, Pennsylvania as per the Pennsylvania Consolidated Statutes, Chapter 12 Corporate Powers §1202 Specific Powers, (4).

Adopted this 8th day of May 2024

Attest:

Council President

Approved this 8th day of May 2024

Mayor