

**Township of Keating**  
**Mckean County, Pennsylvania**

**ORDINANCE NO. 108**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF KEATING TOWNSHIP, MCKEAN COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES; INCLUDING STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDING IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP: PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP, AND PRESCRIBING PENALTIES FOR VIOLATION.**

WHEREAS, the Board of Supervisors of Keating Township, Mckean County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Act 60 of 1995, (53 P.S. 66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose Penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Keating Township, Mckean County, Pennsylvania, as follows:

**Section 1. DEFINITION:** For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural numbers, and the word "shall" is always mandatory and not merely directory.

1. "Township" is the Township of Keating, which is located within the confines of Mckean County, Pennsylvania.
2. "Board of Supervisors" is the Board of Supervisors of Keating Township, Mckean County.
3. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
4. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
5. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purposes.
6. "Animal" is a living nonhuman organism having sensation and the power of voluntary movement and requiring for its existence oxygen and food.

7. "Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.
8. "Abandoned or Junked Motor Vehicles- Including Boats, Campers, Trailers, Motorhomes" is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

**Section 2. NUISANCES DECLARED ILLEGAL:** Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Storing or accumulating the following:

1. Garbage, ashes, refuse, or rubbish.

(a) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm or corporation to store more than 14 days of garbage as defined by this ordinance which may pose a potential health and safety problem to the community.

(b) Refuse/rubbish: Combustible trash, including paper, cartons, boxes, barrels, wood, excelsior (defined here as wood shavings used for packing or stuffing); noncombustible trash, including metals, tin cans, metal furniture, quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including street sweeping; dirt, catch-basin dirt, contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops. It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material that it can be blown away by the wind anywhere in the township excepting in a covered container.

(c) Ashes: Residue from fire used for cooking and for heating of buildings.

2. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials unless for resale stored for 15 days or less.

- (a) Storing or accumulating more than two (2) abandoned or junked motor vehicles that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be removed within 60 days, or if at vehicle repair business, 90 days.
  - (b) Storing or accumulating more than three (3) antique, collector, or project motor vehicles for restoration which are neither sheltered by a building, nor enclosed behind an evergreen or solid fence; or storing or accumulating in a non-orderly fashion three (3) or less antique, collector or project motor vehicles for restoration.
- B. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property.
- C. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situated upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- D. Burning of tires, plastic, aluminum, tar products, garbage, animal waste, or any recyclable material excluding wood and paper products. Burning of any material by a commercial business except for the purpose of heating a building or structure.
- E. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance.
- F. Permitting or allowing any well or cistern to be, or remain, uncovered.
- G. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- H. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the

same being secured by a barricade, temporary fence, or other protective materials.

I. Defacing Public and Private Property:

1. It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the township. Examples of Defacing shall include but not be limited to the following examples; application of paint, inks and dyes; affixing of any printed materials such as signs or posters; destruction or removal; defacing in any manner.

J. Nuisances arising from the keeping of animals:

1. Every keeper of any animal shall confine the same in a manner to prevent its running at large, and the area of confinement shall be always maintained in a clean and sanitary manner.
2. The area of confinement for an animal shall be of sufficient size to be conducive to good sanitation practices and provide adequate and sanitary drainage.
3. Each keeper of animals shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such a type that, when closed, it is ratproof and flytight and, after each such collection, shall cause such container or receptacle to be kept closed. At least twice a week, each such keeper shall cause all litter and droppings to be disposed of in a way as not to permit the presence of fly larvae. Disposal by means of burning is strictly prohibited.
4. Every keeper of animals shall cause all feed provided therefore to be stored and kept in a ratproof, flytight building, box, container or receptacle.
5. Persons who keep animals shall be within not closer than 50 feet of the exterior limits of any dwelling resided in by anyone other than the animal keeper.
6. Animal owners, custodians or keepers shall maintain the premises used to house or keep animals so as to eliminate offensive odors or excessive noise.
7. Animal owners, custodians or keepers shall not permit any condition causing disturbance of the peace and quiet of their neighbors.

**Section 3. EXEMPTION FOR FARMING ACTIVITIES:**

A. Notwithstanding any provision of this Ordinance, farming activities conducted on agricultural lands (2 acres or more) within Keating Township shall be exempt from the provisions herein, provided such activities are in compliance with all applicable state and federal laws and regulations regarding farming practices.

B. For the purposes of this section, farming activities shall include, but not be limited to, cultivation, tillage, planting, growing, harvesting, and the raising of livestock, poultry, and other agricultural products.

C. This exemption shall not apply to the storage or accumulation of garbage, refuse, or junk materials that are not directly related to farming operations.

D. The Township reserves the right to address specific nuisance conditions arising from farming activities that pose a threat to public health or safety through other lawful means.

**Section 4. CASE-BY-CASE HANDLING OF COMPLAINTS:**

A. This Ordinance is intended to address nuisances and other violations based on specific complaints received from residents or other government agencies on a case-by-case basis.

B. Upon receiving a complaint alleging a violation of this Ordinance on the written complaint form available at the Township Office, the Township shall investigate the alleged violation to determine its validity and severity.

C. The Township may take appropriate action, including issuing notices of violation, imposing penalties, or requiring corrective measures, depending on the nature and extent of the violation.

D. Each complaint shall be evaluated individually, taking into account the circumstances and impact of the alleged violation on the community and its residents.

E. The Township may exercise discretion in enforcing this Ordinance to achieve its goals of protecting public health, safety, and welfare while respecting the rights of property owners.

F. Nothing in this section shall limit the Township's authority to enforce this Ordinance or address violations promptly when necessary to prevent harm or further deterioration of community standards.

**Section 5. WRITTEN NOTICE TO VIOLATORS REQUIRED:** Whenever a condition constituting a nuisance is permitted or maintained, the Code Enforcement Officer shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owner; or
2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which they reside; but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
4. By mailing a copy of the notice to the last known address of the owner by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within McKean County, Pennsylvania, once a week for three (3) successive weeks. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations, or by fencing or boarding, or in some way confining and limiting the nuisance.

Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all materials to be supplied and work to be done at the owner's expense. However, if any provision in Section 2 (D), (H), (I), or (J) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

**Section 6. PENALTY FOR VIOLATION:** The township may impose, in its discretion, any one or more of the following enforcement procedures and penalties for a violation of this ordinance:

1. As this Ordinance regulates buildings, housing, property, maintenance, health, fire, public safety, air or noise pollution, it may be enforced pursuant to the provisions of the 53 P.S. 66601(c.1)(2). Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R. Crim. P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine not to exceed the maximum amount authorized by law (currently in the amount of One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution), and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than Ten (10) days, provided, further, that each day's continuance of violation shall constitute a separate offense.
2. Enforcement may be imposed by means of civil enforcement under the provisions of 53 P.S. 66601(c.1)(1). Civil penalties not to exceed the maximum authorized by law (currently \$600.00 per violation) may be imposed, provided, further, that each day's

continuance of a violation shall constitute a separate offense, plus court costs and reasonable attorneys fees.

3. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township solicitor, the cost of such removal, repairs, or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs, and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.
4. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as such court of competent jurisdiction is empowered to afford.

**Section 7. SEVERABILITY:** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions herof,

Section 6. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Keating, Mckean County, Pennsylvania, this 1 day of August, 2024.

TOWNSHIP OF KEATING



Supervisor

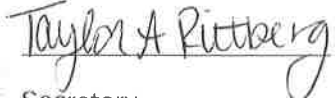


Supervisor



Supervisor

ATTEST:



Secretary