

ORDINANCE NO. 233

**AN ORDINANCE AMENDING CHAPTER 82 OF THE  
BRIGHTON TOWNSHIP CODE**

**WHEREAS**, the Brighton Township Board of Supervisors reviewed Chapter 82, Burning, Outdoor; and

**WHEREAS**, the Brighton Township Board of Supervisors desire to amend Chapter 82 to revise the Code provisions regarding burning.

**NOW THEREFORE**, BE IT ENACTED AND ORDAINED by the Supervisors of Brighton Township, Beaver County, Pennsylvania that:

***Section 1.***

Chapter 82 of the Brighton Township Code is hereby deleted and new Chapter 82 is as follows:

Chapter 82. Burning, Outdoor

§ 82-1. Purpose.

This chapter is enacted in the interest of the health, safety and welfare of the residents of the Township of Brighton for the prevention of fires and to eliminate nuisances caused by smoke, cinders and ashes.

§ 82-2. Permitted activities.

- A. The burning of household waste outdoors within the limits of the Township of Brighton shall be permitted provided such fires are protected by a salamander, wire basket or masonry enclosure. Such receptacle must have openings not greater in size than 1/2 inch. The receptacle must be equipped with a top so constructed as to prevent fly ash from escaping into the atmosphere.
- B. Permitted fires, with the exception of those defined in Subsection **D**, shall not be kindled or maintained on Sunday, Monday, Tuesday or legal holidays, but shall be permitted on Wednesday, Thursday, Friday or Saturday of each week between the hours of 7:00 a.m. to 7:00 p.m. All fires must be tended at all times until the fire is totally extinguished. It shall be unlawful to leave a smoldering fire unattended.
- C. It shall be lawful to burn refuse material outdoors which is readily combustible and will not create nauseous fumes, noxious smoke or excessive fly ash during the hours set forth under Subsection **B** above.
- D. Charcoal or wood fires kindled for the purpose of outside barbecues shall be permitted and shall be considered recreational fires exempt from the restrictions set forth in Subsection **B**.

Such fires shall be contained within a defined burning ring not to exceed 60 inches in diameter. Such fires shall be permitted from 7:00 a.m. to 11:30 p.m. All fires must be tended at all times until the fire is totally extinguished.

- E. Fireplaces within a private residence are permitted for the purpose of providing heat or for use as a barbecue, but in no event shall garbage, rubbish or trash be burned in a fireplace.
- F. With the exception of leaves, the burning of brush piles, yard waste, and trees generated from the premises shall be permitted on residential property, provided that the Township's Fire Department is contacted in advance and advised of such plans so that the Fire Department may be aware of the location of said land and be able to stand by in case of emergency.

#### § 82-2.1. Prohibited activities.

- A. No person shall burn any recyclable materials within the limits of the Township of Brighton as that term is defined in § 166-2 of the Brighton Township Code.
- B. The outdoor burning of household refuse within the limits of the Township of Brighton shall be permitted provided that the burning container is not located within 10 feet of any property line or any building on the subject property nor within 50 feet of any building on any adjoining property.
- C. The burning of any material is prohibited upon any public street or alley.
- D. In addition to the prohibition against the burning of recyclable materials in Subsection A above, the burning of garbage, vegetable waste, wood chips, rubber, plastics, furniture, glass, metals, crocking, car products or any other materials which will create nausea or noxious or fumes, smoke, and toxic chemicals, or causing offensive odor, community and environmental concern, excessive fly ash or is a violation of Department of Environmental open burning regulations is specifically prohibited.
- E. The burning of dry grass and garden waste is specifically prohibited on all lots of 10 acres or less.
- F. The burning of leaves is prohibited, regardless of the size of the property.
- G. The clearing of land for the purpose of development that is part of a subdivision or land development approval.
- H. The burning of brush piles, yard waste, vegetative matter, and trees generated from a commercial business which has been transported offsite.

#### § 82-3. Violations and penalties.

Any person who shall violate any of the provisions of this chapter or fail to comply herewith shall, upon conviction before a District Justice, be subject to a fine of not less than \$100 and not more than \$600, plus costs of prosecution, for each violation. In the event that the fines and costs are not paid, the defendant shall be sentenced to serve not more than 30 days in the Beaver County jail. Each day the violation exists shall constitute a separate offense.

**Section 2.**

**Severability.**

The provisions of this Ordinance are declared to be severable, and if any section, sub-section, sentence, clause or part thereof is, for any reason thereof, held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, sub-sections, sentences, clauses, or part of this Ordinance.

**Section 3.**

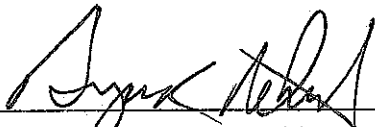
**Enactment and Effective Date:**

This Ordinance shall become effective upon adoption by the Board of Supervisors of Brighton Township at a regularly scheduled meeting.

ENACTED AND ORDAINED this 10<sup>th</sup> day of October, 2022, by the Board of Supervisors of Brighton Township.

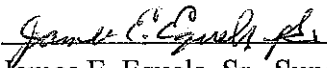
ATTEST:

BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Bryan K. Dehart, Township Secretary

  
\_\_\_\_\_  
John Curtaccio, Chairman

  
\_\_\_\_\_  
Mark Piccirilli, Vice Chairman

  
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James E. Equels, Sr., Supervisor