

Brighton Township
Permit Application for Temporary Uses and Temporary Outdoor Activities
Zoning Code Section 195-129

Application No. _____ Date Received: _____

Applicant: _____

Name/Address of Owner: _____ Name/Address of Applicant or Other: _____

Telephone No. _____ Telephone No. _____

Property Location: _____

Temporary Use: _____

Period of Time: _____

PLEASE SUBMIT A FEE OF \$50.00.

A permit is needed for construction and material storage sites, for a period of up to four months, which may be renewed for one additional period of four months within a calendar year. Submit written narrative of intended use and site plan to demonstrate compliance with the provisions of Chapter 121 of the Township Code.

STATEMENTS AND VERIFICATION BY APPLICANT

I do hereby agree to observe and adhere to any and all provisions of the Brighton Township Zoning Code, and do further agree and understand that my failure to do so shall constitute a violation as to any Permit issued per this Application, which violation shall cause any Permit to become null and void, and revocable by Brighton Township via its Zoning Officer or other designated agent.

I/We hereby certify that as applicants, owners, contractors, agents or others that I/we completed and read the foregoing Application and that the information and statements in this application and other representations contained in all accompanying plans are made a part of this application and are true and correct to the best of our knowledge and belief. This statement and verification are made subject to the penalties of 18 PA. S.C.A. Section 4904 relating to unsworn falsifications to authorities, which provides that if I/we knowingly make false

statements or averments, I/we may be subject to criminal penalties. I/we hereby authorize representatives of the township to make the required inspections upon the property to verify that the construction requested under this application complies with the Brighton Township Zoning Ordinance or other applicable codes.

If applicant is Contractor or Agent of Owner, he/she hereby certifies that he/she has the authority to act on behalf of the Owner.

Owner(s) _____ Date _____

Contractor or Agent _____ Date _____

Fee in the amount of \$ _____ submitted herewith.

Approved: _____
Zoning Officer

Date: _____

Chapter 121

NUISANCES

GENERAL REFERENCES

Animals — See Ch. 70.

Public conduct — See Ch. 138, Art. I.

ARTICLE I
Purpose and Intent

§ 121-1. Purpose and intent.

It is the purpose and intent of these provisions to protect the public against nuisances, conduct, behavior, conditions, and activities herein defined which result in detriment or danger to the public health, safety and welfare of the residents of Brighton Township. The following purposes are specifically set forth:

- A. To protect the public against the unlawful activities, behavior, conditions, and conduct herein defined which constitute a nuisance.
- B. To protect the local residents use and enjoyment of their property against trespassing by the activities, conduct, conditions, and behavior classified as nuisances.
- C. To protect the people against the health and safety menace and the expense incident to the activities, behavior, conditions, and conduct herein classified as nuisances.
- D. To preserve to the people their constitutional right, to preserve their ordinary rules of decency, good morals and public order by regulating unlawful activities, behavior, conditions and conduct herein described as nuisances.

ARTICLE II
Definitions

§ 121-2. Terms defined.

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

CONSTRUCTION AND MATERIAL STORAGE SITES — A lot or portion thereof, used by a contractor or builder where equipment and materials are stored and/or where a contractor or builder performs shop or assembly work off the construction site and/or a site used as a staging area for construction off site.

ENFORCEMENT OFFICER — The official(s) who is charged with the administration and enforcement of this Code, or any duly authorized representative of Brighton Township, including the Township Manager, Zoning Officer, Chief of Police, police officer, and any other Code Enforcement Officer of the Township duly appointed by the Board of Supervisors.

INFESTED — The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests in such quantities as to constitute a health hazard to the property owner and/or general public.

OCCUPANT — Any person living or sleeping in a building; or having possession of a space within a building.

OPERATOR — Any person who has charge, care or control of a structure or premises which is rented or offered for occupancy.

OWNER — Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

PERSON — Any natural person, association, partnership, firm or corporation.

PREMISES — A lot, plot or parcel of land including the buildings or structures thereon.

STRUCTURE — That which is built or constructed, including, but not limited to, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, garages, sheds, driveways, swimming pools, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or the ground.

ARTICLE III
Nuisances

The following are public nuisances:

§ 121-3. Attractive nuisances.

It shall be unlawful for any owner or tenant to create a health and safety risk, or to fail to maintain or secure any premises or its appurtenances such that an attractive nuisance is created to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsecured, open or dilapidated structures.

§ 121-4. Construction and material storage sites.

- A. In order to provide minimum standards to safeguard persons and property, and to protect and promote the public welfare by regulating construction and material storage sites, and preventing public nuisances, no person shall violate the following required provisions.
- B. Setbacks. The following yard regulations shall apply to all structures and material storage:
- (1) Front yard:
 - (a) Minimum of 50 feet from the right-of-way line of all major and minor arterial highways.
 - (b) Minimum of 30 feet from the right-of-way line of all collector roads and local streets.
 - (2) Side yard: A side yard depth of 30 feet per side is required.
 - (3) Rear yard: A minimum of 30 feet in depth is required.
 - (4) Parking: A minimum of 20 feet in depth from the right-of-way and property line is required.
- C. Hours of operation. The hours of operation shall be from 7:00 a.m. to 8:00 p.m.
- D. Site plan. A site plan shall be submitted with the application required in § 195-129 which demonstrates compliance with the provisions of this section, and shows the location of the following:
- (1) Traffic circulation route: A minimum of two points of entry shall be provided to a public street.
 - (2) Parking: The location of both commercial and noncommercial vehicle parking.
 - (3) All permanent and temporary structures.

- E. No open burning or incineration or the disposal of materials or fluids on site shall be permitted.
- F. Site debris, whether garbage, rubbish, dust or mud, or construction materials shall be maintained so that such debris is confined to the premises, and any such debris shall be immediately removed from public streets or adjacent property.
- G. Dust control.
 - (1) Dust control measures shall be used to stabilize soil from wind erosion and to reduce dust generated from construction or site activities, including:
 - (a) Stabilize exposed soils using vegetation, mulching, spray-on adhesives, calcium chloride, sprinkling, and stone and gravel layering.
 - (b) Stabilize unpaved haul roads, parking and staging areas within the site.
 - (c) Minimize the impact of dust by anticipating the direction of prevailing winds.
 - (d) Direct construction and commercial vehicle traffic to stabilized roadways within the site.
 - (e) Pave, vegetate, or chemically stabilize access points where unpaved traffic surfaces adjoin paved public streets.
 - (f) Provide covers for haul trucks transporting materials that contribute to dust.
 - (g) Provide for wet suppression or chemical stabilization of exposed soils.
 - (h) Provide for rapid cleanup of sediments deposited on paved roads.
 - (i) Furnish vehicle wash-down areas.
 - (j) Reduce speed to 15 miles per hour or less and reduce trips on unpaved roads on site.
 - (k) Implement dust control measures for material stockpiles.
 - (l) Stabilize abandoned construction/staging areas on site using vegetation or chemical stabilization methods.
 - (m) Minimize extent of site areas which is disturbed.
 - (2) A dust control plan shall be submitted with the site plan, demonstrating compliance with this subsection.

H. Noise. Site and construction noise shall not exceed a noise level of 60 decibels at the property line.

§ 121-5. Fire and Safety hazards.

No person shall maintain premises in such a condition which creates a fire hazard.

§ 121-6. Human waste.

It shall be unlawful for any person, municipality, partnership, corporation or other association to create or cause to be created upon any public or private property within the Township of Brighton the dumping, storage, accumulation and/or disposal of excreta from human bodies, in solid or liquid form, in any manner other than that authorized by the ordinances of the Township of Brighton, and the gathering together, accumulation and/or storage in open ponds or similar areas of any matter, either solid or liquid, containing human waste in any form for the purpose of disposal by the method commonly known as "a lagoon system," as defined by the Pennsylvania Department of Health.

§ 121-7. Infestation.

It shall be unlawful for any owner or tenant to fail to maintain any premises such that it becomes infested with potentially disease-bearing pests as to constitute a health or safety hazard. "Infested" shall mean the presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests in such quantities as to constitute a health hazard to the property owner or general public as determined by the Township Enforcement Officer.

§ 121-8. Public nuisances at common law.

No person shall commit such acts or conditions which have been declared a public nuisance as a matter of common law.

§ 121-9. Nuisances under statute.

No person shall commit such acts or conditions which have been declared a nuisance pursuant to 18 Pa.C.S.A. § 6504.

ARTICLE IV

Notice**§ 121-10. Notice to be provided.**

Upon determination by the Enforcement Officer of the existence of a public nuisance under the terms and provisions of this chapter, the Enforcement Officer shall, by certified mail addressed to the last known address of the owner and the occupant, give notice requiring the abatement, removal, demolition or rehabilitation of the public nuisance within 15 days from the date of notice. If the property is not occupied and the whereabouts or identity of the owner is unknown, notice shall be given by posting the notice on the property and sending notice to the owners at their last known address.

§ 121-11. Appeal.

The Notice shall inform the owner and the occupant that within five days of the receipt of the notice he may appeal the notice to the Board of Supervisors which shall, within 20 days of receipt of the appeal, hear the appeal, review the order, and, within five days of the hearing, file its decision thereon. Unless the notice is revoked or modified by the Board of Supervisors, it shall remain in full force and be obeyed by the owner and the occupant.

§ 121-12. Posting of notice.

If the owner or the occupant refuses to sign for the certified mail or cannot be located, the posting of the violation notice on the premises shall constitute proper notice.

§ 121-13. Right of Township to remove or abate nuisance.

Upon failure of the owner or occupant to abate, remove, demolish or rehabilitate the nuisance, the Township may cause the same to be done and shall be entitled to collect the cost of removal or abatement of such nuisance. Collection of the cost shall be accomplished by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit. In the exercise of the powers herein conferred, the Township may seek relief by bill in equity.

ARTICLE V
Violations and Penalties.

§ 121-14. Violations and penalties for first offense.

If the owner or occupant fails to abate the identified public nuisances within 15 days from the date of notice, he shall be fined \$100 per day for each day that a violation continues, beginning on the 16th day after notice.

§ 121-15. Violations and penalties for second or subsequent offenses.

For the second offense of these provisions and for all subsequent offenses, the fine shall be \$300 per day for each day the violation continues.