

**SOUTH BEAVER TOWNSHIP  
ORDINANCE NUMBER 92**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY, PENNSYLVANIA, FOR THE PREVENTION AND CONTROL OF AIR POLLUTION, PROHIBITING THE BURNING OF CERTAIN ITEMS THEREIN, AND PROVIDING FOR THE ENFORCEMENT OF THE SAME, INCLUDING PENALTIES.

BE IT ENACTED AND ORDAINED, by the Township of South Beaver, by and through the Supervisors of said Township of South Beaver, Beaver County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

I. PURPOSE

The purpose of this Ordinance is to protect the public health, safety, and welfare from the hazards and dangers involved in the processing, storage and burning of tangible property within the Township.

II. REVOCATION

This Ordinance does hereby revoke any and all prior ordinances, or portions of any ordinance, that regulates and controls any outdoor burning within the Township, including but not limited to Ordinance No. 53.

III. DEFINITIONS

- A. **Person** - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as a subject of rights and duties.
- B. **Garbage** - All putrescible animal and/or vegetable matter, whether in a natural state or a state resulting from the preparation, handling, cooking and consumption as food.
- C. **Rubbish** - Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, carpets, wood, treated wood or lumber, furniture, building materials, and other similar material.
- D. **Recreational Fire** - any fire such as a cooking fire, campfire, or bonfire the same using charcoal, firewood, or propane gas occurring and being used for cooking, pleasure, or ceremonial purpose line.

#### IV. OUTSIDE BURNING BY COMMERCIAL BUSINESSES

All outside burning by any commercial business is prohibited; this prohibition shall not apply to any incinerator or furnace built within or on the property of a building being used for business provided that the chimney of that incinerator or furnace extends beyond the roof level ten (10) feet higher than the highest adjoining building on any adjacent premises and provided, further, that the chimney has a wire screen or other top so constructed as to prevent ash from escaping.

#### V. BURNING RUBBISH AND GARBAGE

It shall be unlawful for any person to burn rubbish or garbage at any time.

#### VI. AREAS PERMITTING BURNING

Outdoor burning, subject to the restrictions contained herein, shall be permitted within the Township.

#### VII. BURNING RECEPTACLES

It shall be unlawful for any person to burn any permitted material unless the same is first placed in a receptacle designed to confine and keep said material from blowing away and escaping out of control before burning the same. All burning permitted under this ordinance must be attended. Burning receptacles shall not have a burning area larger than nine (9) square feet and shall not be higher than four (4) feet. Receptacles shall be limited to one (1) per residential structure regardless of how many residential units are contained within the same. Persons engaging in burning shall have a readily available means to extinguish the fire including but not limited to a fire extinguisher or water hose with supply.

#### VIII. TIME OF BURNING

Other than burning permitted under this Ordinance, any burning shall be limited to the hours of 6:00 A.M. to 9:00 P.M. prevailing time. It shall be unlawful to burn on a legal holiday other than a recreational fire as defined herein.

#### IX. EMERGENCY CONDITIONS

In the event that a fire hazard condition, or other emergency exists by reason of a dry season, draught, or otherwise, or if the air pollution level reaches a critical state, Fire Chief, or other such duly appointment representative may, by Proclamation, prohibit all burning of any kind for the duration of stated emergency. Such a Proclamation shall be publicly announced

through the regular news media, and it may also be added to the Township internet media, and posted at the Township Building.

X. PERMITTED FIRES BY TOWNSHIP OFFICIALS

Open fires may be set in the performance of official duties by any police officer, fire fighter, street department, or South Beaver Township official if such fire is necessary for the prevention of a fire hazard which cannot be abated by any other means or for the protection of the public health, or for an official fire department practice and training sessions.

XI. POLICE AUTHORITY

Any police officer or other duly authorized law enforcement official of the Township of South Beaver may, upon investigation, order that any fire be immediately extinguished, abated, diminished or corrected (in his or her sole discretion) if, in the officer's sole judgment, the fire:

- A. Contains prohibited materials or is using a prohibited containment devise;
- B. Is emitting excessive smoke, excessive odor or malodorous emissions;
- C. Is emitting sparks or hot ashes that my pose a threat;
- D. Is in a prohibited location or is excessive in size.

XII. PERMITTED OUTDOOR BURNING

Nothing herein shall be construed as to limit or otherwise prohibit outdoor burning such as charcoal, propane grill, electric smoker, or grill fires kindled for the purpose of outside barbecues or the operation of a manufactured recreational burning item or camping item, including but not limited to lawn torches and chimineas. Although permitted all such burning shall be attended. The burning permitted under this section should not be subject to the time limits as stated in Paragraph VIII.

XIII. PENALTY

Any person found in violation of this Ordinance or any part herein, upon conviction, shall be sentenced to pay a fine of not less than \$150.00 or more than \$300.00 for the first offense; not less than \$250.00 or more than \$600.00 for the second offense; and not less than \$600.00 or more than \$1,000.00 for the third or subsequent offense.

This Ordinance will take effect immediately.

ENACTED AND ORDAINED into law this 12 day of July, 2023.

ATTEST:

Ashley N. Carr  
Township Secretary

TOWNSHIP OF SOUTH BEAVER:

BY: Thomas J. Miller  
Chairman, Board of Supervisors

BY: Scott Whitcomb  
Board of Supervisors

BY: [Signature]  
Board of Supervisors

APPROVED this 12 day of July, 2023.

[Signature]