

MONTGOMERY COUNTY COMMISSIONERS

November 14, 2024

On motion of Chair Winder, seconded by Commissioner DiBello, it was unanimously adopted that:

BACKGROUND

1. The Montgomery County (the “County”) Board of Commissioners seek to provide for the health, safety and welfare of the people of the County of Montgomery.
2. The Board of Commissioners seek to protect the people of the County of Montgomery from the dangers and threats of uncontrolled and unsafe fires.
3. The Board of Commissioners, in cooperation with its Department of Public Safety and the Pennsylvania Department of Conservation and Natural Resources’ Bureau of Forestry, is desirous of regulating outdoor burning.
4. Fire Chiefs and Fire Marshals in the County have reported to the Department of Public Safety the extreme risk of uncontrolled fire spread, due to dry conditions, lack of precipitation and high winds.
5. The Board of Commissioners have received a written recommendation from the District Forester, who has received or solicited written and verbal requests from at least ten (10) fire chiefs in the County, recommending and requesting the imposition of a temporary countywide burn ban on open fires.
6. Under Act 1995-52 of the General Assembly of the Commonwealth of Pennsylvania, found at 16 P.S. Sections 13201-13205, the Board of Commissioners are authorized to provide for the imposition of a temporary countywide burn ban on open fires.

NOW THEREFORE BE IT RESOLVED that the proper County Officials, in accordance with the authority conferred by law, subject to the approval of the County Solicitor, are hereby authorized to implement a countywide burn ban under the following conditions:

1. Except as set forth in Paragraphs 2 and 3 below, a countywide burn ban on open fires shall be imposed, starting on the effective date indicated below. The countywide burn ban will

remain in effect for thirty (30) days, unless extended or rescinded by an additional resolution.

2. The countywide burn ban shall not apply to normal agricultural operations or any agricultural related business operations, which shall be defined as: a business engaged in the production operations of a farm, the manufacturing and distribution of farm equipment and supplies, or a business engaged in the processing, storage or distribution of farm commodities. The countywide burn ban shall also not apply to candle lighting and other small, contained burning (matches, lighters, candles) used for religious reasons.
3. **Open fires** are defined as the ignition and subsequent burning of any combustible material (garbage, leaves, grass, twigs, litter, paper, vegetative matter involved with land clearing, or any sort of debris) outdoors in either a burn barrel (screened or unscreened), fire ring, or on the ground. The use of propane or gas stoves, charcoal briquette grills, or the use of tobacco in any form is not covered under this definition.
4. This countywide burn ban shall supersede any municipal ordinance to the contrary.
5. Enforcement
 - a. Enforcing officials.--Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of Act 1995-52.
 - b. Limitation.--Whenever a violation of Act 1995-52 occurs in a city, borough, incorporated town or township which has in effect an ordinance prohibiting open burning, the police officer may cite the violation under either the municipal ordinance or the county resolution. Under no circumstances shall any person be cited for violations of both the county resolution and the municipal ordinance for the same violation.
6. Penalty – A person who violates Act 1995-52 commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100 for the first offense, \$200 for the second offense and \$300 for the third offense.
7. Copies of this Resolution will be distributed to all municipalities and also via media outlets.
8. Effective Date – This temporary countywide burn ban shall take effect at noon (12:00 p.m.) on Saturday, November 16, 2024. The

countywide burn ban is in effect for thirty (30) days unless extended or rescinded prior to the expiration. Thereafter, the Montgomery County Department of Public Safety shall have the authority to extend the burn ban, if necessary, for a period of up to fifteen (15) days.