

No. 1995-52

AN ACT

HB 292

Authorizing the imposition of temporary countywide burn bans under certain circumstances; and providing penalties for violations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Authorization.

(a) **General rule.**—Subject to the prerequisites of subsection (b), the governing body of any county of the second class through eighth class, including home rule counties, shall have the power and may, by resolution, provide for the imposition of a temporary countywide burn ban on open fires. The resolution shall state what conditions will warrant a temporary countywide burn ban, the procedures used to notify residents of the ban, the procedures used to enforce the ban and the procedures used to remove the ban. Each resolution shall require a minimum notice of 48 hours prior to the imposition of a temporary countywide burn ban.

(b) **Prerequisites.**—Prior to adopting any countywide burn ban on open fires under subsection (a), the governing body of the county shall have received a written recommendation from the district forester who has received or solicited verbal requests from at least ten fire chiefs or 50% of the fire chiefs in a county, whichever is less, from various sections of the county recommending and requesting the imposition of a temporary countywide burn ban on open fires.

(c) **Duration.**—Any burn ban imposed under this section shall remain in effect for no more than 30 days. The county commissioners, upon the recommendation of the district forester, may extend the ban for up to an additional 30 days.

Section 2. Construction.

Any burn ban imposed under section 1 shall supersede any municipal ordinance to the contrary.

Section 3. Enforcement.

(a) **Enforcing officials.**—Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this act.

(b) **Limitation.**—Whenever a violation of this act 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.

Section 4. Penalty.

A person who violates this act 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.

Section 5. Effective date.

This act shall take effect in 60 days.

APPROVED—The 24th day of October, A.D. 1995.

THOMAS J. RIDGE