

## BURNING BAN RESOLUTION

The regulations of outdoor burning in Lackawanna County.

WHEREAS, the County of Lackawanna ("County") is a Third-Class County organized pursuant to the County Code of the Commonwealth of Pennsylvania; and

WHEREAS The County Commissioners of Lackawanna County are charged with providing for the health, safety and welfare of the people of Lackawanna County; and

WHEREAS The County Commissioners in cooperation with its volunteer fire fighting organization and the Pennsylvania Bureau of Forestry is desirous of regulating the outdoor burning; and

WHEREAS, the District Forest Manager for the Pinchot Forest District, of the Pennsylvania Department of Conservation and Natural Resources has recommended by letter dated November 4, 2024, that Lackawanna County impose a temporary county-wide burn ban for a period of thirty days, pursuant to Act 1995-52; and

WHEREAS The County Commissioners are desirous of protecting the people of Lackawanna County in every possible way from the dangers and threats of uncontrolled and unsafe fires.

NOW THEREFORE, it is ordained as Follows:

1. Definition - Open burning is 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) out-of-doors in either a burn barrel, (screened or unscreened) fire ring, or on the ground. The use of propane or gas stoves, charcoal briquet grills, or the use of tobacco in any form is not covered under this act. Campfires in campgrounds are allowed in fire rings that confine and contain the campfire, and where all flammable materials have been removed for a radius of five (5) feet.

2. Prerequisite - Prior to the adoption 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 the county, whichever is less, from various sections of the county recommending and requesting the imposition of a temporary countywide burn ban on open fires.

3. Duration - Any burn ban imposed under this section shall remain in effect for Thirty (30) days. The county commissioners, upon the recommendation of the forester may extend the ban for up to an additional Thirty (30) days.

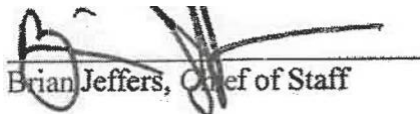
4. Construction Any burn ban imposed shall supersede any municipal ordinance to the contrary.

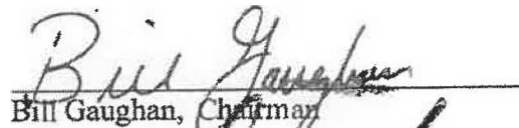
5. Enforcement (a) Enforcing officials - Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this act. (b) Limitation Whenever a violation of this act occurs in a city, borough, incorporated town or township which has 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.

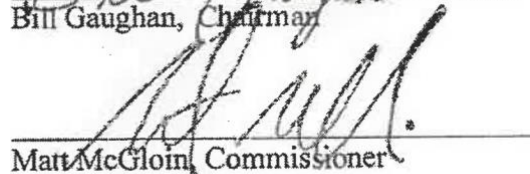
6. Penalty A person who violates this act commits a summary offense and shall, upon conviction, be sentenced to any a fine of not more than \$100 for the first offense, \$200 for the second offense and \$300 for the third offense.


7. Effective Date - The resolution shall require a minimum notice of 48 hours prior to the imposition of a temporary countywide burn ban. Authority Act 1995-52 of the General Assembly of the Commonwealth of Pennsylvania.

ENACTED by the Board of Commissioners on the 7<sup>th</sup> day  
day of November, 2024.

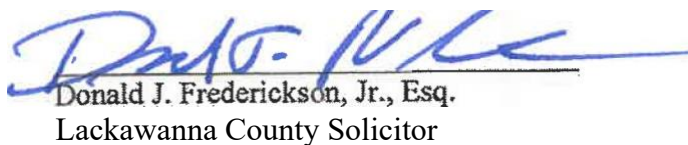
  
Brian Jeffers, Chief of Staff

  
Bill Gaughan, Chairman

  
Matt McGloin, Commissioner

ATTESTED:   
Chris Chermak, Commissioner

Approved as to form and Legality:

  
Donald J. Frederickson, Jr., Esq.  
Lackawanna County Solicitor