

ORDINANCE NUMBER 2025-01

**AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF INDIANA, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ESTABLISHMENT OF A BURN BAN DURING DRY WEATHER.**

**Be it ordained and enacted by the Township of Montgomery Board of Supervisors, Indiana County, Pennsylvania, it is hereby enacted as follows:**

**Section 1. Title**

This Ordinance shall be known as the Montgomery Township Burn Ban Ordinance.

**Section 2. Declaration of Policy**

It is hereby declared to be the policy of the Township of Montgomery as a matter of public safety to regulate fires and open burning in the Township of Montgomery during dry weather for the well-being of its citizens.

**Section 3. Fire Ban Emergency**

The Board of Supervisors of the Township of Montgomery may declare a fire ban emergency throughout the township after consulting with the Fire Chief of the Volunteer Fire Department(s) operating within the township during periods of drought, or other periods of high fire risk to woodlands or property within the Township of Montgomery. In the event, the Board of Supervisors are unable to meet in a timely manner, the Chairman of the Board of Supervisors may declare a fire ban emergency. In the event the Chairman is not available, the Vice Chairman may declare a fire ban emergency.

Upon declaration of a fire ban emergency all outdoor burning of fires shall be prohibited until the ban is lifted.

The Township shall issue news releases to the local radio stations, the Indiana Gazette, and on the Township's website.

**Section 4. Definitions**

- a. **Contained Fire** – Any fire contained in an incinerator, barrel, 55-gallon drum, fire pit, fireplace or other contained enclosure designed for outdoor cooking.
- b. **Garbage** – All decayable animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- c. **Open Fire** – A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.



- d. **Controlled Fire** – Any fire not included in the definition of “Contained Fire”.
- e. **Refuse** – Garbage, rubbish and trade waste.
- f. **Rubbish** – Solids not considered to be highly flammable or explosive, including, but not limited to rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items and other similar items.
- g. **Trade Waste** – All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil, and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.
- h. **Outdoor Furnace** – Any enclosed device specifically designed for burning any materials for the production of heat that is located outside a building.

### **Section 5. Regulations**

All Outdoor Furnaces shall be maintained and operated in compliance with the Pennsylvania Department of Environmental Protection regulations and shall not be fueled by using any garbage, refuse, rubbish or trade waste, as described in this Ordinance.

### **Section 6. Penalties**

It shall be unlawful to burn, ignite, incinerate, maintain or otherwise permit the burning of any materials whatsoever during a Fire Ban Emergency. This includes garbage, refuse, rubbish, and trade waste.

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township, before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentence to pay a fine of not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) and the costs of prosecution. In default of payment of the fine and costs, the person may be sentenced to imprisonment for a term of not to exceed thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.

### **Section 7. Length of Ban**

If a burn ban emergency is declared, the burn ban shall be in effect for 30 days. The burn ban can be terminated sooner as determined by the Supervisors in consultation with the Fire Chief.

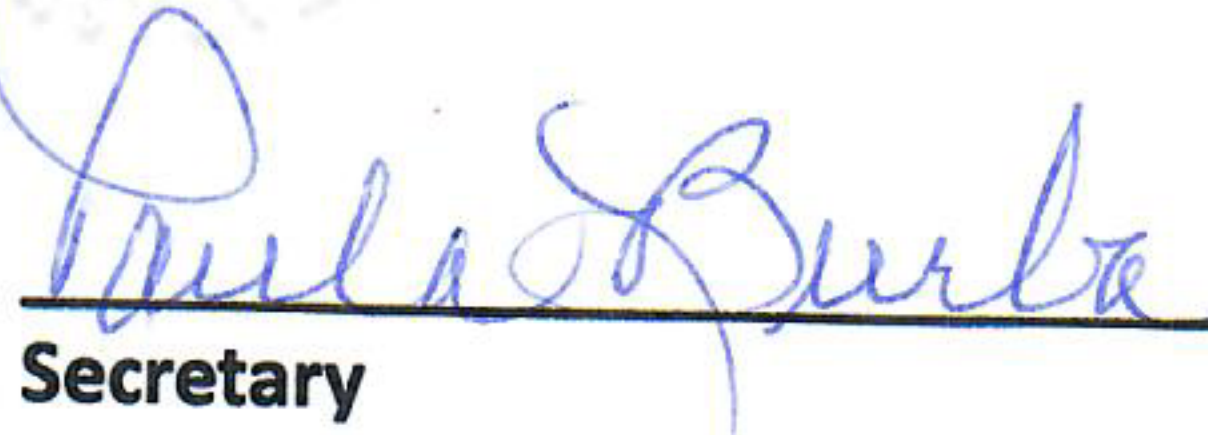
### **Section 8. Effective Date**

This Ordinance shall become effective immediately upon enactment and shall continue thereafter for all calendar years unless repealed or modified by an ordinance passed by the Board of Supervisors of Montgomery Township.




ENACTED, ADOPTED AND ORDAINED THIS 18<sup>TH</sup> day of August, 2025.

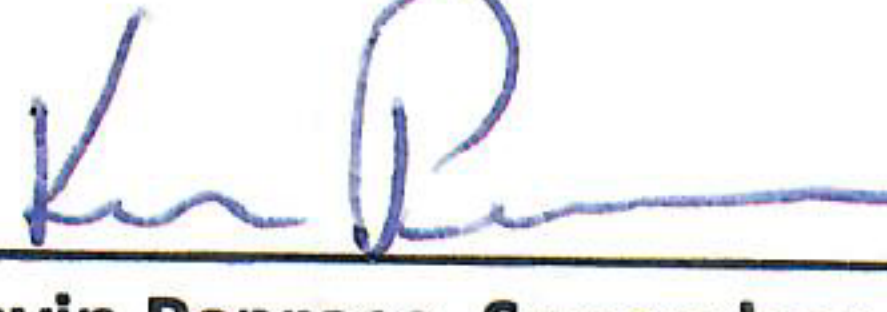
Attest:

  
Secretary

Township of Montgomery

  
William M. Burba, Chairman

  
Edward M. Freno, Vice-Chairman

  
Kevin Penrose, Supervisor