

## RESOLUTION 2025-08

### Temporary Regulation of Outdoor Burning in Elk County, Pennsylvania

WHEREAS, The Elk County Board of Commissioners are desirous of providing for the health, safety and welfare of the people of Elk County and in every possible way, including from the dangers and threats of uncontrolled and unsafe fires;

WHEREAS, The Elk County Commissioners, in cooperation with an at the recommendation of its volunteer fire fighting organizations and the Pennsylvania Bureau of Forestry is desirous of regulating outdoor burning; and

NOW THEREFORE, it is ordained that the Elk County Commissioners hereby declare that due to the extreme dryness of the outdoors and drought conditions, a temporary open burning ban shall be in effect;

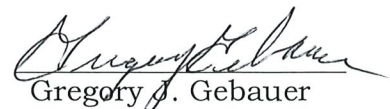
1. Definition – Open burning is defined as the ignition and subsequent burning of any combustible material (garbage, leaves, grass, twigs, litter, paper, vegetative matter involved with land clearing, or any sort of debris) out-of-doors in either a burn barrel, (screened or unscreened) fire ring, or 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 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 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.
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 the 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 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.

Signed on this 3<sup>rd</sup> day of October, 2025 at 12:00pm and effective the 5<sup>th</sup> day of October, 2025 at 12:00pm until the 4<sup>th</sup> day of November, 2025.

  
M. Fritz Lecker, Chair

  
Matthew G. Quesenberry

  
Gregory J. Gebauer