

**SEC. 4. Severability.**

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been enacted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

**SEC. 5. Effective date.**

This Act shall take effect on December 7, 1970.

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**CHAPTER 11****(BILL NO. 33-70)**

AN ACT to amend Chapter 76, title "Air Pollution Control," of the Montgomery County Code 1965, as amended, by repealing and re-enacting, with amendments, Section 74-6, title "Open fires—Prohibited generally," to authorize the County Executive to declare an air pollution alert.

*Be It Enacted by the County Council for Montgomery County, Maryland, that—*

**SEC. 1.** Section 74-6, Chapter 74, title "Air Pollution Control," of the Montgomery County Code 1965, as amended, is hereby repealed and re-enacted, with amendments, to read as follows:

**74-6. Open fires—Prohibited generally.**

Except as provided by Section 74-7 of this Code, no person shall, in the County, kindle an open fire in any public or private place outside of any building. Fires started in violation of this Section shall be promptly extinguished by the person responsible for the same upon notice by the designated officer.

During the existence of an air pollution alert, as may be declared by the County Executive, all exceptions are void and no open fires may be kindled.

**SEC. 2. Effective date.**

This Act shall take effect on December 7, 1970.