

## COUNTY LOCAL LAWS

22-83.

Where permitted by the provisions of Chapter 3 of this Code, burning by open fires shall be subject to the following conditions:

(a) Open fires shall be attended at all times until completely extinguished.

(b) Garbage, dead animals, animal waste and materials which create dense smoke or emissions injurious or noxious to people or property shall not be burned.

(c) It shall be unlawful for any person to kindle any open fire except leaf burning, cooking fires, or recreational fires without first notifying the Montgomery County Department of Fire and Rescue Services of such burning. Where burning continues for more than one day the Montgomery County Department of Fire and Rescue Services shall be notified prior to 9:00 a.m. on each day of burning.

(d) The Director of the Department of Fire and Rescue Services, Fire Marshal or the officer in charge of the local fire department may prohibit such burning at any time he determines that the kindling of an open fire creates a fire hazard.

(e) Except for those fires used for cooking food on property occupied by a single family dwelling, open fires shall not be less than thirty feet from any building or structure, and shall be supervised at all times. A clear space of not less than ten feet shall be maintained around the fire.

(f) The burning of material of any kind on public roads, streets, highways, alleys, sidewalks, and public rights of way shall be prohibited at all times.

(g) Where open burning is being conducted under the terms of a permit issued by the Department of Environmental Protection, the permittee shall be personally responsible for the fire at all times. The permit shall be in the possession of the person at all times supervising the burning.

### Sec. 3. Effective date.

The Council hereby declares that an emergency exists and that this legislation is necessary for the immediate protection of public health and safety. Therefore, this Act shall take effect on the date on which it becomes law.