

## City of Waycross City Ordinance

### Section 12-6. Open Burning

(a) *Prohibition; exceptions.* It is unlawful for any person in any are of the city to cause, suffer, allow or permit "open burning" (1) of vegetative matter such as leaves, grasses, tree limbs or stumps, including the "slash burning" of forest residue for land-clearing purposes; (2) of refuse, trash, or rubbish of any kind; (3) of any materials which include soils or are in contact with soils during burning; of any other "open-burning" material; (4) to use for "open burning" any non-containment devices such as air-curtain destructors, common back-yard fireplaces, open metal drums, burn barrels, or burn pits; or (5) open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous, except as follows:

- (1) For recreational purposes or for cooking food for immediate human consumption.
- (2) Operation of devices using open flames such as kettles, blow torches, welding torches, portable heaters, and other flame-making equipment.
- (3) Training fire department personnel under the supervision of the fire chief or his designee.
- (4) Silviculture practices specifically related to "prescribed burning" under authority of the Georgia Forestry Commission, as exempted from local ordinance, resolution, and regulation by the code of the state. For purposes of this subsection, "prescribed burning " of any forest land means a "permitted" fire set by the owner or owner's designated agent under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient recycling, control insect pests, enhance wildlife habitat, and otherwise contribute ecological benefits. Not exempted is the burning of leaf or brush piles not necessary to accomplish the purposes of "prescribed burning."
- (5) Procedures recognized as necessary and essential for the production or harvesting of crops.
- (6) Bonfires, provided that a bonfire shall not be conducted within fifty (50) feet of a structure or combustible material unless the fire is contained in a barbecue pit or substantially similar container. Conditions which would cause a fire to spread within fifty (50) feet of a structure shall be eliminated prior to ignition of the bonfire.
- (7) Open burning for the purpose of land clearing or construction right-of-way maintenance, provided that following conditions are met:
  - a. The direction of prevailing winds at the time of the burning are away from the major portion of the area's population;
  - b. The location of the burning is at least one thousand (1,000) feet away from any occupied structure, or lesser distance if approved by the department of natural resources, or environmental protection division;
  - c. The amount of dirt on or in the material being burned is minimized so that smoke is not spread over or onto the adjoining property or property that is within one thousand (1,000) feet of such burn;
  - d. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material other than plant growth are not being burned; and
  - e. No more than one (1) pile of material, not greater in size than sixty (60) feet long by sixty (60) feet in width, and piled no higher than fifteen (15) feet at its highest point or equivalent, is being burned within a nine-acre area at one (1) time.

- (8) Open burning of vegetative material for the purpose of land clearing using an air curtain destructor, provided the following conditions are met:
- a. The location of the air curtain destructor is at least three hundred (300) feet from any occupied structure or public road or private road. Air curtain destructor used solely for utility line clearing or road clearing may be located at a lesser distance upon approval of the department of natural resources, or environmental protection division;
  - b. No more than one (1) air curtain destructor is operated within a ten-acre area at one time or there must be at least one thousand (1,000) feet between any two (2) air curtain destructors;
  - c. Only wood waste consisting of tress, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;
  - d. Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials are not used to start or maintain the operation of the air curtain destructor;
  - e. The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;
  - f. The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and
  - g. The air curtain destructor cannot be fired before 10:00 a.m. and the fire must be completely extinguished, using water or by covering with dirt, at least one (1) hour before sunset.

(b) *Permit required.* Except as otherwise provided by law, a permit must be obtained from the city fire department prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests or a bonfire. Application for such permit shall only be made by the owner of the land upon which the fire is to be kindled or the duly authorized representative of such owner.

(c) *Revocation of permit.* The city fire chief or his designee may revoke a permit issued pursuant to subsection (b), above, when the fire chief or his designee finds by inspection or otherwise that:

- (1) The permit is used for a location or establishment other than that for which the permit was issued;
- (2) The permit is used for a condition or activity other than that authorized in the permit;
- (3) The conditions and limitations set forth in the permit have been violated;
- (4) There have been any false statements or misrepresentations as to a material fact in the application or permit or plans submitted therewith or a condition of the permit;
- (5) If neighbors complain about the smoke.

(d) *Attendance.* Open burning, bonfires or recreational fires shall be constantly attended by the permittee or other person designated in the permit until the fire is completely extinguished. A minimum of one (1) portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be kept at the fire location and available for immediate utilization to extinguish the fire.

(e) *Burning for crop production and harvesting.* Any person conducting burning for crop production and harvesting under the exemption of section (a)(5), above, must notify the city fire department prior to said burning, stating time, place and specific purpose of the proposed burning, which must be carried out consistent with state regulations.

(f) *Penalty of violation.* Any person who violates any provision of this chapter shall be punished as provide for in section 1-6 of this Code.

(Ord. No. 04-20, § 1, 10-19-04)

Secs. 12-7--12-16. Reserved.