

ORDINANCE NO. 16-24

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 18 – FIRE PREVENTION AND PROTECTION, ARTICLE I. – IN GENERAL; BY AMENDING SECTION 18-1 PERTAINING TO OPEN BURNING AND OUTDOOR FIRES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Code of Ordinances for the City of Waycross, Georgia, currently provides for fire prevention and protection; and

WHEREAS, the City of Waycross provides trash pickup service to all residences and businesses so the burning of limbs, grass, leaves for the eradication of outdoor waste is not needed; and

WHEREAS, the present ordinance needs amending to meet the changing needs of our citizens: and

WHEREAS, the issue has been duly considered by the Commission of the City of Waycross, Georgia.

NOW THEREFORE, BE IT ORDAINED by the Commission of the City of Waycross, Georgia, and it is hereby ordained by the authority of the same as follows:

SECTION 1. The City of Waycross Code of Ordinances, Chapter 18, Article I, Section 18-1 is hereby amended as follows:

Sec. 18-1. - Open burning and outdoor fires.

(a) Prohibition; exceptions. It is unlawful for any person in any area of the city to cause, suffer, allow or permit open burning of any vegetative matter such as leaves, grasses, pine straw, pine cones, tree limbs or stumps, including the "slash burning" of forest residue for land-clearing purposes; of refuse, trash, or rubbish of any kind; of any materials which include soils or are in contact with soils during burning; of any other open-burning material; or to use for open burning any noncontainment devices such as air-curtain destructors, common backyard fireplaces or fire pits dug into the ground; or to suffer, allow or permit 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) Any grill, barbeque or other metal framework using charcoal, wood, propane or natural gas for cooking food for immediate human consumption, provided no nuisance is created.

- (2) Operation of devices using open flames such as kettles, blow torches, welding torches, portable heaters, and other flame-making equipment, provided that the use of such equipment does not violate other local or state law.
- (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 state forestry commission, as exempted from local ordinance, resolution, and regulation by the Official Code of Georgia Annotated. For purposes of this subsection, the term "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) Chimeneas or any other similar commercially produced freestanding vessels made of metal in which a contained outdoor fire is made; or fire pits made from stones, masonry or similar material for keeping a contained outdoor fire and used for cooking or warmth, provided no nuisance is created.
- (6) Burn barrels, as long as the burn barrels are at least 25 feet away from any building or structure and on private property. Any burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy mesh wire screen. Untreated wood or lumber shall be the only material or substance allowed in burn barrels and must not produce dense smoke or create any nuisance. Burn barrels shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and cold.
- (7) Bonfires, being a large open air fire used as part of a celebration, provided that a bonfire shall not be conducted within 150 feet of a structure or any combustible material or growth. Conditions which would cause a fire to spread within 150 feet of a structure shall be eliminated prior to ignition of the bonfire. Except as otherwise provided by law, a permit must be obtained from the city fire department prior to kindling a fire for 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. Any permit issued under this section is good only for the day issued.
- (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 300 feet from any occupied structure or public road or private road. An 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 air curtain destructor is operated within a ten-acre area at one time or there must be at least 1,000 feet between any two 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 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, or prevention or control of disease or pests or bonfires. 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) of this section, 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 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.

(9) The fire department shall investigate any complaint about fire or smoke. Any fire started or maintained in violation of this section is a nuisance prohibited by Section 26-19 and shall be promptly extinguished by the person or persons responsible for same upon notice by the fire chief or his designee.

SECTION 2. This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

SECTION 3. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.


SO ORDAINED, this the 6th day of December, 2016.

CITY OF WAYCROSS, GEORGIA

BY:


JOHN KNOX, Mayor

ATTEST:


JULIE DINKINS, Clerk

Read First Time: November 15, 2016

Read Second Time and approved: December 6, 2016