

Ordinance of the City of Lake Park

1st reading: _____

2nd reading: _____

An Ordinance concerning Open Burning, General prohibition; Exceptions

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LAKE PARK AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF;

No person shall cause, suffer, allow, or permit open burning in any incorporated area of Lake Park, except as follows:

The landowner shall be responsible for obtaining all permits that may be required, including, without limitation, a burning permit from the appropriate office of the Georgia Forestry Commission.

1. Reduction of leaves on the premises on which they fall by the person in control of the premises, provided that in a “Dense Residential Zoning District” (as hereinafter defined), the following additional Restriction shall apply.
 - A. No open burning may be conducted pursuant to this paragraph (2) (1) within on hundred (100) feet of any inhabited dwelling of another located in a Dense Residential Zoning District; and
 - B. Open burning shall be permitted six (6) days a week, Monday – Saturday
 - C. Yard debris only can be burned, no plastic, rubber, household garbage, cardboard or wood (plywood, treated building materials, 2 x 4’s, etc.)
2. Carrying out recognized agricultural procedures necessary for production or harvesting of crops.
3. The “prescribed burning” (as hereinafter defined) of any forest land by the owners or owner’s designee.
4. The “slash burning” (as hereinafter defined) of any forest land by the owners or the owner’s designee.
5. For recreational purposes or cooking food for immediate human consumption.
6. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.

7. "Acquired structure burns" (as hereinafter defined) provided that an Authorization to Burn certificate as been issued by the Division.
8. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
9. Disposal of all packaging material previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.
10. Open burning of vegetative material for the purpose of land cleaning using an air curtain destructor provided the following conditions are met:
 - (i) authorization for such open burning is received from the Lake Park Volunteer Fire Department prior to initiation of any open burning at such location.
 - (ii) the location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval by Division;
 - (iii) no more than one air curtain is operate within a ten (10) acre area at one time or there must be at least 1000 feet between any two curtain destructors;
 - (iv) only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;
 - (v) 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;
 - (vi) 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;
 - (vii) the cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and
 - (viii) the air curtain destructor cannot be fired before 10:00 am and the fire must be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

12. Such burning as the director of the Division may allow that would be otherwise prohibited above upon a determination that such open burning is necessary to protect the public health, safety or welfare of the people of the State of Georgia, or there are not reasonable alternatives to the open burning.

Any open burning otherwise permitted under this Ordinance shall, whenever feasible (i) be conducted between 8:00 am and one hour before sunset, at which time it must be completely extinguished, and (ii) not cause air pollution in quantities or

characteristics or of a duration which is injurious or which unreasonable interferes with the enjoyment of life or use of property in Lake Park, Georgia or neighboring counties.

Except for a reasonable period to get a fire started, no smoke the opacity of which is equal to or greater than 40 percent shall be emitted from any source of open burning listed above, except that prescribed burning, slash burning, agricultural burning and acquired structure burning are not subject to the 40 percent opacity standard in this paragraph.

Definitions:

1. "Division" means the Georgia Department of Natural Resources, Environmental Protection Division.
2. "Prescribed burning" is a fire set under controlled conditions to burn forest under story and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.
3. "Slash burning" is a fire used as a forest management practice and set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.
4. "Acquired structure burn" is the burning of a house, building, or structure for the exclusive purpose of providing training to fire fighting personnel or arson investigators.
5. "Dense Residential Zoning District" means an area zoned R-10, R-15, R-1, or R-6.

So ordained this the 4th day of August, 2009.

Dr. Walter K. Sandlin
Mayor

Attest: