

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO OPEN BURNING, AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Title 4, entitled "Public Health," of the Code of Athens-Clarke County, Georgia is hereby amended by adding a new Chapter 4-4, entitled "Open-burning Prohibition," thereto as follows:

"CHAPTER 4-4. OPEN-BURNING PROHIBITION.

Section 4-4-1. It is unlawful for any person in any area of Athens-Clarke County to cause, suffer, allow, or permit "opening burning" of vegetative matter such as leaves, grasses, 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 back-yard fireplaces, open metal drums, burn barrels, or burn pits, 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 county ordinance, resolution, and regulation by the code of the State of Georgia. 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.

Section 4-4-2. Any person conducting burning for crop production and harvesting under the exemption of Section 4-4-1(5), above, must notify the Athens-Clarke County Fire Department prior to said burning, stating the time, place and specific purpose of the proposed burning, which must be carried out consistent with state regulations.

Section 4-4-3. Any person who violates any provision of this chapter shall be punished as provided for in Section 1-1-5 of this Code."

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.