

Sec. 3-4-113 - Open Burning and Air Quality Control

This article is intended to promote and safeguard the public health, safety, comfort, air quality, and living conditions of the citizens of Henry County relative to outdoor burning.

- (a) No person shall cause, suffer, allow or permit open burning in any area of the county, except as follows:
 - (1) For cooking food for immediate human consumption;
 - (2) Fires set for the purpose of training fire-fighting personnel when authorized by the Henry County Fire Chief or Fire Marshal;
 - (3) Operation of devices using open flames, such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used;
 - (4) Small warming fires set and maintained by contractors and tradesmen for their workers;
 - (5) Reduction of natural yard debris and leaves on residential or domestic premises on which they fall, set and maintained by the person in contact with the premises, provided the following conditions are met:
 - 1. No burning of stumps or whole trees;
 - 2. No more than one (1) pile, six (6) feet by six (6) feet and five (5) feet high shall be burned at one (1) time;
 - 3. All burning shall be carried out between 10:00 a.m. and 6:00 p.m.;
 - 4. All fires shall be completely extinguished by 6:00 p.m.;
 - 5. No burning on Sunday;
 - 6. No burning within one hundred (100) feet of any type of structure;
 - 7. All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks;
 - 8. During any open burning, a competent person of at least eighteen (18) years of age shall be constantly present to monitor and control such burning; and
 - 9. During any open burning, an operational garden hose or fire extinguisher must be present within fifty (50) feet of the fire.
- (b) If, in the opinion of the fire chief or fire marshal, there are no adequate disposal facilities reasonably available for the particular combustible materials involved, the following open burning may be permitted:
 - (1) Carrying out recognized agricultural procedures necessary for production of harvesting of crops with approval of Georgia Forestry Commission;
 - (2) Burning over of any forestland by the owners of such land with approval of the Georgia Forestry Commission;
 - (3) Disposal of vegetative debris from storm damage;

(c) Commercial burning (permit required).

Burning is allowed in commercial or other areas that are not predominantly residential districts for the purpose of land clearing, construction or right-of-way maintenance, provided the following conditions are met:

- (1) The location of the burning is at least one thousand (1,000) feet from any dwelling located in a predominantly residential area;
- (2) The amount of dirt on or in the material being burned is minimized;
- (3) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material other than plant growth are not being burned;
- (4) The size of the pile of material and quantity to be burned per day meet the specifications as may be required by the fire chief or fire marshal to ensure public safety, deter nuisance and prevent significant environmental harm;
- (5) The use of an air curtain destructor or other approved method of burning is required for all commercial burning.
- (6) During any open burning, a competent person of at least eighteen (18) years of age shall be present constantly to monitor and control such burning;
- (7) All burning shall be carried out between 10:00 a.m. and 6:00p.m.;
- (8) All fires shall be completely extinguished by 6:00p.m.;
- (9) No burning on Sunday;
- (10) A permit is required through the fire marshal's office.

(d) Recreational burning (no permit required).

- 1) Recreational fires (also known as campfires or bonfires) are allowed both before and after dark.
- 2) A recreational fire must be contained inside a ring, pit, or rock border and grass clippings or leaves may not be burned as recreational use.
- 3) A recreational fire shall be attended at all times by an adult.
- 4) A recreational fire shall be extinguished thoroughly when no longer in attended use.
- 5) A recreational fire may be no larger than six (6) feet by six (6) feet by five (5).
- 6) Recreational fires located on commercial property must be authorized by the fire marshal prior to burning. Additional fire and life safety measures may be implemented following a required site inspection by prevention personnel.
- 7) Outdoor fireplaces, chimneys, fire bowls, and other similar devices, shall be constructed and used in compliance with manufacturer's instructions and recommendations.

(e) General restrictions and appeals:

- (1) If the fire chief or fire marshal determines that certain open burning, otherwise permitted, imposes a threat to the public health, safety and general welfare, he shall have the authority to impose additional safety precautions or restrict the burning, including the issuance of a complete ban on the open burning in the particular location.
- (2) Any person desiring a variance from these regulations for open burning or desiring one of the exceptions described above shall make an application therefore to the fire marshal.
- (3) The fire marshal may grant specific or general classes of exceptions to or variances of the particular requirements of any rule, regulation or general order upon such conditions as they may deem necessary to protect the public health, safety, and general welfare, if, upon petition, they find that strict compliance with such rule, regulation, or general order is inappropriate.
- (4) Domestic or commercial burning is otherwise permitted between the months of October and April extending from, up to and including, October 1st through April 30th, and is prohibited at all other times. During such October 1st through April 30th time period, a “commercial” burning permit shall be issued upon request, authorizing burning under paragraph (c). A fee of one hundred dollars (\$100.00) shall be assessed for all “commercial” burning permits.

(f) Penalties:

- (1) **First violation-** A written notification to a person/representative/entity of a violation shall be considered adequate notice of these regulations.
- (2) **Second violation-** A subsequent violation, by the same person/representative/entity, at the same or different site will result in immediate appropriate legal action.
- (3) Persons violating this section shall be subject to a fine of up to one thousand dollars (\$1,000.00) per day, per violation, or sixty (60) days in jail, or any combination thereof.
- (4) No provision of this section will restrict or prohibit Henry County from using legal remedies to recover costs associated with containing fires or extinguishing burn piles, regardless of the possession of a permit authorized under this section.

(g) Burning Prohibitions.

- 1) Burning of petroleum-based products not limited to tires, plastics, construction materials, and roof shingles, which produce black smoke, is prohibited.
- 2) Burning of garbage of any kind is prohibited.
- 3) No burning is allowed on windy days (ten miles per hour sustained or higher) or on days when the atmospheric conditions (cloudy, overcast, or raining) would cause the smoke to remain low to the ground.
- 4) However, at any time the fire chief, fire marshal or their designee shall have the authority to order that any fire be extinguished if they determine that the fire or smoke produced therefore presents a danger to public safety, a nuisance or significant environmental harm.