

ORDINANCE 2019-09

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES, CHAPTER 50, FIRE PREVENTION AND PROTECTION, ARTICLE 1, IN GENERAL, BY ADDING SECTION 50-7, OUTDOOR BURING

BE IT ORDANINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding Section 50-7 of the City's Zoning Ordinances

NOW, THEREFORE, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendment.

Sec. 50-7- Outdoor burning

No outside burning of rubbish/yard waste (as defined in 50-27) is allowed at any time within the city limits.

(1) Restrictions on outdoor burning do not apply to the following:

(a) Grilling or cooking using charcoal, clean wood, propane or natural gas.

(b) Burning of a recreational fire as defined in 50-27. However Recreational Fires within any property used for anything other than a residence for one or two families shall require a special use permit from the Fire Marshall's Office under the following provisions:

1. All special use permit applications must be filed with the fire marshal on forms provided by the city a minimum 14 days prior to the date of the proposed Recreational Fire.

2. The applicant, as a condition precedent to the issuance of the permit, shall pay for the permit at the price fixed by the mayor and council.

3. The fire marshal shall make an inspection of the proposed ignition site and assess any potential hazardous conditions. If the fire marshal determines that there are potential hazards at the proposed ignition site the application shall be denied. The fire marshal, within ten business days, shall issue a written decision.

4. This decision may be appealed to the license and variance board within 30 days of the date of issuance.

5. A permit under this chapter shall be valid for only the dates, times, and locations approved.

(c) Burning in a chimenea, outdoor fireplace, fire bowl or similar device.

(d) Fire Department practice burns following state and local codes.

(2) Safeguards/Limitations for outdoor burning include the following:

(a) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.

(b) Burning of any material in a barrel is prohibited

(c) Recreational fires shall not be located within 25 feet of any structure or other combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

(d) Recreational fires referenced in this ordinance must be constantly attended by an adult who must be outdoors within 100 feet of the fire and watching the fire at all times. A charged water hose that can reach the fire or minimum 4A fire extinguisher must be on hand and ready for use if needed for fire control/extinguishment. The nozzle of the charged water hose or fire extinguisher must be kept within 25 feet of the fire.

(e) Upon event completion, all fires must be extinguished to where no smoldering or hot coals remain.

(3) The Fire Chief or designee shall be authorized to ban outdoor burning when:

(a) Atmospheric or local conditions make outdoor burning hazardous.

(b) It adversely interferes with the enjoyment of life or use of property.

(c) A resident is adversely affected by the smoke due to a medical condition.

Sec. 50-7- Outdoor burning

No outside burning of rubbish/yard waste (as defined in 50-27) is allowed at any time within the city limits.

(4) Restrictions on outdoor burning do not apply to the following:

(b) Grilling or cooking using charcoal, clean wood, propane or natural gas.

(c) Burning Clean Wood after obtaining a Residential Burn Permit. This burning must comply with the following provisions:

1. The Residential Burn Permit allows burning Clean Wood, as defined in Sec 50-27 only.
2. Residential Burn Permits will only be issued from October 1st through March 30th.
3. Residential Burn Permits can only be utilized from 9am until one hour before the official time of sunset.
4. Residential Burn Permits will not be permitted for: the burning of leaves, clean wood bigger than 6” in diameter, plastic, rubber, rubbish or trash.
5. Residential Burn Permits can be obtained through the Fire Department on forms or through electronic media as determined by and provided by the city and must be obtained in advance.
6. An applicant who is denied a Residential Burn Permit may appeal that decision to the license and variance board within 30 days of the date of the denial.
7. Any denial of a Residential Burn Permit shall be in writing on forms or through electronic media as determined by and provided by the City.

(c) Burning of a recreational fire as defined in 50-27. However Recreational Fires within any property used for anything other than a residence for one or two families shall require a special use permit from the Fire Marshall’s Office under the following provisions:

1. All special use permit applications must be filed with the fire marshal on forms provided by the city a minimum 14 days prior to the date of the proposed Recreational Fire.
2. The applicant, as a condition precedent to the issuance of the permit, shall pay for the permit at the price fixed by the mayor and council.
3. The fire marshal shall make an inspection of the proposed ignition site and assess any potential hazardous conditions. If the fire marshal determines that there are potential hazards at the proposed ignition site, the application shall be denied. The fire marshal, within ten business days, shall issue a written decision.

4. This decision may be appealed to the license and variance board within 30 days of the date of issuance.

5. A permit under this chapter shall be valid for only the dates, times, and locations approved.

(e) (d) Burning in a chimenea, outdoor fireplace, fire bowl or similar device.

(f) (e) Fire Department practice burns following state and local codes.

(5) Safeguards/Limitations for outdoor burning include the following:

(f) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.

(g) Burning of any material in a barrel is prohibited

(h) Recreational fires shall not be located within 25 feet of any structure or other combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

(i) Recreational fires referenced in this ordinance must be constantly attended by an adult who must be outdoors within 100 feet of the fire and watching the fire at all times. A charged water hose that can reach the fire or minimum 4A fire extinguisher must be on hand and ready for use if needed for fire control/extinguishment. The nozzle of the charged water hose or fire extinguisher must be kept within 25 feet of the fire.

(j) Upon event completion, all fires must be extinguished to where no smoldering or hot coals remain.

(6) The Fire Chief or designee shall be authorized to ban outdoor burning when:

(d) Atmospheric or local conditions make outdoor burning hazardous.

(e) It adversely interferes with the enjoyment of life or use of property.

(f) A resident is adversely affected by the smoke due to a medical condition.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 6th day of May 2019.

CITY OF SMYRNA
ORDINANCE AMENDMENT
ORDINANCE 2019-09

A. Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney