

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA AT CHAPTER 46, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION, SECTION 46-35, OPEN FIRES PROHIBITED; PERMITS FOR CONTROLLED BURNS; TO REPEAL PROVISIONS, OR PARTS THEREOF, OF THIS CODE AND ANY ORDINANCES IN CONFLICT WITH THE FOREGOING; TO RESTATE AND AFFIRM THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is hereby amended at Chapter 46, FIRE PREVENTION AND PROTECTION, Article II, FIRE PREVENTION, Sec. 46-35, OPEN FIRES PROHIBITED; PERMITS FOR CONTROLLED BURNS to revise the section in its entirety. Upon adoption, Sec. 46-35 shall read and be titled as follows:

“Sec. 46-35 – Open burning.

(a) *General.* No person shall cause, suffer, allow, or permit open burning in any area of the city without a special permit issued by the fire marshal pursuant to standards established by the fire department, except as follows:

(1) Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption, provided; however, except for one and two-family dwellings, it shall be unlawful to use charcoal burners or other open flame cooking devices on combustible balconies or within ten feet of combustible construction;

(2) Fires set for the purpose of training firefighting personnel of the city fire department, or for the purpose of teaching fire safety techniques to industrial fire brigades or civilians who reside or work within the city, provided that such training is being conducted by city personnel;

(3) Subject to compliance with the Georgia State Minimum Standard Fire Code and other rules and regulations adopted herein, operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used; and

(4) Warming fires in a barrel of 55-gallon capacity or less, other commercially sold outdoor fireplace devices, or fire pits no more than 3 feet in diameter and 2 feet in height provided that:

(A) The fire does not produce dense smoke or obnoxious odors;

- (B) The fire is attended by an individual over the age of 17 years of age; and
- (C) Untreated wood or lumber is the only material or substance allowed in the warming fire.

(b) *Standards.* Allowable open burning as set forth above shall meet the following standards:

- (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors shall not be used in an open fire;
- (2) All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks;
- (3) No burning shall be allowed in violation of restrictions imposed by the federal environmental protection agency or the state environmental protection division or other rules and regulations adopted herein, including the state minimum fire safety standards; and
- (4) Open burning specially permitted by the fire marshal shall be in accordance with other standards established by the fire department.

(c) *Penalties.* Any person who violates the provisions shall be cited for such violation and, upon conviction, shall be punished by fine not to exceed \$1,000.00 or imprisonment, or both.

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: February 14, 2017

Second Reading: February 28, 2017