

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
FOR LOWNDES COUNTY, GEORGIA, AMENDING CHAPTER 9 SOLID
WASTE GENERALLY, SECTION 9-8 DISPOSAL OF REFUSE AND
GARBAGE GENERALLY, AND ADDING NEW SECTION 9-8.1.**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF LOWNDES COUNTY:

Section 9-8(c) is hereby amended by deleting said section in its entirety
and inserting the following therefor:

(c) [intentionally omitted]

Section 9-8 is further amended by inserting the following as new Section
9-8.1:

9-8.1 Open Burning; General Prohibition; Exceptions.

(a) No person shall cause, suffer, allow, or permit open burning in any
unincorporated area of Lowndes County except as follows:

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
restrictions shall apply:

(A) no open burning may be conducted pursuant to this
paragraph (a)(1) within one hundred (100) feet of any inhabited
dwelling of another located in a Dense Residential Zoning District;
and

(B) open burning shall be permitted only on the first and
third Saturdays of each month.

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 the 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 has been issued by the Division.

9. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.

10. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.

11. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor provided the following conditions are met:

(i) Authorization for such open burning is received from the Lowndes County 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 the Division;

(iii) No more than one air curtain destructor is operated within a ten (10) acre area at one time or there must be at least 1000 feet between any two air 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 a.m. 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 no reasonable alternatives to the open burning.

(b) Any open burning otherwise permitted under this Ordinance shall, whenever feasible, (i) be conducted between 10:00 a.m. and one hour before sunset and (ii) not cause air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in Lowndes County, Georgia or neighboring counties.

(c) 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 in subsection (a) 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.

(d) Any open burning otherwise permitted under this Ordinance shall be conducted in accordance with applicable Georgia law, including, without limitation, the Georgia Prescribed Burning Act, O.C.G.A. § 12-6-145 et seq. and the Georgia Forest Fire Protection Act, O.C.G.A. § 12-6-145 et seq. 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.

(e) 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 understory 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-TL, R-C, M-H, M-H-C or P-D.

Authority: O.C.G.A. Section 12-9-1 et seq., as amended, Environmental Protection Division Rules 391-3-1.

SO ORDAINED this the 23rd day of August, 2005.

LOWNDES COUNTY BOARD OF COMMISSIONERS

By G. Robert Carter
G. Robert Carter, Vice Chairman

Attest Phyllis Waters
Phyllis Waters, County Clerk