

**ORDINANCE NO. 05-12**

**AN ORDINANCE TO BAN OUTDOOR BURNING EXCEPT AS SPECIFIED, TO PROVIDE FOR PENALITIES FOR VIOLATION THEREOF TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES**

Whereas, the City of Sky Valley is concerned about the health of its citizens; and,

Whereas, the City of Sky Valley is concerned about air quality and pollution; and,

Whereas, because of the topography of the City of Sky Valley outdoor burning may create health hazards for the citizens of the City of Sky Valley; and,

Whereas, the City of Sky Valley is concerned about maintaining clean air for all of its citizens;

Whereas, the City of Sky Valley recognizes the need to impose certain restrictions on outdoor burning during construction periods and outdoor burning by developers consistent with EPD guidelines and regulations.

Therefore, the City of Sky Valley hereby ordains:

- I. The Code of Ordinances of the City of Sky Valley are hereby amended by deleting Ordinance No. 03-19 in its entirety and substituting a new ordinance to read as follows:

Section 1. Outdoor Burning Prohibited.

All outdoor burning within the corporate limits of the City of Sky Valley, except as specifically provided herein, is hereby prohibited. Outdoor burning is defined as the burning of any combustible materials, to include leaves, debris, wood, and any other combustible material.

Section 2.

Except as otherwise provided the residents of Sky Valley defined for this ordinance to include owners and/or occupiers are allowed to burn one time per quarter (3 months). The burn pile shall be no larger than six feet by six feet by six feet. The residents defined herein must comply with all other applicable provisions of this ordinance.

Section 3. Outdoor Grilling.

It is the specific intent of the City of Sky Valley that outdoor burning as used in this ordinance does not include burning charcoal, wood, gas, or other products associated with the outdoor grilling of food.

#### Section 4. Burning Permitted During Construction.

During the construction of any house or building as permitted by the City of Sky Valley only trees eight (8") inches in diameter or smaller and brush may be burned provided the burning pile is no larger than six (6) feet by six (6) feet by six (6) feet and provided no logs over eight (8") inches in diameter, stumps, or leaf piles are burned. Burning during the construction period (defined as the period from obtaining a building permit to the issuance of a certificate of occupancy) shall be allowed no more than four (4) times.

#### Section 5. Burning for Maintenance of Golf Course.

The owners or operators of the Sky Valley golf course will be permitted to burn trees and brush as allowed in Section 3 above two (2) times per month provided the burning piles are no larger than 25 feet by 25 feet by 25 feet.

#### Section 6. Burning by Developers for Land Clearing..

Developers desiring to burn trees within the corporate limits of Sky Valley must comply with the permitting requirements established by the Georgia Environmental Protection Division and the Georgia Forestry Commission to specifically include:

- A. Construction and demolition debris may not be burned or buried.
- B. Any permitted burning area must be at least one thousand (1,000) feet from any dwelling.
- C. Dirt on or in a burning pile as authorized in this section must be minimized.
- D. A burning pile for a developer must be no more than sixty (60) feet by sixty (60) feet.
- E. No more than one pile may be burned within a nine (9) acre area at one time.
- F. Open burning by a developer for land clearing is permitted provided an air curtain destructor or other Georgia Forestry Commission approved method is utilized and provided the air curtain destructor or other Georgia Forestry Commission approved method is at least three hundred (300) feet from any occupied structure or public road.
  - A. Only one air curtain destructor or other Georgia Forestry Commission approved method may be operated within a ten (10) acre area at any time

unless the air curtain destructors are at least one thousand (1,000) feet apart.

B. Only wood waste consisting of trees, logs, and large brush relatively free of soil may be burned in air curtain destructors.

C. The curtain destructors or other Georgia Forestry Commission approved method must be constructed, installed, and operated in a manner consistent with regulations governing air pollution. The cleaning of the air curtain destructor pit must be performed in such a manner as to prevent fugitive dust.

#### Section 7. Additional Conditions for Outdoor Burning

Notwithstanding any provision to the contrary any outdoor burning in Sky Valley is subject to the following criteria:

- A. Except as otherwise provided no one shall burn trees, trash, debris or any other material or permit others to burn trees, trash, debris or any other material on his or her property.
- B. Any person desiring to burn as described herein within the corporate limits of the City of Sky Valley must obtain a permit from the Georgia Forestry Commission and then present the Georgia Forestry Commission permit to the City of Sky Valley for registration of the time, location and date of the permitted burning. Upon submission of the Georgia Forestry Commission permit, the City of Sky Valley will give to the registrant a copy of the City's "burning ordinance".
- C. Construction materials or garbage may not be burned at any time. All such debris shall be removed by the owner or contractor responsible for the construction.
- D. No toxic materials, chemicals, tires, plastic, or similar materials may be burned at any time.
- E. All fires shall be of such size and intensity that they can be controlled safely by the owner of the property or his or her employee or agent. The owner, employee or agent obtaining the burning permit shall be responsible for such control and for any damages to the property of others by reason of his or her failure to control the burn. All fires shall be attended and supervised at all times, and a pressurized water hose of sufficient length shall be on hand at the burn site and immediately available for use if necessary.

- F. No outdoor burning is permitted over the weekend (from 4:00 P.M. on Friday until 8:00 A.M. on Monday).
- G. Burning permits issued by the City of Sky Valley will only be issued during specified two week periods each month. The decision to specify a week to authorize outdoor burning during any given month will be made weekly depending upon weather conditions by the City of Sky Valley.
- H. All outdoor burning must be done between the hours of 8:00 A.M. and 4:00 P.M.
- I. No permittee of a burning permit may leave the burn pile without obtaining confirmation from the Police Department of Sky Valley that the fire has been properly extinguished. Requests to the Sky Valley Police Department to confirm proper extinguishment must be made before four (4) o'clock P.M. on the date of burning.

Section 8.

Any person, firm or corporation violating the provision hereof shall be subject to a fine not to exceed \$500.00 plus all costs to the City attributable to such violation to include costs incurred in responding to a fire on said property.

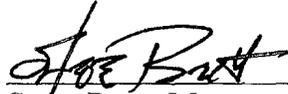
Section 9.

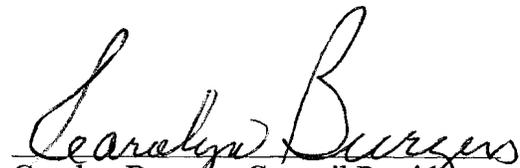
The provisions of this Ordinance will not be effective at any time during which there is a water ban or water restriction imposed on municipalities and other water providers by the United States government, the State of Georgia, or an agency of the United States or the State of Georgia.

- II. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.
- III. THIS ORDINANCE WILL BECOME EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AS PROVIDED BY THE CHARTER OF THE CITY OF SKY VALLEY.

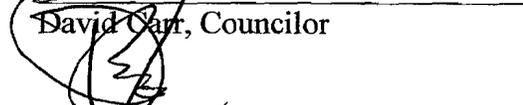
Read and introduced on the 11<sup>th</sup> day of July, 2005.  
Adopted on the 8<sup>th</sup> day of August, 2005.

Approved:

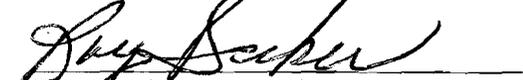
  
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Steve Brett, Mayor

  
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Carolyn Burgess, Council President

  
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David Carr, Councilor

  
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D. Starr Raye, Councilor

  
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Delano Moore, Councilor

  
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Ray Becker, Councilor

Attest:

  
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Linda Wells, City Clerk

Read and adopted on the 8<sup>th</sup> day of August, 2005.