



**CITY of POOLER**  
GEORGIA

STATE OF GEORGIA        }  
  }  
COUNTY OF CHATHAM    }

**ORDINANCE O2024-09.A**  
Outdoor Burning Amendment

**AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES, CHAPTER 46 – FIRE PREVENTION AND PROTECTION, ARTICLE I. – IN GENERAL, SECTION 46-6. OUTDOOR BURNING.**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:

**I**

That CHAPTER 46 – FIRE PREVENTION AND PROTECTION, ARTICLE I- IN GENERAL, SECTION 6, OUTDOOR BURNING be amended by deleting the strikethrough text and adding the underline text as follows:

**Sec. 46-6. Outdoor burning.**

All burning operations in the city shall comply with the "Rules for Air Quality Control" chapter 391-3-1 as written and amended by the Department of Natural Resources, Environmental Protection Division, Air Protection Branch unless specifically modified herein.

No person shall cause, suffer, allow or permit open burning in any area of the city without a permit issued by the Georgia Forestry Commission, in accordance with O.C.G.A. § 12-6-90.

~~The following activities are allowed after a permit is issued:~~

(1) Permissible fires.

*Residential property maintenance.* Burning of leaf piles and other "natural vegetation" such as trees, shrubbery and pine straw on the premises on which they fall by the person in control of the premises are permitted, subject to the described restrictions:

- a. No burn pile shall be larger than six feet in diameter by two feet high. There shall be ten feet between burn piles. The location for open burning shall not be less than 50 feet from any structure (house, accessory structure, fence, public utility) on piles three feet to five feet in diameter and 25 feet where the pile size is three feet or less in diameter and two feet or less in height. All fires must be constantly attended by a competent person 16 years of age or older with the ability to extinguish the fire.

There shall be no more than two burn piles at any time. No burning of this type will be authorized when the humidity is less than 25 percent or the winds are greater than ten mph, as provided on the Georgia Forestry Commission daily "wind speed" and "humidity" database (<http://weather.gfc.state.ga.us/Maps.html>). Failure to comply with these rules which results in an uncontrolled fire or a valid complaint that requires the response of the fire department, will result in the fire being immediately extinguished.

(2) Land clearing. ~~The B~~urning of vegetative material for the purpose of land clearing and/or the construction of rights-of-way is allowed after obtaining a permit, subject to the ~~described~~ following restrictions. ~~Unless otherwise covered in this article, p~~Permits shall only be issued ~~when an air curtain destroyer (ACD) is used for burn piles not exceeding 60' x 60' x 10' and only when~~ the following conditions are met:

~~a. All burning must be contained within pits that are eight feet wide, 12-15 feet deep and 15-30 feet long (dependent upon the length of the ACD manifold) and the ACD must be operated in accordance with the operating procedures set forth by the Georgia Department of Natural Resources;~~

~~a.b. Pits shall~~ must be located at least ~~300~~ 1,000 feet from any occupied or habitable structure in accordance with the Georgia Open Burning Rules. ~~(The distance may be increased/decreased at the discretion of the fire chief or his designee);~~

~~c. Where a site cannot be excavated to the recommended depth due to high water-table and/or subsurface rock, the pit may be constructed above ground level, subject to the same standards and procedures in accordance with the Air Curtain Destructor Operating Guide and Procedures set forth by the Mountain District Atlanta Office Environmental Protection Division~~

~~b.d. Only wood waste consisting of trees, logs, large brush, stumps and untreated lumber which are that is relatively free of soil are~~ may be burned;

~~c.e. The burning of l~~eaves, sawdust, ~~or other~~ densely packed wood wastes, paper, chemically treated, or coated or impregnated wood, and ~~or non-wood construction material shall not be burned~~ is prohibited;

~~f. No more than one ACD is allowed to be operated within a ten acre site at one time or there must be at least 1,000 feet between any two ACDs;~~

~~g. Operation of the ACD must be conducted under the supervision of a trained operator at all times;~~

~~h. ACD shall be able to pass an even, non-turbulent flow of air across the top of the pit and shall be operated in a manner to prevent air, land or water pollution, safety/health hazards or nuisances;~~

~~d.i. Only diesel fuel or kerosene may be used as a liquid accelerant to ignite fires;~~

~~e.j. Tires, or other rubber products, plastics, heavy oils or asphaltic-based or impregnated materials shall not be used to start or maintain ACD operations as~~ starters or accelerants; and

~~f.k. No smoke emissions exceeding must not exceed 40 percent opacity may be produced during operation except for a reasonable period during ignition, and charging of the pit; and~~

~~l. The cleaning out of the ACD is performed in a manner to prevent fugitive dust, by wetting or mixing the ashes with dirt.~~

In addition to any other conditions, issuance of the permit shall be subject to the following procedures:

- a. Permits for burning fires shall must be obtained from the Georgia Forestry Commission City of Pooler for each day of operation;
- b. Prior to commencement, the applicant shall must submit a plat or site plan to the fire chief or his their designee, a plat or site plan showing indicating the proposed location of the pit and any information relating to the proximity of to any occupied or unoccupied structure;
- c. Burning shall not commence prior to an inspection of the site and pit by the fire chief or his their designee;
- d. Upon approval, the permit shall be valid for 30 days from the issue date; and
- e. Permits may be extended for a period of in 15-day increments without additional fees, with for a maximum of two extension periods.

(3) Right to require extinguishment of fires.

The highest ranking on-scene fire-rescue department employee and highest ranking on-duty police department employee and the chiefs of the respective departments may require a fire be extinguished when the fire, resulting smoke or related activities are deemed by such person to be a nuisance or if smoke is creating a health hazard or when smoke reduces visibility on roadways.

(4) (3) Uncontrolled burns prohibited Enforcement; penalties.

Any person who violates any provision of this section shall be subject to penalties as set forth in section 1-12. In addition, any landowner or contractor/developer shall be responsible for all smoke and embers originating from any fire for which the landowner or contractor/developer is/are responsible pursuant to this section. ~~Any landowner or contractor/developer who fails to properly monitor, maintain, control, etc., smoke and embers shall be liable to the city for any damages caused by such failure(s).~~ Any person or entity found to be in violation of this section shall also be liable to the city for any and all costs associated with extinguishing a fire, or fires, which do not comply with the provisions of this section. In addition, any person violating any provision of this section which results in a fire requiring the response of the fire department shall also be liable for the costs incurred in responding to the fire, including but not limited to actual labor costs, costs of equipment operation, and costs of materials.

II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

III

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

IV

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia. Existing and approved permits will be allowed to be completed.

FIRST READING: 19TH day of SEPT., 2024

SECOND READING: 7TH day of OCT., 2024

ADOPTED: 7TH day of OCT., 2024

CITY OF POOLER, GEORGIA

Karen L. Williams

Karen L. Williams, Mayor

ATTEST:



Kiley Fusco  
Kiley Fusco, Clerk of Council

