

Article VII. Outdoor Burning (Adopted February 24, 2009)

This article is intended to promote and safeguard the public health, safety, comfort, air quality, and living conditions of the citizens of unincorporated Cobb County relative to outdoor burning.

Sec. 54-111. Applicability.

- (a) This article applies to all outdoor burning within unincorporated Cobb County.
- (b) The requirements of this article are supplemental to State laws and regulations governing outdoor burning restrictions and restrictions governing the disposal of construction waste. To the extent any State law, Environmental Protection Division Rules, or other adopted codes is more stringent than the requirements contained in this article, such other law, rule, and/or code shall be controlling.

State law references: "The Georgia Air Quality Act of 1978," O.C.G.A. § 12-9-1, et seq.; "Rules for Air Quality Control," Chapter 391-3-1, Sec. 391-3-1.02(5).

Sec. 54-112. Definitions.

- (a) Clean wood means natural wood which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- (b) Bonfire means an outdoor fire larger than a recreational fire in which only logs or clean wood are being burned for ceremonial purposes.
- (c) Fire Chief means the Chief of Cobb County Fire and Emergency Services or his or her designee.
- (d) Garbage means any waste material other than charcoal, logs or clean wood that includes but is not limited to plastic products, Styrofoam, fiberglass, recycling wire (burned to access metal), tires, painted/varnished wood, clothing, furniture, mattresses, boxes, papers, and kudzu vines.
- (e) Logs mean pieces of wood cut from trees that are dried and clean of soil so as not to produce large amounts of smoke when burning.
- (f) Outdoor burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- (g) Recreational fire means an outdoor fire in which only logs or clean wood are being burned where the fuel is not contained in an incinerator, outdoor fireplace,

barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes, and which is not used to dispose of garbage or yard waste.

- (h) Yard waste (small) means limited yard debris: leaves, pine straw, and dry brush/limbs no more than 6 inches in diameter that have fallen or been cut from growth on one's own property.
- (i) Yard waste (large) means limited yard debris: leaves, pine straw, and dry brush/limbs/logs no more than 12 inches in diameter that have fallen or been cut from growth on one's own property.

Sec. 54-113. Exceptions to outdoor burning restrictions.

Restrictions on outdoor burning do not apply to the following:

- (a) Grilling or cooking using charcoal, wood, propane or natural gas.
- (b) Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation, unless garbage is being burned.
- (c) Burning in a chimenea, fire bowl or other similar device or outdoor fireplace, unless garbage is being burned.
- (d) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities (asphalt kettles, road flares, smudge pots, etc.).
- (e) Incinerators installed in accordance with all state and local codes.
- (f) Fire department practice burns that comply with all state and local codes.

Sec. 54-114. Burning prohibitions.

- (a) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.
- (b) Burning of garbage of any kind is prohibited.
- (c) Burning of any material in a barrel is prohibited.
- (d) No burning is allowed on windy days (10 mph sustained or higher) or on days when the atmospheric conditions (cloudy, overcast, or raining) would cause the smoke to remain low to the ground.

- (e) The Fire Chief shall be authorized to ban any or all forms of outdoor burning when atmospheric or local conditions make outdoor fires hazardous.
- (f) The Fire Chief shall be authorized to require the extinguishment of any fire if it adversely interferes with the enjoyment of life, use of property.
- (g) The Fire Chief shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical documentation from a resident that the resident has a medical condition(s) adversely affected by smoke.

Sec. 54-115. Exceptions to burning prohibitions.

The Fire Chief may issue an open burning permit when special circumstances warrant exceptions to prohibitions against burning. Special circumstances would include:

- (a) Carrying out recognized agricultural procedures necessary for production or harvesting of crops;
- (b) Disposal of vegetative debris from storm damage; and-
- (c) Any other special circumstances as determined by the Fire Chief.

Sec. 54-116. Safeguards and limitations for outdoor burning

- (a) Recreational Fires. Recreational fires shall not be located within 25 feet of a 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. Burning is allowed between 10:00 a.m. and 10:30 p.m.
- (b) Yard waste (small). When burning small yard waste, the fire pile shall not be larger than 6' X 6' and shall not be not located within 50 feet of a structure or other combustible material and/or within 25 feet of a public roadway with a posted speed limit greater than 35 mph. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Burning is allowed between 10:00 am and one hour before sunset, October 1 through April 30.
- (c) Any type of outdoor burning referenced in this article must be attended by an adult who must be watching the fire at all times. A water hose that can reach the fire or fire extinguisher must be on hand and ready for use if needed to limit or extinguish the fire.
- (d) When extinguishing an outdoor fire, no smoldering or hot coals shall remain.

Sec. 54-117. Outdoor burning requiring a permit.

No person shall start or maintain any outdoor burning listed in this section without first obtaining a permit issued by Cobb County Fire and Emergency Services:

- (a) Bonfire. A bonfire shall not be located within a minimum of 50 feet of a structure or other combustible material, and shall be a minimum of 100 feet from property lines. There shall be a 50 foot clear area around the fire area, clear of combustible materials, debris or material that could cause fire to spread. Distances may be increased by the Fire Chief depending on the size of the bonfire. Burning is allowed between 10:00 a.m. and 10:30 p.m. The permit will be valid for specified dates and times.

- (b) Yard waste (large). The following conditions shall govern the open burning of a large yard waste fire:
 - (1) Burning is allowed between 10:00 am to one hour before sunset, October 1 through April 30.
 - (2) The fire pile shall not be larger than 12' X 12' and shall not be located within 100 feet of any property line or structure owned by the property owner performing the burn.
 - (3) There shall be a 50 foot clear area around the fire area, clear of debris or material that could cause the fire to spread.
 - (4) The fire shall not be located within 300 feet of a structure that is not owned by the property owner performing the burn.
 - (5) No stumps or root balls shall be burned.
 - (6) The fire must be completely extinguished, using water, covering with dirt or using another acceptable method.
 - (7) The permit will be valid for specified dates, not to exceed 7 days.

- (c) Open Burning for Purposes of Land Clearing. The following conditions shall govern open burning for the purposes of land clearing:
 - (1) Open burning for the purpose of land clearing is permitted from October 1 through April 30.
 - (2) After the site is prepared, the owner shall contact 770-528-8315 to schedule a site inspection and obtain a permit prior to any burning.
 - (3) An air curtain destructor, which is constructed, installed, and operating in a manner consistent with good air pollution control practices for minimizing emissions of fly ash and smoke, is required for open burning for the purposes of land clearing. See Figures 1-5.
 - (4) The location of the air curtain destructor shall be at least 300 feet from any occupied structure or public road. An air curtain destructor used solely for utility clearing or road clearing may be located at a lesser distance upon approval of the Fire Chief.
 - (5) No more than one air curtain destructor shall be operated within a ten (10) acre area at one time, unless there is a minimum of 1,000 feet between any two air curtain destructors.

- (6) A pit shall be excavated to the following dimensions: 8-feet wide X 12-15 feet deep X 15-30 feet long (the length is dependent upon the length of the ACD manifold). See Figures 1 and 2: In no case shall the 8-foot width be exceeded. The pit must be excavated so as to have at least three vertical sides in soil capable of maintaining vertical walls 15 feet in depth without failure. Walls shall not be undercut during excavation. If a front end loader is used for the excavation, the end of the pit used for ingress and egress, as well as the ramp, shall be filled with dirt prior to the start of the burn. Any accumulation of water in the pit shall be removed prior to loading the pit.
- (7) The manifold shall be placed and properly supported on a berm of soil (1 to 1 ½ feet high), and the space between the manifold and ground shall be sealed. See Figures 1 and 2. The manifold shall be positioned to direct the air curtain at an imaginary line 24 and 36 inches below the top of the opposite wall.
- (8) A "stop guide" or restraint shall be provided at the loading site of the pit to keep the loader from getting too close to the pit during operation. See Figures 3 and 5. If spalling, or "cave off" of the pit walls occurs during operation, a new pit shall be constructed and the existing pit filled with soil.
- (9) Burning shall occur in the pit, with the pit initially being loaded half full. Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil shall be burned. Leaves, sawdust, other densely packed wood wastes, paper, and chemically treated, coated, or impregnated wood shall not be burned.
- (10) In igniting the wood, up to ½ gallon of fuel oil may be utilized. Tires or other rubber products, plastic, heavy oils, highly volatile solvents such as mineral spirits or gasoline, and asphaltic-based or impregnated materials shall not be used for ignition or to maintain the operation of the air curtain destructor.
- (11) The fire must be at full intensity prior to intermittent charging. With respect to intermittent charging, the pit shall not be overloaded, so as to protrude above the air curtain.
- (12) Ash shall be removed to maintain efficient and proper combustion, and shall not be allowed to build up in the pit to higher than one-third of the pit's depth or to the point that ash impedes combustion and is blown out of the pit, whichever occurs first.
- (13) The cleaning out of the air curtain destructor pit shall be performed in a manner to prevent fugitive dust; and
- (14) The air curtain destructor shall not be fired before 10:00 a.m., and the fire must be completely extinguished, using water, covering with dirt or using another acceptable method, at least one hour before sunset.
- (15) No open burning for the purposes of land clearing is allowed at night, on weekends, or on holidays.
- (16) The permit will be valid for specified dates, with a maximum of 30 days.

- (d) Any type of outdoor burning referenced in this article must be attended by an adult who must be watching the fire at all times. An appropriate means for containing and/or extinguishing the fire shall be provided.
- (e) When extinguishing an outdoor fire, no smoldering or hot coals shall remain unless otherwise permitted in this code.

Sec. 54-118. Penalties.

- (a) The following shall be assessed to individuals in violation of Sec. 54-113, 54-114, including the violation of any total burn ban enacted by the Fire Chief, 54-115 or in violation of Sec. 54-116:
 - (1) First violation. For the first violation, a written warning shall be issued, and the individual shall be advised of corrective measures to maintain compliance with this article.
 - (2) Second violation. For a second violation, including a second violation issued for the failure to take corrective measures after a first violation, a summons shall be issued and fine of \$100.00 assessed.
 - (3) Third violation. For a third violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$250.00 assessed.
 - (4) Fourth violation. For a fourth violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$500.00 assessed.
 - (5) Fifth and any subsequent violations. For a fifth violation and any subsequent violations, including for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$1,000.00 assessed and/or six months in jail.
- (b) The following shall be assessed to individuals who do not obtain required permits or who engage in permitted burning in violation of Sec. 54-117:
 - (1) First violation. For the first violation, a summons shall be issued and fine of \$500.00 assessed.
 - (2) Second violation. For a second violation, a summons shall be issued and a fine of \$1,000.00 assessed.
 - (3) Third and any subsequent violations. For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.