

Subject Matter: Amendment to Environmental Control Ordinance

Date First Presented and Read by Council at

Public Meeting: March 30, 2009

Date of Adoption and Second Reading at a

Public Meeting: May 4, 2009

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 09-01

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE & FINDINGS

WHEREAS, it is the finding of the Mayor and Town Council of the Town of Sharpsburg (the "Town") that the historical, cultural and aesthetic heritage of the Town are some of its most valued and important assets and that the preservation of this heritage and its healthy environment is essential to the promotion of the health, prosperity and general welfare of its people; and

WHEREAS, the Town Council finds the pollution of the atmosphere caused by smoke, fly ash, products of complete or incomplete combustion and certain other emissions into the atmosphere, or the discarding or accumulation of garden trash, garbage, rubbish or brush on the lands or waters within the Town is a menace to the welfare and comfort of the people of the Town and a cause of extensive damage to health and property; and

WHEREAS, the Town Council finds necessity for legislative intervention by the enactment of the provisions of this Ordinance, for the purpose of controlling and reducing atmospheric pollution and the pollution of the Town's land and its adjacent waters, while allowing for minor residential fire pits; and

WHEREAS, it is the desire of the Town of Sharpsburg to promote and to provide for the health, safety and general welfare of its citizens, it is the desire of the town to enact this amendment to the Environmental Control Ordinance.

WHEREFORE, THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FORGOING AMENDMENT TO THE ENVIRONMENTAL CONTROL ORDINANCE AS FOLLOWS:

ARTICLE I

The Town of Sharpsburg's Environmental Control Ordinance, as codified at Chapter 36 Section 110 of the Town's Code of Ordinances is hereby amended by deleting the stricken language (~~stricken language~~) and adding the double underlined (double underlined) language as follows:

Sec. 36-110 Definitions.

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.

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.

Sec. 36-111 Open Burning.

(a) Unless otherwise specified in subsection (c) of this Section 36-111, there shall be no open burning in the Town during the months of May, June, July, August and September.

(b) In the months of January, February, March, April, October, November and December, no person shall cause, suffer, allow, or permit open burning in any area of the Town except as follows:

1. Carrying out recognized agricultural procedures necessary for production or harvesting of crops.
2. For recreational purposes or cooking food for immediate human consumption.
3. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
4. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
5. Within fire pits of-The burning pile size shall be no greater than 10 feet by 10 feet used for the primary purpose of residential enjoyment and/or minor residential debris disposal.
6. Materials such as heavy oils, gasoline, asphaltic materials, plastic, tires and items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors are not allowed to be burnt in the Town.

7. All burning shall be carried out between 8:00 a.m and 6:00 p.m. and all fires shall be completely burned.
8. All burning shall be located on private property so as not to interfere with any traffic on the public streets or sidewalks.
9. All burning shall be conducted at least fifty (50) feet from any structure or such other minimum distance requirement contained herein, whichever is greater.
10. During any open burning, the burning activity shall be constantly attended by a competent person of at least eighteen (18) years of age.

(c) *Specific Exceptions.* The exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 1, 2, 3 and 4, ~~and 5, 6, 7, 8, 9, and 10~~ under subsection (b) above.

(d) *Authorization for burning required.* Authorization to perform outdoor burning is required for all outdoor burning except for outdoor cooking on typical domestic charcoal or gas grills. Each request to conduct outdoor burning shall be made to the Town Hall, or by phone/internet to the Georgia Forestry Commission (1-877-652-2876), www.gfc.state.ga.us/onlinepermits. The code enforcement officer shall have reasonable discretion as to when outdoor burning is allowed based on existing or forecasted weather conditions.

(e) *Monitoring and enforcement.* The code enforcement officer will periodically monitor authorized burning to ashes compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance, code enforcement officer may require the correction of the deficiency(ies) or direct extinguishment of the fire, as he judges appropriate. In no case should burning be allowed to continue if in the code enforcement officer's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse affects. Failure to be in compliance with any of the rules and regulations noted above may result in revocation of any authorization to burn that has been issued, and a verbal warning, written warning, or citation as appropriate. Citations may be issued by the code enforcement officer.

(f) *Order to remove fire hazard.* Whenever the code enforcement officer, shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any highly flammable material especially liable of fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of fire department personnel or egress of occupants in case of fire, the code enforcement officer shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

(g) *Prescribed burning.* Prescribed burning is prohibited within the Town.

(h) *Slash burning.* Slash burning is prohibited within the Town.

(i) *Violations.* Violations of this Section, failure to comply with orders or rules, regulations and procedures of the code enforcement officer shall be punished for each violation, up to the extent allowed by the Town Charter. Each day of a continuing violation shall be a separate and distinct violation and may be so punished.

ARTICLE II

This Ordinance shall be Codified as Chapter 36, of the Town's Code of Ordinances and entitled: "Environmental Control."

ARTICLE III

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE IV

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

(Signatures Appear on the Next Page)

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the ___day of _____, 2009, by the following voting for adoption:

Derrick G. McElwaney, Mayor

L. Gordy Anderson, Council Member

Polly A. Garlington, Council Member

D. Keith Rhodes, Council Member

Connie F. Turner, Council Member

Attest:

Donna M. Camp, Town Clerk