

# **Outdoor Burning**

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

## **Applicability**

- (a) This article applies to all outdoor burning within The City of Canton.
- (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).

## **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 the City of Canton Fire Department or his/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- 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.

### **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 chimney, 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.

### **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 when the fire danger or fire danger forecast is class 3 or higher as per the Georgia Forestry Commission
- (e) 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.

- (f) No commercial burning is allowed in the City of Canton. The term "commercial burning" means any burning by any party other than a person who resides in a residential dwelling located on the property on which the burning is taking place.
- (f) The Fire Chief shall be authorized to ban any or all forms of outdoor burning when atmospheric or local conditions make outdoor fires hazardous.
- (g) The Fire Chief shall be authorized to require the extinguishment of any fire if it adversely interferes with the enjoyment of life or use of property.
- (h) 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.
- (i) No burning on Sunday
- (j) No burning on any of the public streets, sidewalks, or alleys of the city.

#### **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/or
- (c) Any other special circumstances as determined by the Fire Chief.

#### **Safeguards and limitations for outdoor burning**

- (a) 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) 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.
- (c) When extinguishing an outdoor fire, no smoldering or hot coals shall remain.

### **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 the City of Canton Fire Department:

- (a) A bonfire shall not be located within a minimum of 100 feet of a structure or other combustible material, and shall be a minimum of 300 feet from property lines. The bonfire shall not be located on any asphalt or concrete. There shall be a 100 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) When burning small yard waste, the fire pile shall not be larger than 4' wide X 4' deep X 2 high' (only one fire pile at a time shall be burning per address/permit) and shall not be located within 50 feet of a structure or other combustible material and/or within 25 feet of a public roadway. 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. An appropriate means for containing and/or extinguishing the fire shall be provided.
- (d) When extinguishing an outdoor fire, no smoldering or hot coals shall remain unless otherwise permitted in this code.