

ORDINANCE # 04 - 03

ORDINANCE TO AMEND THE CODE OF THE CITY  
OF HAHIRA REGARDING OUTSIDE BURNING

WHEREAS, the Mayor and Council of the City of Hahira are charged with the protection of the public health, safety and welfare; and

WHEREAS, the Mayor and Council of the City of Hahira find that the issuance of burn permits by the Georgia Forestry Commission is necessary to provide up to date weather information and that the requirement of issuing permits by the Georgia Forestry Commission would promote the public safety and general welfare while posing no undue burden on the individual property owners:

NOW, THEREFORE, BE IT ORDAINED, by the authority of the Mayor and Council of the City of Hahira, pursuant to their authority, do hereby adopt the following amendment:

1.

Chapter 3 of the Code of Ordinance of the City of Hahira, Georgia is hereby amended by striking in its entirety Section 3-4 entitled Open Burning and substituting in lieu thereof the following so that as amended said ordinance shall read as follows:

**SECTION 3-4. OPEN BURNING**

It shall be unlawful for any person to burn, or cause to be burned, garbage, heavy oils, asphalt materials, items containing natural or synthetic rubber or any material other than plant growth. This means once trees have been milled into lumber it is no longer classified as plant growth. Any burning of these materials will be violation of Chapter 391-3-1 of the State Department of Natural Resources Environmental Protection Division regulations under the Air Quality Act (EPD).

Any plant growth that is burned in the City of Hahira must be no higher or larger than a pile that is 6 feet by 6 feet wide and 4 feet high. And no burn pile can be closer than 50 feet from any structure. Any outside burning shall be conducted between the hours of 9:00am and 4:00pm. The City of Hahira or the Hahira Fire Department will not issue any burn permits, or assume any responsibility for any outside burning. All outside burning will be conducted with a burn permit obtained by the property owner; all permits will be issued by the Georgia Forestry Commission.

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

3.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

4.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hahira, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

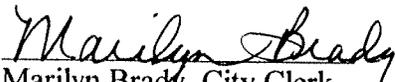
5.

This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Hahira, Georgia on the 6<sup>th</sup> day of May 2004.

  
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Myron Crowe, Mayor

Attest:

  
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Marilyn Brady, City Clerk