

ORDINANCE _____

**ORDINANCE TO AMEND CHAPTER 20 OF THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA RELATED TO ENVIRONMENT TO UPDATE VARIOUS PROVISIONS RELATED TO AIR
QUALITY CONTROL, NOISE CONTROL, AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That Article II., Air Quality Control, of Chapter 20, Environment, is hereby amended by deleting Article II. in its entirety and replacing the language to read as follows:

ARTICLE II. AIR QUALITY CONTROL

Sec. 20-19. Outdoor and open burning.

- (a) Permits and fees.
 - (1) Permits for open burning at or on development sites for the purpose of clearing land for new construction shall be obtained from Gwinnett County fire plan review. Permits shall be registered with the Gwinnett County Fire Services Communications Center by the Gwinnett County fire marshal's office.
 - (2) The applicant shall complete an application for an open burning permit issued by county fire plan review. The applicant shall submit a plat or site plan showing the proposed location of the burn pit and information relating to the proximity of any occupied or unoccupied structure.
 - (3) The application, if approved, shall be accompanied by fees as established in the "Gwinnett County Land Development and Other Services Fee Schedule," as may be amended. Fees shall be retained by Gwinnett County/Gwinnett County Department of Fire and Emergency Services.
 - (4) No burning shall commence prior to an inspection of the site and the burn pit by a representative of the county fire marshal's office. Upon approval of the burn pit, the permit shall be valid for a period of 30 days. Permits may be extended for increments of 15-day periods without additional fees, with a maximum of two extensions.

(b) Fires requiring written permits.

- (1) The only types of fires permitted for the purpose of land clearing are pit fires. Non-pit fires are not permitted for land clearing in the city or county. All pit fires shall be conducted in strict accordance with the "Air Curtain Destructor Operating Guide and Procedures" as published by the North Georgia Region of the environmental protection division.
- (2) Pit fires shall comply with the following stipulations:
 - a. The pit shall be at least 300 feet from any occupied or habitable structure. This distance may be required to be increased by the county fire marshal's office if needed.
 - b. Where a site cannot be excavated to the recommended depth(s) due to high water table and/or subsurface rock, the pit may be constructed above ground level, subject to the same state standards and procedures for a pit below ground level.
 - c. Only wood wastes consisting of trees, logs, large brush, stumps, leaves, and untreated lumber may be burned in the pit.
 - d. Leaves, sawdust or other densely packed wood wastes, paper (any type); chemically treated, coated or impregnated wood; or non-wood construction materials shall not be burned. The amount of dirt/soil mixture shall be kept to a minimum.
 - e. No more than one air curtain destructor is allowed to be operated within a ten-acre permitted site at one time. The air curtain destructor must be under the supervision of a trained operator at all times during operation. In the event there is a need for multiple burning pits there shall be a minimum of 1,000 feet between each burning pit.
 - f. Air curtain destructors shall pass an even, non-turbulent flow of air across the top of the pit. Air curtain destructors with an air duct or manifold that has been altered by bends, dents, holes, etc., and are incapable of providing an even and non-turbulent flow of air across the top of the pit shall not be approved for use.
 - g. The air curtain destructor shall be operated in a manner to prevent air, land or water pollution, safety/health hazards, or nuisances.

- h. Tires or other rubber products, plastics, heavy oils or asphaltic base or impregnated materials, shall not be used to start or maintain air curtain destructor operations.
 - i. No smoke emissions exceeding 40 percent opacity may be produced during operation except for a reasonable period during ignition and charging of the pit.
 - j. When the pit is cleared of ash, airborne particulate is to be minimized by wetting or mixing the ashes with dirt.
 - k. Diesel fuel or kerosene may be used to start pit fires.
- (c) Types of burning allowed without a written permit.
- (1) Burning of leaves, limbs, and natural vegetation that may fall on one's property.
 - a. The location for open burning of natural vegetation shall not be less than 50 feet from any structure, and not less than 25 feet from a property line. Provisions shall be made to prevent the fire from spreading to within 50 feet of any structure and 25 feet from a property line.

Exception: The minimum required distance from a structure shall be 25 feet when the pile size is less than three feet in diameter and less than two feet high.
 - b. Fires shall be limited to a size that can be easily controlled under the conditions and with the resources available on the property.
 - (2) Fires for the purpose of keeping warm.
 - a. Warming fires shall be contained within a metal barrel of 55 gallon capacity or less.
 - b. Untreated wood or lumber shall be the only material or substance permitted to be burned.
 - c. The container for the warming fire shall not be less than 50 feet from any structure.
 - d. No on-ground warming fires shall be permitted.

- e. The outside temperature shall be 50 degrees Fahrenheit or less.
- (3) Fires for the purpose of cooking food for human consumption.
- a. Charcoal, wood, and gas grills and other open flame cooking devices shall not be operated on combustible balconies or within ten feet of combustible construction.

Exception: One- and two-family dwellings.
 - b. LP gas grills and burners having an LP gas container with a water capacity greater than 2.5 pounds (one pound LP gas capacity) shall not be located on combustible balconies or within ten feet of combustible construction.

Exception: One- and two-family dwellings.
 - c. Open fires used for cooking food for human consumption shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exception: The minimum required distance from a structure shall be 25 feet when the pile size is less than three feet in diameter and less than two feet high.
 - d. Fires shall be limited to a size that can be easily controlled under the conditions and with the resources available on the property.
- (4) Recreational fires in commercially available chimineas or outdoor fire places.
- a. Chimineas or outdoor fireplaces shall be used according to their intended use, the manufacturer's recommendations, and the rules set forth below:
 - i. Chimineas or outdoor fireplaces shall have a chimney, screen, or other approved method to arrest sparks.
 - ii. Chimineas or outdoor fireplaces shall not be operated inside structures, on combustible surfaces or balconies, or within 25 feet of combustible construction.

- iii. Chimineas or outdoor fireplaces shall have a noncombustible surface underneath to safely catch sparks or dropping coals and ashes.
 - iv. Untreated wood, lumber, manufactured fire logs, or charcoal shall be the only materials or substances permitted to be burned in chimineas or outdoor fireplaces.
- (5) Bonfires; permit required; no fee.
 - a. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private or public land unless the location is no less than 50 feet from a structure with a size not to exceed four cubic feet of combustible materials and 100 feet from a structure with a size not to exceed five cubic feet of combustible materials.
 - b. For purposes of clarification, bonfires shall be limited to activities sponsored by civic, educational, religious or other groups for purpose of celebration, etc. An example would be a high school pep rally.
 - c. Bonfires shall be constantly attended by a competent person until such fire is extinguished.
 - d. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment, capable of extinguishing the fire, readily available for use.
 - e. Access to communications to the fire department shall be maintained within 500 feet of the bonfire.
- (d) Burning restrictions. The following rules govern all burning in the city, whether or not a written permit is required:
 - (1) The county fire marshal's office may temporarily prohibit any and/or all outdoor fires when atmospheric conditions or local circumstances make such fire hazardous.
 - (2) No burning is permitted on Sundays or nights. Burning at construction sites for the clearing of land for new development shall not be conducted before or after daylight hours.

Exception: Compliant bonfires, cooking fires, and recreational fires in chimineas and outdoor fireplaces may be burned on Sunday and at night provided all other criteria and restrictions are applied.

- (3) No burning is permitted when prevailing winds are predicted to be or are in excess of 15 miles per hour.
- (4) No burning is permitted when the National Weather Service has issued a "Red Flag Warning." Burning shall be limited or prohibited as conditions warrant, when the National Weather Service has issued a "Fire Weather Watch."
- (5) No burning is permitted during an air pollution episode, such as an air pollution alert/warning/emergency declared by proper authorities.
- (6) No burning is permitted when there is fog, rain, or a cloud base that is diffused, or ill defined, or for at least one day following the passage of a cold front.
- (7) No burning of solid waste or household garbage is allowed.
- (8) No burning of any materials that emit a heavy, dark smoke, such as rubber products, oils, roofing material, petroleum-based products, etc.
- (9) No burning when smoke presents a health hazard to persons in the vicinity of the fire. The county fire marshal's office shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical certification from a resident that the resident has a medical condition(s) adversely affected by smoke.
- (10) No burning shall be conducted within 20 feet of flammable, combustible or explosive materials unless otherwise specified by the fire code.
- (11) Burning of leaves, limbs, etc., that fall on a person's own property may only be conducted during daylight hours.
- (12) Prior notification shall be given to the state forestry commission before any agricultural burning is conducted. The term "agricultural" refers to land zoned RA-200 as defined by the Gwinnett County Zoning Ordinance or land zoned AR as defined by the Zoning Ordinance for the City of Lawrenceville, Georgia.
- (13) All fires shall be constantly attended by a competent person until extinguished.

- (14) There shall be a garden hose connected to a water supply or other fire extinguishing equipment capable of extinguishing the fire readily available for use.
- (e) Summary abatement. The staff of the county fire marshal's office and personnel of the county department of fire and emergency services shall have the authority to summarily abate any condition(s) which are in violation of any of the provisions of this section, and which may constitute an immediate threat to life and property. In no event shall a pit fire or other open burning continue after the county fire marshal's office has revoked the permit.
- (f) Enforcement. The provisions of this section shall be enforced by any designated representative of the county department of fire and emergency services and the Police Chief and such subordinate officers of the police department as are necessary to effectuate the requirements set forth herein.

Secs. 20-20—20-47. Reserved.

Section 2:

That paragraph (c)(5)a. of Sec. 20-48 is hereby amended by deleting paragraph (c)(5)a. in its entirety and replacing the language to read as follows:

ARTICLE III. NOISE CONTROL

Sec. 20-48 Generally.

(c) *Prohibited conduct.*

(5) *Exclusions.* The prohibitions of this section shall not apply to the following:

- a. Noises and/or sounds made by governmental entities in the normal course of their business;

Section 3:

That paragraph (c)(5)e. of Sec. 20-48 is hereby amended by deleting paragraph (c)(5)e. in its entirety and replacing the language to read as follows:

ARTICLE III. NOISE CONTROL

Sec. 20-48 Generally.

(c) *Prohibited conduct.*

(5) *Exclusions.* The prohibitions of this section shall not apply to the following:

e. Live music emanating from a governmental or commercial facility located within the Entertainment District, as shown on a map maintained in the office of the City Clerk, heard at a distance less than 1,250 feet from the governmental or commercial facility during the following times: Monday—Thursday from 4 p.m. to 9 p.m. and Friday—Saturday from Noon to 11 p.m.

Section 4:

That paragraph (c)(5)g. of Sec. 20-48 is hereby amended by deleting paragraph (c)(5)g. in its entirety and replacing the language to read as follows:

ARTICLE III. NOISE CONTROL

Sec. 20-48 Generally.

(c) *Prohibited conduct.*

(5) *Exclusions.* The prohibitions of this section shall not apply to the following:

g. Noises and/or sounds that are permitted by an event/film permit issued by the Police Department and/or Community & Economic Development Department; provided, however, that the producer or coordinator of the event/film must comply with the terms, restrictions and conditions of the permit issued by the city;

Section 5:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, paragraphs, etc. of Chapter 20 shall remain in full force and affect.

Section 6:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 7:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this _____ day of June, 2024.

David R. Still, Mayor

Attest:

Karen Pierce, City Clerk