

Changes to Burn Permit and Notification Statute with respect to Residential Burning of Leaves, Yard debris and Hand-piled Vegetation

O.C.G.A. §12-6-90 (c) currently requires persons wishing to burn pastures, crop land residue and leaf piles to notify the Georgia Forestry Commission prior to commencing the burn. Failure to provide such notice is a misdemeanor offense under §12-6-90 (e). This statute was amended by Senate Bill 119, which goes into effect July 1, 2021. Under the amendment, persons wishing to burn pastures and crop land residue must still notify the Georgia Forestry Commission. However, **persons wishing to burn leaves, yard debris and hand-piled vegetation “on the premises at which they occur” will no longer be required to notify the Georgia Forestry Commission** or obtain a state burn permit. Such burns are nevertheless subject to a list of specific rules: Fires must be at least 25 feet from woodlands and 50 feet from any structures; they must be attended at all times until the fire is extinguished; and necessary precautions must be taken to keep the fire contained. These burns may only take place between sunrise and sunset. It remains a misdemeanor offense to violate any of these new provisions of the statute.

Any person violating these provisions can be cited by any law enforcement officer without the necessity of a county ordinance making the conduct illegal. Counties are not required to adopt an ordinance requiring notice to the county of burning activities regulated by the new provisions of §12-6-90 (c). However, counties are not preempted from adopting an ordinance requiring that the county be notified of these activities so that public safety officers can monitor the fires. This is a matter of local discretion. Your county may receive solicitations from private entities offering services in this regard.

Whether such private services are desirable is entirely up to your county. The amendments enacted by Senate Bill 119 do not mandate that the county take any action in this area.

Any pre-existing local burning ordinances remain applicable. In addition, restrictions on burning in 54 northern Georgia counties under the Environmental Protection Division summer burn ban from May 1-September 30 continue to be in effect.

The Georgia Forestry Commission has resources to assist in educating your citizens about these new changes.