

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2007- 77

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, SPECIFICALLY CHAPTER 42, "FIRE PREVENTION AND PROTECTION", ARTICLE I, "GENERAL", SECTION 42-3, "UNAUTHORIZED PERSONS AT FIRE SCENES"; TO ADD ARTICLE VI, "SPECIAL OPERATIONS AND RESPONSE"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Fire Department is responsible for providing protection to the citizens of Clayton County while responding to hazardous conditions which may include medical emergencies, natural gas leaks, vehicle fires, building fires, and woods/grass fires; and

WHEREAS, the Clayton County Fire Department seeks to ensure the safety of all persons in during any Fire Department Operation; and

WHEREAS, the Clayton County Fire Department must occasionally respond to unusual special operations incidents such as the containment and/or clean up of hazardous spills; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County to amend the Ordinance as hereinafter set forth.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The Board of Commissioners hereby amends the Code of Clayton County, Georgia, as amended, specifically Chapter 42, Fire Prevention and Protection, Article I, General, Section 42-3 Unauthorized Persons at Fire Scenes, as follows:

By deleting Section 42-3 in its entirety and by substituting the following:

**“Sec. 42-3. Unauthorized persons at fire scenes.**

No person, except firefighters, members of the board of commissioners, members of the police department, the owners of the property, their agents and the agents of insurance companies shall be allowed within the immediate vicinity of any Fire Department Operation without being ordered there by the fire chief or the officer of the fire department in charge at the time. Any person refusing to obey the orders and directions of the fire chief or other person in the fire department in charge at a Fire Department Operation shall be subject to arrest.”

By adding a new Article VI “Special Operations and Response” and Sections 42-103-109 as follows:

**“ARTICLE VI. SPECIAL OPERATIONS AND RESPONSE**

**Sec. 42-103 Preamble**

For the purposes of providing protection for the citizens of Clayton County and the citizens of Metro Atlanta from the dangers associated with the release or threatened release of a Hazardous Material; to provide Special Operations Response to incidents involving High Angle, Low Angle, Confined Space, Trench and Urban Search and Rescue; and in recognition by the Board of Commissioners of the high level of specialized training and the extensive costs associated with providing these services; the Board of Commissioners of Clayton County do hereby ordain and enact into law the following article and sections of the Clayton County Fire Prevention Code.

**Sec. 42-104 Scope**

The provisions of this article shall provide for the recovery of all associated costs incurred by the county fire department to incidents deemed as “Special Operations” by the Chief of the county fire department. These provisions shall apply to incidents within un-incorporated Clayton County and those outside that result from a request for mutual aid.

**Sec. 42-105 Definitions**

The words, terms and phrases adopted by this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- a) **Costs;** means the costs to prevent, mitigate, or minimize the effects of a discharge or incident and/or the costs associated with repair, maintenance or the total replacement of emergency equipment and/or emergency vehicles as well as law enforcement vehicles damaged during an associated incident whether actual or threatened.
- b) **Damages;** means damages of any kind for which liability may exist under the laws of the State of Georgia resulting from, arising out of, or related to the discharge or threatened discharge of a Hazardous Material.
- c) **Discharge;** means any emission, other than natural seepage, whether intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- d) **Hazardous Material;** means any material which because of its quantity, concentration or physical, chemical, or infectious characteristics may:
  - 1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness; or
  - 2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- e) **Person;** means an individual, partnership, association, corporation, state, municipality, commission, political subdivision of a state or any interstate body.

#### **Sec. 42-106 Hazardous Materials Response**

The county may recover costs associated with the response to any discharge or threat of discharge which results from the manufacturing, transport, storage, holding, detention, and/or delivery for transport or the acceptance for transport of any Hazardous Material. The county may recover from any shipper, carrier, bailer, bailee or any other person responsible for such manufacturing, transport, storage, holding, detention, delivery or acceptance, all costs outlined by section 42-108, Fees, to include replacement costs for items listed in Appendix A of this Article. This shall include, but not be limited to, all direct or indirect costs incurred by the county in the prevention, abatement, or mitigation of any such discharge or threatened discharge of a hazardous material as deemed by the Chief of the county fire department. The county may also recover direct or indirect costs associated with the use of law enforcement personnel and/or vehicles in the prevention or mitigation of such an incident as deemed by the Chief of the county Police Department.

#### **Sec. 42-107 Technical Rescue Response**

The county may recover costs associated with the response to a Technical Rescue Incident for the purpose of effecting a rescue or to provide support on a stand-by status. These shall include, but not be limited to: High Angle Rescue, Low Angle Rescue, Trench Rescue Operations, Search and Rescue Operations and Confined Space Rescue Operations. The county may recover from any person responsible for the initiation of the incident all costs outlined by section 42-108, Fees, to include replacement costs for items listed in Appendix A of this Article. This shall include, but not be limited to, all direct or indirect costs incurred by the county in the prevention or mitigation of such an incident as deemed by the Chief of the county Fire Department. The county may also recover direct or indirect costs associated with the use of law enforcement personnel and/or vehicles in

the prevention or mitigation of such an incident as deemed by the Chief of the county Police Department.

**Sec. 42-108 Fees**

The cost for services outlined in sections 42-106 through 42-107 of this article shall be as defined herein based on the response as approved by the Chief of the county fire department. These fees include, but not limited to, replacement cost for all industry standard equipment listed in Appendix "A" of this article. The following are these fees:

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| 1. Supervisor/Command Vehicle per hour..   | \$ 150.00 |
| 2. BLS Engine Company per hour.....        | \$ 250.00 |
| 3. ALS Engine Company per hour.....        | \$ 300.00 |
| 4. Aerial Company per hour .....           | \$ 300.00 |
| 5. Special Response Apparatus per hour.... | \$ 450.00 |
| 6. Air/Light Unit per hour.....            | \$ 150.00 |
| 7. ALS Medical Transport Unit per hour.... | \$ 350.00 |

**Sec. 42-109 Appendices**

Appendix A of this article shall be adopted and considered part of section 42-108, Fees. Appendix A is not attached herein, but is available for review in the Office of the Fire Chief of the county fire department and in the Office of the Clerk for the Board of Commissioners. Authority is hereby conferred upon the Chief of the county fire department to amend section 42-108, fees, to include Appendix A, in order to maintain equipment with industry standards. All equipment in Appendix A shall be listed by a nationally recognized testing laboratory as deemed acceptable by the Chief of the county fire department. All rules adopted by the Chief of the county fire department shall be promulgated at least one month prior to application and enforcement.

**State Law References:**

O.C.G.A § 12-5-500 Cost of Oil Spill Response  
O.C.G.A § 12-8-140 Mitigating Effect of Hazardous Materials Discharge”

Section 2. In the event any section, paragraph, subpart, sentence, clause, phrase, or word of the Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this

Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

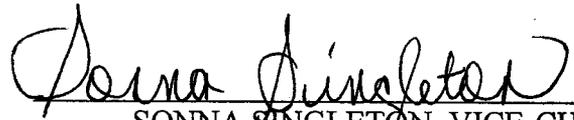
Section 3. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this ordinance are hereby repealed.

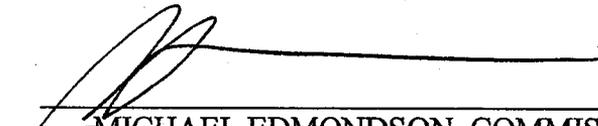
Section 4. This Ordinance shall become effective following its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of State of Georgia as required by law, and after the required ninety (90) day notice period to the Georgia Department of Community Affairs.

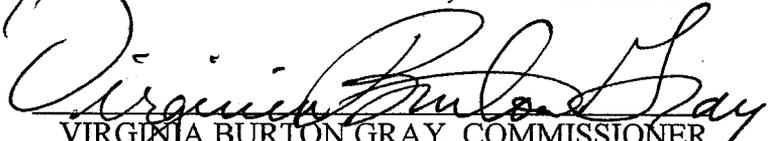
SO RESOLVED, this 15<sup>th</sup> day of May, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
SONNA SINGLETON, VICE-CHAIRMAN

  
MICHAEL EDMONDSON, COMMISSIONER

  
VIRGINIA BURTON GRAY, COMMISSIONER

  
WOLE RALPH, COMMISSIONER

ATTEST:

  
SHELBY HAYWOOD, CLERK