

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2009 - 101

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 42 "FIRE PREVENTION AND PROTECTION", ARTICLE I "IN GENERAL", BY ADDING A NEW CODE SECTION 42-5 "FIRE LANES; AUTHORITY TO PREVENT BLOCKING OF PRIVATE WAYS AND ALLEYS"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 42 "Fire Prevention and Protection", Article I "In General", by adding a new Section 42-5 "Fire lanes; authority to prevent blocking of private ways and alleys" which shall read as follows:

"Sec. 42-5. Fire lanes; authority to prevent blocking of private ways and alleys.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) "Fire lane" means an area designated by the Fire Chief or his designee, which provides access for Fire Department vehicles to buildings, fire connections and fire hydrants. This includes all alleys, including private alleys, private ways or driveways, where parking of motor vehicles or other obstructions can interfere with ingress or egress of Fire Department vehicles and equipment.

(2) "Property owner" means each person, possessing any estate or leasehold right in the property being designated as a fire lane.

(b) **Authority.** The Fire Chief or his designee may properly designate fire lanes and prevent the blocking of any private alley, private way or driveway in the county by the parking of automobiles or otherwise. This authority applies equally to new and existing structures and property.

(c) Posting of signs. The property owner is required to post signs meeting the following criteria in areas designated as fire lanes:

(1) Signs shall read: "No Parking--Fire Lane."

(2) Signs must meet design specifications furnished by the Fire Department.

(3) One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane as established by the Fire Chief or his designee and at intervals not more than 50 feet apart.

(4) Signs posted shall not be more than four feet from the edge of the curb and shall be visible from both directions of the driving surface.

(d) Painting of curbs. The Fire Chief or his designee may order curbs adjacent to a fire lane to be painted red.

(e) Parking in fire lane. No person shall park any motor vehicle or place any other property in a fire lane; however, this section shall not apply to the parking of an authorized emergency vehicle.

(f) Obstructing posted, private alley or driveway. Any person who shall park any vehicle or place any other property in any private alley, private way or driveway which has been posted in accordance with this section and any person owning or occupying property abutting the private alley, private way or driveway who shall cause or permit the placing of anything therein which would impede or block the passage of fire trucks and equipment shall be guilty of a misdemeanor.

(g) Enforcement officials. Fire officials, police officers, the Sheriff and deputy sheriffs, or other duly authorized law enforcement officials shall have the authority for enforcement of fire lanes. Fire officials, police officers, the Sheriff or deputy sheriffs or other duly authorized officials may cause to be removed to the nearest authorized place of impound or other place of safety any unattended vehicle or other property left standing in violation of this section.

(h) Summons, notice of violation for vehicles. Enforcement of this section shall be through an action in state court by the issuance of a summons, which notice shall be given by placing a parking citation on the vehicle or by issuing a Uniform Traffic Citation to the owner or operator who parked the vehicle in violation of this section. For the purpose of such action, it shall be a rebuttable presumption that the registered owner of a vehicle is in control or possession thereof. A person parking a vehicle in violation of this section or the owner thereof who allows such vehicle to be parked in violation of this section shall be guilty of a misdemeanor.

(i) Summons, notice of violation for real property owners. When a fire official finds an owner of real property in violation of this section, notice of the violation shall be given in person or by certified mail to the address where the violation has occurred and where personal service has not been given, to the owner's address listed on the tax records of the county if different from the address of the violation. The owner shall be given a reasonable time to come into compliance but not more than thirty days from the date of notice. It shall be a misdemeanor punishable as provided for in Section 1-12 of the Code of Clayton County for a real property owner to fail to comply with the requirements of this section after notice and an opportunity to correct the violation. Enforcement of this section shall be in the magistrate court by summons issued by any fire official having knowledge of the violation."

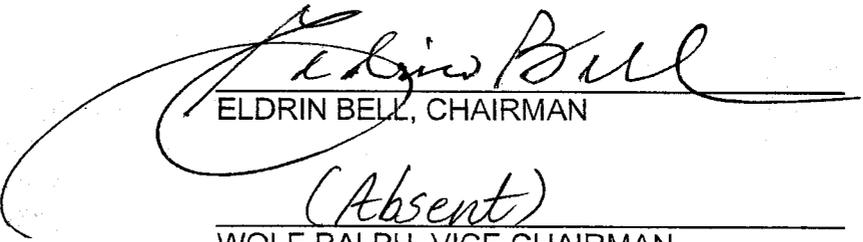
Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3 If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

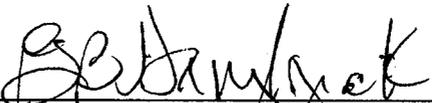
Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 7th day of July, 2009.

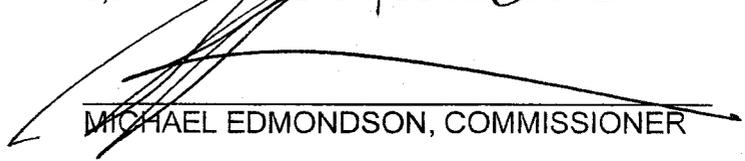
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

(Absent)
WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK