

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2012 – 37

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER 42, “FIRE PREVENTION AND PROTECTION”; 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 Tax was instituted to cover fire related emergencies and to provide fire prevention services; and

WHEREAS, Clayton County Fire and Emergency Services (“CCFES”) is regularly required to respond to motor vehicle incidents requiring the control of hazardous materials; and

WHEREAS, Georgia law requires all drivers to maintain valid motor vehicle insurance in order to cover the assessment and stabilization of hazardous materials in motor vehicle incidents; and

WHEREAS, Clayton County incurs expenses as a result of the aforementioned duties and wishes to adopt a fee schedule to mitigate such costs; and

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

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF CLAYTON COUNTY, GEORGIA, 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 VI, “Special Operations and Response” by adding Section 42-110 as follows:

**“Sec. 42-110. Mitigation Rates for Motor Vehicle Incidents.**

The following mitigation rates for motor vehicle incidents will be assessed on a per hour basis.

**Level 1 - \$435.00**

Provide hazardous materials assessment and scene stabilization.

**Level 2 - \$495.00**

Includes Level 1 services as well as clean up and material uses (sorbents) for hazardous fluid clean up and disposal.

**Level 3 – CAR FIRE - \$605.00**

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection and clean up of gasoline or other automotive fluids that are spilled as the result of the accident/incident.

**Level 4 - \$1,800.00**

Includes Levels 1 & 2 services as well as extrication (heavy rescue tools, ropes, airbags, cribbing, etc.).

**Level 5 - \$2,200.00**

Includes Levels 1, 2 & 4 services as well as Air Care (multi-engine company response, mutual aid, helicopter).

**Level 6 – Itemized Response**

Clayton County reserves the right to treat each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable. The mitigation rates for any such incident will be itemized per apparatus, per personnel, plus products and equipment used.”

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 on the date of its approval by the Board of Commissioners.

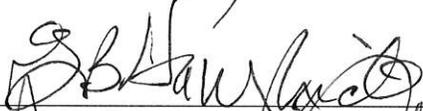
SO ORDAINED, this the 21<sup>st</sup> day of February, 2012.

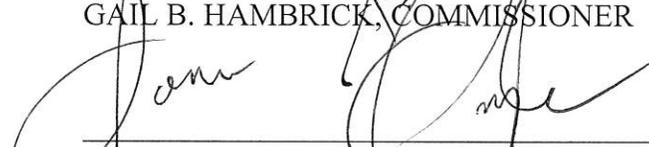
*{Signatures on following page.}*

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
WOLE RALPH, VICE-CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK