

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2016 - 171

AN ORDINANCE TO AMEND THE *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, SPECIFICALLY PART I, CHAPTER 42 "FIRE PREVENTION AND PROTECTION", ARTICLE IV "OPEN BURNING", SO AS TO DELETE SECTION 42-92 "RESTRICTIONS; PERMIT REQUIRED; AUTHORITY OF FIRE MARSHAL; VIOLATION; PENALTY" AND REPLACE IT WITH A NEW SECTION 42-92 "RESTRICTIONS; PERMIT REQUIRED; AUTHORITY OF FIRE MARSHAL; VIOLATION; PENALTY"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; 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 Part I, Chapter 42 "Fire Prevention And Protection", Article IV "Open Burning", so as to delete Section 42-92 "Restrictions; Permit Required; Authority Of Fire Marshal; Violation; Penalty" and replace it with a new section 42-92 "Restrictions; Permit Required; Authority Of Fire Marshal; Violation; Penalty" to read as follows:

"Open burning of any type within the unincorporated boundaries of Clayton County is expressly prohibited except as exempted below.

- a) Residential Areas: in residential areas, no person shall cause, suffer or allow open burning in any unincorporated area of the county, except as follows:
 1. For recreational purposes, such as residential fire pits, grills, smokers, outdoor fire places, and other implements used for cooking food for immediate human consumption. At no time shall these devices be used for any purpose or in any manner other than those intended by the manufacturer.

2. Fires set for the purpose of training firefighting personnel when authorized by the county fire marshal and with the appropriate permits.
- b) Commercial Areas: in commercial areas, no person shall cause, suffer or allow open burning in any unincorporated area of the county, except as follows:
1. Operation of devices using open flames, such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used.
 2. Fires set for the purpose of training firefighting personnel when authorized by the county fire marshal and with the appropriate permits.
- c) Carrying out recognized agricultural procedures necessary for production of harvesting of crops with the appropriate forestry permit and with the approval of the county fire marshal.
- d) All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks.
- e) During any open burning, the burning activity shall be constantly attended by a competent person of at least 18 years of age.
- f) Persons violating this article shall be subject to a fine not to exceed \$1,000.00 per violation.
- g) All fees/fines, etc. are to be assigned to the county fire department budget and used for the benefit of the fire marshal's office.”

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

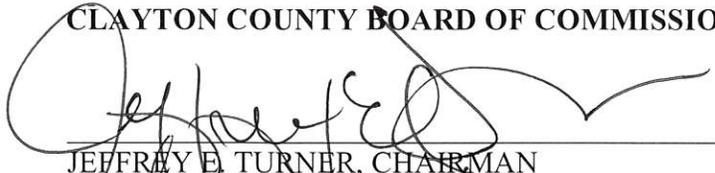
Section 3. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

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

SO ORDAINED, this the 18th day of October, 2016.

[signatures on the following page]

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



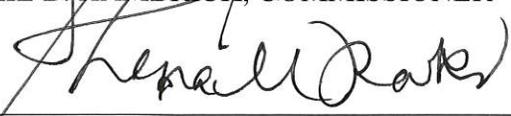
SONNA GREGORY, VICE CHAIRMAN



MICHAEL EDMONDSON, COMMISSIONER

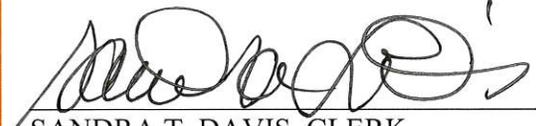


GAIL B. HAMBRICK, COMMISSIONER



SHANA M. ROOKS, COMMISSIONER

ATTEST:



SANDRA T. DAVIS, CLERK