

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2018-65

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY GEORGIA , AS AMENDED, SPECIFICALLY TO AMEND CHAPTER 42 FIRE PREVENTION AND PROTECTION, BY AMENDING THE TITLE OF CHAPTER 42, AND DELETING IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 42, FIRE PROTECTION & EMERGENCY MEDICAL SERVICES; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND OTHER PURPOSES.

WHEREAS, in 2008 the Board of Commissioners renamed the Clayton County Fire Department to the Department of Clayton County Fire and Emergency Services to reflect the expanded services offered by the Department; and

WHEREAS, the Chief of Clayton County Fire and Emergency Services has requested several amendments and additions to Chapter 42 of the County's ordinances; and

WHEREAS, the Clayton County Board of Commissioners wish to amend the Code as requested by the Chief of Clayton County Fire and Emergency Services.

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

Section 1: Chapter 42, Fire Prevention And Protection, is hereby deleted in its entirety and replaced with Chapter 42, Fire Protection & Emergency Medical Services as set forth below:

Chapter 42 - FIRE PROTECTION & EMERGENCY MEDICAL SERVICES

ARTICLE I. - IN GENERAL

Sec. 42-1. - Fire protection districts established.

The legal descriptions of the fire prevention districts of the county are not printed in this volume but are on file and available for inspection in the county offices.

(Ord. No. 18-64)

Sec. 42-2. - 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.

(Ord. No. 18-64)

Sec. 42-3 - Establishment and duties of the bureau of fire prevention.

- (a) The state minimum fire safety standards adopted in this article shall be enforced by the bureau of fire prevention of the fire department of the county, which is hereby established, and which shall be operated under the supervision of the Chief of the county fire & emergency services department .
- (b) The chief, or fire marshal, in charge of the bureau of fire prevention shall be appointed by the Chief of the county fire & emergency services department on the basis of an examination to determine his or her qualifications.
- (c) The Chief of the county fire & emergency services department may detail such members of the fire department as inspectors as shall from time to time be necessary. The Chief of the county fire & emergency services department shall recommend to the board of commissioners the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.
- (d) A report of the bureau of fire prevention shall be made annually and transmitted to the board of commissioners; it shall contain all proceedings under the fire prevention code, with such statistics as the Chief of the county fire & emergency services department may wish to include therein. The Chief of the county fire & emergency services department shall also recommend any amendments to the fire prevention code which, in his judgment, shall be desirable.

(Ord. No. 18-64)

Sec. 42-4. - Members of the fire & emergency services department vested with police powers.

Under the police powers conferred by law to the board of commissioners it is hereby declared that the Chief of the county fire & emergency services department , the county fire marshal, and all inspectors assigned to the county fire marshal's office, and any other

officers designated by the chief shall have the power and authority to investigate arson and suspicious fires, and issue citations for violations of adopted codes and standards.

Any of these officers may also be sworn in as law enforcement officers of Clayton County with the power and authority to make arrests. Prior to taking the required oath, such designated officers shall have successfully completed all POST required courses and be POST certified. Further, the board of commissioners authorizes, subject to the approval of the fire chief, the bearing of firearms by the fire chief, fire marshal, and other officers so designated by the fire chief. The oath of office as a law enforcement officer shall be administered by the fire chief, or other such officer or official authorized to administer oaths to law enforcement personnel.

(Ord. No. 18-64)

Cross reference— Law enforcement, ch. 54.

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:

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.

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 30 days from the date of notice. It shall be a misdemeanor punishable as provided for in section 1-12 of this Code 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.

(Ord. No. 18-64)

Secs. 42-6—42-30. - Reserved.

ARTICLE II. - FIRE PREVENTION CODE

Sec. 42-31. - Applicability.

Except where general provisions contained within this article may otherwise conflict with specific provisions contained within the County Code of Ordinances, this article shall

provide regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use or handling of hazardous materials, substances and devices, and to minimize hazards to life and property due to fire and panic, exclusive of those hazards considered in building code regulations in the unincorporated area of the county.

(Ord. No. 18-64)

Sec. 42-31.1. - Adoption; compliance.

- (a) Except where such general provisions may otherwise conflict with specific provisions contained within the County Code of Ordinances, the International Fire Code, 2012 Edition, including Appendix Chapters A, B, C, D, E, F and G, with Georgia Amendments as published by the Southern Building Code Congress International, Inc., and all amendments thereto, are hereby adopted by reference thereto, and incorporated herein as part of the County Code of Ordinances. Accordingly, except where such general construction requirements may otherwise conflict with specific construction requirements contained within the County Code of Ordinances, all building structures or portions thereof constructed after February 1, 2007, shall be constructed and otherwise conform in all respects to the minimum standards set forth in the International Fire Code, 2012 edition, including Appendix Chapters A, B, C, D, E, F, and G, with Georgia Amendments.
- (b) In addition to the Standard [International] Fire Prevention Code, NFPA 101 Life Safety Code, 2012 edition, with State of Georgia Fire Marshal's Office's amendments, and all amendments thereto, are hereby adopted by reference thereto and incorporated herein as part of the County Code of Ordinances. Accordingly, except where such general construction requirements may otherwise conflict with specific construction requirements contained within the County Code of Ordinances, all building structures or portions thereof constructed after October 22, 2003, shall be constructed and otherwise conform in all respects to the minimum standards set forth in the NFPA 101 Life Safety Code, 2012 edition, with State of Georgia Fire Marshal's Office's amendments.
- (c) If provisions of the state minimum fire safety standards, International Fire Code, 2012 Edition, including Appendix Chapters B, C, D, E, F, and G, with Georgia amendments, the NFPA 101 Life Safety Code, 2012 edition, with State of Georgia Fire Marshal's Office's amendments, or the county building code conflict or differ in application, those provisions which are deemed by the Chief of the county fire & emergency services department as the strictest shall take precedence and be enforced.
- (d) In addition to those buildings and structures regulated by the state minimum fire safety standards, as listed in O.C.G.A. § 25-2-13, such standards shall also apply to all existing and proposed buildings, including warehouses, manufacturing plants, and all retail and department stores regardless of size; however, specifically excluding single-family unattached dwellings, duplexes, out-buildings ancillary to such dwellings, and garages.

(Ord. 2018-64)

Sec. 42-32. - Availability of copies of codes.

The Fire Prevention Code and the Life Safety Code, and any amendments, future revisions, or future additions of such codes as adopted in this article, are hereby declared to be a public record. One copy of each code shall be kept on file in the office of the clerk of the board of commissioners, with the building inspector, and with the fire department. Such copies shall be accessible to members of the public who are or may be affected by it.

(Ord. 2018-64)

Sec. 42-33. - Definitions.

The following words, terms and phrases, when used in the technical codes adopted by this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buildings, existing is a building legally erected prior to the adoption of this code, or one for which a legal building permit was issued for the construction or legalization thereof prior to the adoption of this code.

Corporation counsel means the attorney for the county.

Municipality means this county."

(Ord. No. 18-64)

Cross reference— Definitions generally, § 1-2.

Sec. 42-34. - Modifications to the fire prevention code.

It is hereby adopted by the county O.C.G.A. Title 8, Article 3, known as "Application of Building and Fire Related Codes to Existing Buildings".

(Ord. No. 18-64)

Cross reference— Application of building and fire-related codes to existing buildings, § 42-101 et seq.

Sec. 42-35. - Appeals.

Whenever the Chief of the county fire & emergency services department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code adopted in this article do not apply or that the true intent and meaning of the fire prevention code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the county fire & emergency services department by filing a notice of appeal, in writing, to the board of commissioners within 30 days from the date of the decision appealed.

(Ord. No. 18-64)

Sec. 42-36. - New materials, processes or occupancies which may require permits.

The board of commissioners, the Chief of the county fire & emergency services department and the deputy chief of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire prevention code adopted in this article. The deputy chief of fire prevention shall post a list of the additional required permits in a conspicuous place in his office and distribute copies thereof to interested persons.

(Ord. No. 18-64)

Sec. 42-37. - Penalties for violation of this article.

- (a) Any person who shall violate any of the provisions of the fire prevention code adopted in this article or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed therefor, shall severally for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable in accordance with section 1-12. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the penalty prescribed by subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 18-64)

ARTICLE III. – CONSTRUCTION AND PERMITS

Sec. 42-38. - Fire hydrant specifications.

- (a) In well-developed residential areas, fire hydrants shall be spaced not to exceed 500 feet apart.
- (b) In industrial and commercial areas, fire hydrants shall be spaced not to exceed 300 feet apart.
- (c) The size and shape of the operating nut, as well as the direction the hydrant stem operates, shall be uniform with hydrants in the county water distribution system.

(Ord. No. 18-)

Sec. 42-39. - Submission of plans and specifications required.

- (a) Owners, their agents, or designees of all buildings, tenant spaces, and commercial sites, covered by this article, are required to submit plans and specifications of the project to fire plan review, prior to obtaining the required fire permits.

- (b) Permits must be obtained prior to construction, demolition, change of use or occupancy classification, tenant name change, or ownership change, in buildings, tenant spaces, or commercial sites and prior to addition, removal or changes of any fire protection system(s) therein.
- (c) A final inspection and certificate of occupancy, for each business establishment, must be obtained from the fire marshal's office prior to occupying any building covered by this article or conducting business.
- (d) Plans, specifications, and other required information must be submitted to fire plan review prior to obtaining the required temporary use permits for activities, including, but not limited to, bonfires, commercial burning for land clearing, use of certain tents and canopies, and certain fireworks and pyrotechnic displays. A final inspection must be passed, and permits activated prior to conducting permitted activities.

(Ord. No. 18-)

Sec. 42-39.1. – Special Effects/Pyrotechnics/Fireworks

- (a) Outdoor fireworks displays and the temporary storage, use, and handling of pyrotechnic special effects used in motion pictures, television, theatrical and group entertainment shall be permitted in accordance with the National Fire Protection Association (NFPA) 1126, "Standard for the Use of Pyrotechnics Before a Proximate Audience" and NFPA 106, "Standard for the Use of Flame Effects Before an Audience." Permitting shall also adhere to the Rules and Regulations 120-3-22 as set forth by the Office of Insurance and Safety Fire Commissioner.
 - (1) Standby Personnel and Equipment: When necessary for the preservation of life or property, the Fire Chief and/or his/her designees is authorized to require the attendance of standby personnel and fire equipment. Fees shall be assessed as outlined in Sec. 42-108 - Fees.

(Ord. No. 18-64)

Sec. 42-40. – Permits

Where fees are charged for such permits, the money for fees shall be handled by the proper county authority or his designated agents.

(Ord. No. 18-64)

Sec. 42-41. – Permit Fees.

The following fees and charges are hereby adopted for the county fire department:

- (1) New anhydrous ammonia permit for storage in bulk (more than 2,000 gallons aggregate capacity) for sale or distribution one-time fee \$150.00
- (2) Annual license for manufacture of explosives other than fireworks 150.00

- (3) License for fireworks sales, per location (this license shall expire on January 31 following the date of issuance) 500.00
- (4) Certificate of occupancy 100.00
- (5) Construction plan review:
 - a. Bulk storage construction 150.00
 - b. Building construction per square foot 0.10
 - 1. Fees shall be capped at 100,000.00
 - c. Fire sprinkler plan review
 - 1. 0-10 sprinkler heads Waived
 - 2. 11-50 sprinkler heads 25.00
 - 3. 51-100 sprinkler heads 50.00
 - 4. More than 100 sprinkler heads 75.00
 - d. Fire alarm plan review
 - 1. 0-5 devices Waived
 - 2. 6-12 devices 25.00
 - 3. More than 12 devices 50.00
 - e. Liquefied petroleum gas storage permit
 - 1. 2,000 gallons or less 150.00
 - 2. More than 2,000 gallons 600.00
 - f. Building construction inspection:
 - 1. Site inspection, 80 percent completion, 100 percent completion and first follow-up inspections None
 - 2. Second follow up inspection 150.00
 - 3. Third and subsequent follow-up inspections 220.00
 - g. Purchase, storage, sale transport or use of explosives other than fireworks:
 - 1. 500 lbs. or less 75.00
 - 2. More than 500 lbs. 150.00
- (6) Existing business fire compliance inspection fee:
 - a. 0 to 10,000 square feet 100.00
 - b. 10,001 to 50,000 square feet 200.00
 - c. More than 50,000 square feet 300.00
- (7) New permit to dispense compressed natural gas (CNG) for vehicular fuel one-time fee 150.00
- (8) Residential / Commercial Site Development Permit (per acre) 400.00

(Ord. No. 18-64)

Secs. 42-42—42-60. - Reserved.

Sec. 42-61. – Automatic Sprinkler Systems.

Sec. 42-61.1. - Definitions

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

Approved means approved by the official or other authority charged with the enforcement of this article.

Approved sprinkler system means a National Fire Protection Association 13 type sprinkler system.

Area means ground area of buildings, or of sections of buildings divided by approved fire walls, each such section being considered a separate area.

Basement means any story where less than half the height between floor and ceiling is above the average level of street or sidewalk.

Chief of the county fire & emergency services department means the Chief of the county fire & emergency services department or a duly authorized deputy.

Height of building means the height exclusive of basement or other stories below grade.

New construction means any structure constructed after the date of this ordinance that is used or intended for supporting or sheltering any use or occupancy. For the purpose of this section, "new" shall include any additions to existing buildings, whether vertical or horizontal, which exceeds 25 percent of the original floor area; or any existing building or structure which shall be deemed to be new building in the event such building, or structure is subject to substantial renovation or a fire or other hazard of serious consequence as deemed by the Chief of the county fire & emergency services department .

Multi-family dwelling means any building containing three or more dwelling units with independent cooking and bathroom facilities.

Substantial renovation means any construction project involving exits or internal features of building or structure costing more than 25 percent of the building's or structure's assessed value according to county tax records at the time of such renovation.

(Ord. No. 18-64)

Cross reference— Definitions generally, § 1-2.

Sec. 42-61.2. - Authority.

Authority is hereby conferred upon the Chief of the county fire & emergency services department to adopt and promulgate rules (based on the standards of the National Fire Prevention Association) embodying details of installation and construction of automatic sprinkler equipment's to carry into effect the provisions of this article. Approval of devices shall be based on reports of a nationally recognized testing laboratory. All rules adopted by

the Chief of the county fire & emergency services department under this section shall be promulgated at least one month before application and enforcement.

(Ord. No. 18-64)

Sec. 42-61.3 - Where installed.

- (1) All new construction shall be protected throughout with an approved automatic fire protection system.

Exception 1: Any building 10,000 square feet or less not classified as High-hazard Group H occupancy as defined in the International Fire Code and International Building Code.

Exception 2: Hotels and motels up to and including four stories in height shall be protected with a National Fire Protection Association 13R type sprinkler system modified to include coverage in all attics.

Exception 3: New construction under 10,000 square feet required to be equipped with an approved automatic fire protection system as defined in NFPA 101 (Life Safety Code) and GA Minimum Fire Safety Standards 120- 3-3, shall adhere to such section of Code i.e. educational, daycare, residential board and care occupancies, etc.

- (2) All new multi-family residential structures shall be protected throughout with an approved automatic fire protection system.

Exception: Multi-family dwellings up to and including four stories in height shall be protected with a National Fire Protection Association 13R type sprinkler system modified to include coverage in all attics, breezeways and exterior balconies.

- (3) All new one- and two-family dwellings built closer than 15 feet from another structure or closer than ten feet to the property line must be equipped with an approved sprinkler system; or, constructed of non-combustible exterior masonry materials and must have protected openings.
- (4) Any sprinkler system required by this Code shall be monitored by an approved alarm, detection and communication system installed in accordance with NFPA 72.

(Ord. No. 18-)

Sec. 42-61.4. - Exemption and substitution of other fire protection equipment.

Nothing in this article shall be construed to require the installation of sprinklers in safe deposit or other vaults, or in rooms or buildings devoted to the manufacture or storage of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder, sodium peroxide or like materials, where the application of water may cause or increase fire, nor in any other location where the installation of sprinklers may increase the hazard; nor shall it be construed in any way to interfere with the substitution of other approved automatic protective equipment.

(Ord. No. 18-64)

Sec. 42-61.5. - Appeal.

The owner or occupant of any building ordered by the Chief of the county fire & emergency services department to install automatic sprinklers under the provisions of this article may, within ten days after the making or affirming of any such order by the Chief of the county fire & emergency services department, file a petition with the board of commissioners appealing the decision of the Chief of the county fire & emergency services department. Such petition will then be heard by the board of commissioners on appeal as a de novo investigation and upon an adverse ruling to the owner or occupant is entered by the board of commissioners the aggrieved party may, within 20 days, file his appeal to the superior court of the county.

(Ord. No. 18-64)

Sec. 42-61.6. - Maintenance.

All automatic sprinkler equipment and appurtenant equipment specified in this article shall be inspected at least once a year by a state certified sprinkler contractor and maintained by the owner or occupant at all times in proper operative condition. The occupant of the building containing such equipment shall promptly notify the fire marshal of the county fire department in case such sprinkler protection is withdrawn, interrupted, curtailed, or altered.

(Ord. No. 18-64)

Sec. 42-61.7. - Penalties.

Any person or legal entity, upon being found guilty by a court of competent jurisdiction of violation of this article, shall be guilty of a misdemeanor and may be punished in accordance with section 1-12.

(Ord. No. 18-64)

Secs. 42-62—42-90. - Reserved.

ARTICLE IV. - OPEN BURNING

Cross reference— Environment, ch. 38.

Sec. 42-91. - Title; purpose.

This article shall be known as the Open Burning and Air Quality Control Code. The purpose of this article is to regulate open burning, to provide for the public health, safety and general welfare with the county.

(Ord. No. 18-64)

Sec. 42-92. - Restrictions; permit required; authority of fire marshal; violation; penalty.

(a) No person shall cause, suffer or allow open burning in any area of the county, except as follows:

(1) Burning of leaves, limbs, and natural vegetation that may fall on one's property.

- a. The location for open burning of natural vegetation shall not be less than 25 feet from any structure or property line. Additionally, provisions shall be made to prevent the fire from spreading to within 25 feet of any structure.
 - b. Fires shall be limited to a size that can be easily controlled under the conditions and with the resources available on the property as determined by the fire marshal.
 - c. A Georgia Forestry Commission permit number is required prior to any residential or agricultural burning being conducted. A copy of the permit number shall be made available to fire department personnel upon request.
 - d. Burning is allowed only during daylight hours, Monday through Friday. All fires shall be constantly attended by a competent adult and must have an adequate water supply readily available. All fires must be completely extinguished, to include any smoldering ashes or embers, prior to sunset.
- (2) 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.
- (3) Fires set for the purpose of training firefighting personnel when authorized by the county fire marshal and with the appropriate permits.
- (b) *Medical exemptions.*
- (1) The fire marshal's office shall be authorized to ban outdoor burning in a limited geographical area (.25 miles from the affected address) upon receipt of medical certification from a resident that the resident has a medical condition(s) adversely affected by smoke. Medical ban requests shall be signed by a physician (M.D.) licensed to practice medicine in the State of Georgia and approved by the Chief of the county fire & emergency services department . This exemption shall not apply to activities contained in section (2) of this ordinance.
- (c) 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) Commercial Burn pits utilized in commercial/developmental land clearing shall adhere to the Georgia EPD Rules for Air Curtain Destructor Burning (ACD) and Georgia Forestry Commission. All commercial burn pits shall be subject to inspections and permitting by the Fire Marshal's Office. Contractors must visit the fire department's website to request an inspection of their burn pit.
- (d) 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.

- (e) All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks.
- (f) Special events in which open flames will be present before a proximate audience must be approved at least two weeks in advance by the Chief of the county fire & emergency services department or his/her designee. Additional safety precautions may be required at time of application.
- (g) The Chief of the county fire & emergency services department, at the recommendation of the fire marshal, is authorized to cancel burning, and/or issue a temporary ban, any time weather conditions suggest an unsafe environment exists to safely carry out the provisions of this article.
- (h) Persons violating this article shall be subject to a fine not to exceed \$1,000.00 per violation.
- (i) 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.

(Ord. No. 18-64)

Secs. 42-93—42-100. - Reserved.

ARTICLE V. - APPLICATION OF BUILDING AND FIRE-RELATED CODES TO EXISTING BUILDINGS

Sec. 42-101. - Applicability.

Except where general provisions contained within this article may otherwise conflict with specific provisions contained within the County Code, this article shall provide for the application of building and fire-related codes to existing buildings. It is the intention of this article to encourage the sensitive rehabilitation, restoration, stabilization, or preservation of existing buildings throughout the county, and to encourage the preservation of buildings and structures deemed to be historic in total or in part.

(Ord. No. 18-64)

Sec. 42-102. - Adoption; compliance.

Except where such general provisions may otherwise conflict with specific provisions contained within the County Code, provisions set forth in O.C.G.A. Tit. 8, ch. 2, art. 3, and all amendments thereto, are hereby adopted by reference thereto and incorporated herein as part of the County Code.

(Ord. No. 18-64)

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.

(Ord. No. 18-64)

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 & emergency services department . These provisions shall apply to incidents within un-incorporated Clayton County and those outside that result from a request for mutual aid.

(Ord. No. 18-64)

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.

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.

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.

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.

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.

Person means an individual, partnership, association, corporation, state, municipality, commission, political subdivision of a state or any interstate body.

(Ord. No. 18-64)

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 & emergency services 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.

(Ord. No. 18-64)

Editor's note— See § 42-109.

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 & emergency services 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.

(Ord. No. 18-)

Editor's note— See § 42-109.

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 & emergency services 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:

- (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
- (8) Fire Marshal per hour 75.00

(Ord. No. 18-64)

Editor's note— See § 42-109.

Sec. 42-109. - Appendices—Adopted.

Appendix A* of this Article shall be adopted and considered part of section 42-108. Appendix A* is not attached herein but is available for review in the office of the fire chief of the county fire & emergency services department and in the office of the clerk for the board of commissioners. Authority is hereby conferred upon the chief of the county fire & emergency services 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 & emergency services department. All rules adopted by the chief of the county fire & emergency services department shall be promulgated at least one month prior to application and enforcement.

(Ord. No. 18-)

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 2495.00

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

Level 3—Car fire605.00

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 41,800.00

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

Level 52,200.00

Includes levels 1, 2 and 4 services as well as air care (multi-engine company response, mutual aid, helicopter).

Level 6Itemized response

The 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.

(Ord. No. 18-64)

ARTICLE VII. – EMERGENCY MEDICAL SERVICES

Sec. 42-111. – Title.

This article shall be known as the and may be cited as the “Emergency Medical Services Resolution” of Clayton County.

(Ord. No. 18-64)

Sec. 42-112. – Definitions

Whenever used in this article the following terms will mean:

County means all portions of Clayton County, including municipalities; however, the enforcement of article is effective only in the unincorporated areas of said county, with the exception of where a municipality has contracted for services or where the county has been designated the zone provider by the State of Georgia.

Board means the Clayton County Board of Commissioners.

Ambulance Service Provider or Provider means any person furnishing emergency care and transportation on the public streets and highways of the county for wounded, injured, sick, invalid, or incapacitated human beings to or from a place where medical or hospital care is furnished.

Approved Ambulance Service Provider means an ambulance service provider who has been assigned a zone pursuant to the provisions of this article.

Affected Person means any wounded, injured, sick, invalid, or incapacitated person requiring emergency care or transportation to a medical care facility.

Affected Zone means the zone wherein an affected person is located.

Zoning and Communications Plan (the plan) means the binding plan of operations and communications for all licensed 911 ambulance services operating in Region III as promulgated by the Region III Emergency Medical Services Council as authorized by O.C.G.A. 31-11-3 and the Georgia Department of Community Health – Ambulance Rules and Regulations 290-5-30.04.

(Ord. No. 18-64)

Sec. 42-113. – Zones

For the purposes of this article, the county is hereby classified into three (3) zones as dictated in the State of Georgia, Region III EMS Communications Plan. The Region III EMS Zoning and Communications Plan is incorporated herein by express reference, a copy which will remain on file for public inspection during normal business hours in the Office of the Clerk of the Clayton County Board of Commissioners and in the offices of Clayton County Fire and Emergency Services. Each approved ambulance service provider will be responsible for all calls as herein provided in the zone assigned in the plan.

(Ord. No. 18-64)

Sec. 42-114. – Ambulance Service Operations.

The operation of Approved Ambulance Services within Clayton County shall be in accordance with the Region III EMS Zoning and Communications Plan as adopted by the Georgia Department of Community Health.

Sec. 42-114.1. – Calls for Service

- a) When a request for emergency assistance is received through a Central Dispatch Center or Public Safety Answering Point, it shall be assumed that this request is for the designated zone provider as outlined in the plan.
- b) It will be the responsibility of the provider assigned to the affected zone to furnish and dispatch any additional or back-up ambulances that may be required.
- c) No provider will respond to a call outside its zone unless specifically requested to do so by the provider of the affected zone.
- d) If the affected zone provider is unable to respond to a call for service, then the zone provider shall be responsible for requesting assistance from another licensed zone provider.

(Ord. No. 18-64)

Secs. 42-115 – 42-119. Reserved

Sec. 42-120. Emergency Medical Service Fees

The cost for services outlined in Article VII of this code shall be as defined herein based on the response as approved by the chief of the county fire & emergency services department. These fees include, but not limited to, the provision of Emergency Medical Services as set by the Centers for Medicare and Medicaid services and are periodically adjusted to compensate for the rate of inflation and the provision of additional services:

- (1) Basic Life Support Transportation \$1,100.00
- (2) Advanced Life Support Transportation \$1,100.00
- (3) Advanced Life Support II Transportation \$1,500.00
- (4) Critical Care Transportation \$3,500.00

(5) Mileage (per loaded mile) \$15.00

(Ord. No. 18-64)

Sec. 42-121. Community Treatment Unit Fees

The cost for services outlined in Article VII of this code shall be as defined herein based on the response as approved by the chief of the county fire & emergency services department. These fees include, but not limited to, the provision of Medical Services as set by the Non-Physician Practitioner Billing Guidelines from the Centers for Medicare and Medicaid services and are periodically adjusted to compensate for the rate of inflation and the provision of additional services as defined in Appendix B* of this article.

Sec. 42-121.1. - Appendices—Adopted.

Appendix B* of this article shall be adopted and considered part of section 42-121. Appendix B* is not attached herein but is available for review in the office of the fire chief of the county fire & emergency services department and in the office of the clerk for the board of commissioners. Authority is hereby conferred upon the chief of the county fire & emergency services department to amend section 42-121, fees, to include Appendix B* in order to maintain services with industry standards. All services in Appendix B shall be listed by a nationally recognized testing laboratory as deemed acceptable by the chief of the county fire & emergency services department and its medical director. All rules adopted by the chief of the county fire & emergency services department shall be promulgated at least one month prior to application and enforcement.

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.

This Ordinance shall become effective immediately upon its second approval by the Board of Commissioners.

{Signatures on following page}

SO ORDAINED, this the 19th day of June, 2018.

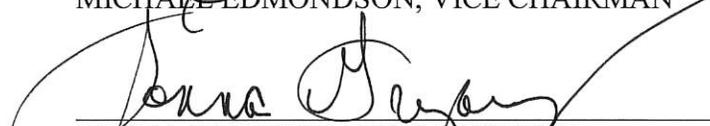
CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



MICHAEL EDMONDSON, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA T. DAVIS, CLERK