

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2017 - 7

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:

“(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 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.
- (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 Department or his/her designee. Additional safety precautions may be required at time of application.
- (g) The Chief of the county Fire Department, at the recommendation of the Fire Marshal, is authorized to cancel burning, and/or issue a temporary ban, any time weather conditions suggests 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.”

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 7th day of February, 2017.

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