

**IN THE SUPERIOR COURT OF TATTNALL COUNTY
STATE OF GEORGIA**

THE MAYOR AND COUNCIL)
OF THE CITY OF GLENNVILLE,)
Plaintiff,)
vs)
JERRY ALAN KNIGHT AND)
LOUIS P. KNIGHT,)
Defendants.)

Civil Action No.: 2025-V-63-MH

COMPLAINT FOR TEMPORARY RESTRAINING ORDER AND INJUNCTION

COMES NOW the Plaintiff in the above-styled case and, for cause of action against the Defendants, does show this Honorable Court the following, to wit:

1.

Defendant Jerry Alan Knight is a resident of Tattnall County and is subject to the jurisdiction of this Honorable Court. He may be personally served with a copy of this complaint at 409 Hilltop Road, Glennville, Georgia 30427.

2.

Defendant Louis P. Knight is a resident of Tattnall County Georgia and is subject to the jurisdiction of this Honorable Court. He may be personally served with a copy of this complaint at 403 Hilltop Road, Glennville, Georgia 30427.

3.

Plaintiffs, in their official capacities, are charged with protecting and preserving the health, safety and welfare of the citizens of Glennville, Georgia.

TATTNALL COUNTY GA.
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4.

Defendant Jerry Alan Knight owns a tract of land containing 29.98 acres, more or less, on Hilltop Road in the city limits of Glennville, Georgia. Which is identified as Map and Parcel Number 099 035J by the Tattnall County Tax Assessor's Office.

5.

Defendant Louis P. Knight owns a tract of land containing 17.23 acres, more or less, located on Hilltop Road in the city limits of Glennville, Georgia which is identified as Map and Parcel Number 099 035 by the Tattnall County Tax Assessor's Office.

6.

Chapter 22 Section 22-32 (c) of the Glennville, Georgia Code of Ordinances prohibits open burning of vegetative material for the purpose of land clearing unless an air curtain destructor is used and authorization for such burning is received from the Glennville Fire Department Chief.

7.

Notwithstanding such ordinance, and without prior authorization, Defendants did, on March 27, 2025, engage in the open burning of stumps, limbs, and other vegetative material on a clearcut parcel of land for the purpose of land clearing without using an air curtain destructor or without receiving prior authorization for such burn. See Affidavit of Dale Barnard, Glennville Fire Chief, attached hereto as Exhibit A.

8.

Following the ignition of said fire on March 27, 2025, Defendants and their agents, employees of the Georgia Forestry Commission, were advised that such burning was in violation of the said ordinance by Glennville Fire Chief Dale Barnard. Defendant's agents advised Chief Barnard that they were not bound to follow the City of Glennville's Fire Ordinance.

9.

Defendants, and/or their agents, have advised that Chief Barnard that they intend to continue burning until they are finished.

10.

As shown from the facts contained herein, unless Defendants are immediately restrained from engaging in open burning for the purpose of land clearing, Plaintiffs will suffer immediate and irreparable injury in that its citizens will be subjected to the harmful effects of smoke, ash and soot being distributed upon their property from such fire.

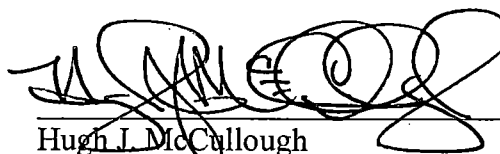
11.

Attached hereto is the certificate of Plaintiff's attorney showing efforts to give notice and reasons why notice should not be required.

Wherefore Plaintiffs pray for the following:

- a.) That this Court issue a Temporary Restraining Order prohibiting Defendants from engaging in open burning of vegetative material for the purpose of land clearing in violation of Glennville City Ordinances;
- b.) That the Court set down at the earliest possible time a hearing on a Interlocutory Injunction in this cause;
- c.) That upon said hearing in this cause, the Court issue an Interlocutory Injunction prohibiting Defendants from burning vegetative material for purpose of land clearing in violation of City of Glennville Ordinances;
- d.) That upon final hearing in this cause, said Interlocutory Injunction be made permanent;

e.) That Plaintiffs have such other and further relief as to this Court may seem just and equitable.



Hugh L. McCullough
Attorney for Plaintiff

Georgia State Bar Number: 487014

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AFFIDAVIT

COMES NOW, the undersigned who, after being duly sworn, states as follows:

1.

My name is Dale Barnard. I am the duly appointed Fire Chief of the City of Glennville, Georgia.

2.

On March 27, 2025, I received a phone call from Richard Lynn of the Georgia Forestry Commission that they intended to burn tailings and debris piled upon lands of Defendants.

3.

When I arrived at the scene, which is within the City limits of Glennville Georgia, the fire had already been ignited.

4.

No permit pursuant to Chapter 22 Section 22-32 (c) of the Glennville Code of Ordinances had been issued for this fire on property of Defendants.



5.

There was no air curtain destructor deployed and used for this fire as required by said code section.

6.

By the time I arrived on the scene approximately 5 to 7 acres were engulfed in flames. The entire area was engulfed in thick white smoke, which included the Glennville HeadStart Facility and the Glennville Recreation Department, as well as several residences.

7.

Richard Lynn told me that they were returning to burn the remaining lands of Defendants on another day.

8.

When advised that said burn was in violation of said ordinance, Richard Lynn stated that he "had a paper that said he could burn signed by the Attorney General".

FURTHER AFFIANT SAYETH NOT.

This 14th day of April, 2025.



Dale Barnard, Chief
Glennville Fire Department

Sworn to and subscribed before
me this 14th day of April, 2025


Notary Public, State of Georgia

