

ORDINANCE NO.: 2000-03

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, TITLED "THE EMERGENCY DROUGHT FIRE HAZARD ORDINANCE"; PROVIDING FOR THE REGULATION OF BURNING WITHIN THE UNINCORPORATED AREAS OF HERNANDO COUNTY DURING CONDITIONS OF DROUGHT; PROVIDING FOR TITLE, PROVIDING FOR ENACTMENT AND AUTHORITY; PROVIDING FOR EMERGENCY WAIVER OF NOTICE; PROVIDING FOR JURISDICTION; PROVIDING FOR PURPOSE, INTENT, AND IMPLEMENTATION; PROVIDING FOR PROHIBITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, for the past several months Hernando County has had a significant rainfall deficit leading to drought like conditions in the County; and

WHEREAS, this drought like condition has greatly affected vegetation in the County by making it very susceptible to wildfires; and

WHEREAS, although the Commissioner of Agriculture has not officially declared a severe drought emergency in Hernando County, one does exist creating a fire hazard in the County; and

WHEREAS, during the last several weeks there has been an increase in wildfires; and

WHEREAS, to avoid a conflagration until drought conditions end and to lessen the extreme fire hazards which exist in the County, the Board of County Commissioners finds that it is in the public's best interest, health, safety, and welfare to enact this ordinance regulating burning in the County.

FILED
2000 MAR 29 PM 4:55
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, AS FOLLOWS:

SECTION I. TITLE

This ordinance shall be known as Ordinance No.: 2000-03 "The Emergency Drought Condition Fire Hazard Ordinance."

SECTION II. ENACTMENT AND AUTHORITY

This ordinance is adopted in accordance with and pursuant to the authority of Chapter 125 of the Florida Statutes.

SECTION III. EMERGENCY WAIVER OF NOTICE

It is hereby declared that the public's need for adoption of this ordinance is so immediate and urgent as to constitute an emergency. This ordinance shall take effect in accordance with the emergency ordinance provisions of Section 125.66(3) of the Florida Statutes (1999). Notice as otherwise required by the Florida Statutes is hereby waived by a four-fifth (4/5) vote of the membership of the Board of County Commissioners declaring that an emergency exists and that the immediate enactment of this ordinance is necessary.

SECTION IV. JURISDICTION

The areas subject to this ordinance shall be all the unincorporated areas of Hernando County, Florida. Any law enforcement officer with jurisdiction in the County shall have the authority to enforce the terms and provisions of this ordinance.

SECTION V. PURPOSE, INTENT, AND IMPLEMENTATION

This ordinance is adopted with the intent to limit fire hazards in Hernando County during periods and conditions of extreme drought. The provisions of this ordinance shall be implemented by resolution of the Board of County Commissioners declaring a drought emergency. The provisions of this ordinance shall be enforced as required until by like resolution the Board of County Commissioners declares a drought emergency no longer exists.

SECTION VI. PROHIBITION

It is unlawful for any person to set fire to or cause fire to be set to any forest, grassland, wild lands, marshes, vegetation, or land in an urban or rural area including agriculture, Silva culture, and pile burning or to build a campfire, bonfire, burn yard trash, household garbage, refuse, or other debris within the unincorporated areas of Hernando County unless a written permit is obtained from the Department of Agriculture, Division of Forestry and a written burn authorization is obtained from a fire department having jurisdiction over the area where the burn permit is sought. Except for any burn authorization sought within the current existing Northeast Fire District, County fire departments shall issue any burn authorizations for that district. Other fire districts or firefighting agencies may delegate issuance of burn authorizations to County fire departments.

SECTION VII. OTHER PROHIBITIONS

Besides the prohibition on open burning specified in Section VI of this ordinance, no person or entity may discharge, or cause to be discharged, any fireworks as defined in Chapter 791 of the Florida Statutes, as it may be amended from time-to-time, or any other incendiary or other device that may cause, or have a tendency to cause, wildfires as defined in Section 590.015, Florida Statutes. Further, the Board may prohibit any event including, but not limited to, events involving motorcycles, automobiles, or any other vehicles, or equipment that because of the hot exhaust gases or high temperatures that may be generated by catalytic converters or other devices on such vehicles used in open non-controlled areas that are susceptible to wildfires.

SECTION VIII. EXCEPTIONS

1. Nothing herein contained in this ordinance shall be construed to prohibit lawful activities involving incendiary devices, fire or flame in controlled industrial or commercial processes for which permits have been issued or if no permit is issued take place in a controlled environment such as to make it unlikely that such incendiary, flame, or heat generating device will cause any type of wildfire or be a danger outside of the

premises where the procedure or process is being used.

2. Nothing herein shall prohibit residential outdoor cooking provided the same is done on a suitable piece of equipment designed to contain the fire, flame and heat generated thereby.

3. Further, outdoor cooking may also be done in any public or private place where there are facilities designed for outdoor cooking which would contain the heat, flames, or fire otherwise generated by outdoor cooking.

4. Any other procedure or process generating heat, flame, or fire that would normally be a hazard but for the fact that a local, state, or federal government has issued a permit for such activity.

5. The provisions of this ordinance shall not apply to any duly existing or constituted fire department, fire district, or volunteer fire department conducting training exercises involving open fire or flame solely for training purposes under controlled conditions.

SECTION VIII. PENALTIES

Any violation by any person of any requirement or provision of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Upon conviction, any person violating any requirement or provision of this ordinance shall be punished by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the County jail not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION IX. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners that the provisions of this ordinance are severable, and if any sentence, section, or other part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall remain in full force and effect.

SECTION X. INCLUSION IN THE CODE

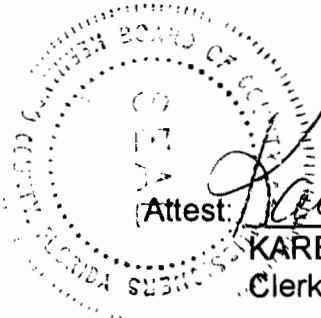
It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and

be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION XI. EFFECTIVE DATE

This ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail, return receipt requested to the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 28th day of March 2000 A.D., by a vote of 5 in favor and 0 opposed.



Attest: *Karen Nicolai*
KAREN NICOLAI
Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: *Paul H. Sullivan*
PAUL H. SULLIVAN
Chairman

For the Use and Reliance of Hernando County
Approved as to Form Only

William P. Buztrey 03/28/00
William P. Buztrey, Esq.
Assistant County Attorney