

Deputy Clerk MBASS

EMERGENCY ORDER

No. 2017-019

**AN EMERGENCY ORDER REGARDING OPEN BURNING
DURING THE DECLARED STATE OF EMERGENCY.**

WHEREAS, by Emergency Declaration No. 2017-018 dated April 24, 2017, the Chair of the Board of County Commissioners ("Board") declared a state of local emergency due to the drought conditions and forest and brush fires in Levy County; and

WHEREAS, any open burning creates unacceptable risks for accidental or careless ignition of dry vegetation; and

WHEREAS, pursuant to its police power and Section 282.38, the Board may take actions to protect the health, safety and welfare of its citizens; and

WHEREAS, Section 252.46, Florida Statutes, and Section 30-35, Levy County Code, authorizes the County to promulgate orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the emergency management provisions of Sections 252.31 through 252.90, Florida Statutes; and

WHEREAS, such orders when filed with the Clerk of Court shall have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of the conflict, pursuant to Section 252.46(2), Florida Statutes; and

WHEREAS, the law enforcement authorities of the State and its political subdivisions are authorized to enforce such orders pursuant to Section 252.47, Florida Statutes; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor, punishable by a fine of up to \$500.00 for each offense and by a term of imprisonment of up to sixty (60) days in jail for each offense, pursuant to Section 252.50, Florida Statutes; and

WHEREAS, the Chair of the Board finds it necessary to promulgate an emergency order to protect human life and animal life and to avert the overwhelming destruction of property that could result from a forest or brush fire.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT THE FOLLOWING ARE PROHIBITED IN THE UNINCORPORATED AREA OF LEVY COUNTY, FLORIDA:

1. Open burning, except (a) outdoor grills used in preparing food; and (b) commercial land clearing where on-site inspection and approval has been granted by the Florida Forest Service, on a case-by-case basis, and it is determined that there will be sufficient fire suppression equipment and personnel on-site.

2. (a) The sale, use and/or discharge of items listed in Section 791.01(4) (fireworks) using explosive or combustible compounds; (b) use or discharge of flares, and the use of outdoor burning devices (excluding attended and monitored barbecue/cooking equipment); and (c) any otherwise lawful outdoor burning, such as lawn, debris or trash burning.

3. The parking of vehicles with catalytic converters in high grassy areas.

4. The throwing of matches or cigarettes or any lit object from vehicles.

IT IS FURTHER ORDERED that any person violating this or any executive order issued pursuant to Emergency Declaration No. 2017-018 or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of executive orders shall, upon

conviction therefor, be punished in accordance with Section 252.50, Florida Statutes, or, in the alternative or in addition, Section 30-37, Levy Code of Ordinances.

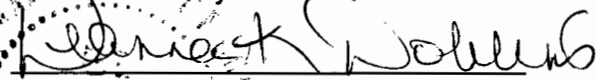
FURTHER, if any provision of this Executive Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Executive Order, which shall continue to have the full force and effect of law.

This Executive Order shall remain in effect during the state of local emergency declared by Emergency Declaration No. 2017-017, as the same may be extended, but in no event longer than ninety (90) days from the date hereof, unless either modified or rescinded.

DULY ADOPTED BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS this 24th day of April, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

ATTEST:
Clerk of the Circuit Court
and Ex Officio Clerk to the
Board of County Commissioners



Danny J. Shipp, Clerk
Deanna D. Bowers as Chief Deputy



John Meeks, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



Anne Bast Brown, County Attorney