

AN ORDINANCE OF HOLMES COUNTY, FLORIDA DECLARING THE EXISTENCE OF AN EMERGENCY; PROHIBITING OPEN BURNING WITHOUT A PERMIT; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, both last year and this, the State of Florida has suffered from a high number of wild fires due to drought conditions, with thousands of acres burned throughout the State of Florida; and

WHEREAS, numerous wild land fires are started by careless open burning; and

WHEREAS, a drought condition presently exists in Holmes County, and numerous wild fires have been started from careless acts of people; and

WHEREAS, wild fires have already caused extensive damage and destroyed homes in Holmes County; and

WHEREAS, the Division of Forestry has stopped issuing burn permits in Holmes County due to the drought conditions; and

WHEREAS, Holmes County has the authority to adopt an ordinance that provides for penalties if any person engages in the act of open burning without a burn permit from the Division of Forestry; and

WHEREAS, the Board of County Commissioners finds a ban on open burning is necessary to protect the health and welfare of the people of Holmes County; and

WHEREAS, an emergency exists necessitating the immediate adoption of an emergency ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY:

- 1. Existence of an Emergency:** An emergency exists in that numerous wild fires are occurring throughout Holmes County.
- 2. Open Burning Without A Permit Is Prohibited:** It shall be unlawful for any person to burn in the open without a permit from the Division of Forestry. Open burning or

"burn in the open" shall mean any outdoor fire or open combustion of material which produces visible emissions, but shall not mean the use of charcoal or gas grills for cooking.

3. Enforcement and Penalties: Any person violating any of the provisions of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Each day the violation exists is a separate offense or violation. Such violations shall be prosecuted in the name of Holmes County in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate occurrence of an act that violates this Ordinance shall be deemed a separate offense. Further, any persons violating this Ordinance may be subject to appropriate civil action in a court of appropriate jurisdiction for abatement and damages.

4. Sunset Provision. This Ordinance shall be automatically repealed 90 days from the effective date and shall no longer be in force or effect.

5. Effective Date. This emergency Ordinance shall be effective immediately upon mailing to the Secretary of State.

PASSED AND ADOPTED by a four-fifths majority this 13TH day of JUNE, 2006.

BOARD OF COUNTY COMMISSIONERS
~~_____~~ COUNTY, FLORIDA,
Holmes
[Signature]
Chairman

ATTEST: *[Signature]* (SEAL)
Clerk

Approved as to correctness of form:
[Signature]
Gerald Holley
Holmes County Attorney