

ORDINANCE # 07-05

**AN EMERGENCY 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 wildfires due to drought conditions, with thousands of acres burned throughout the State of Florida; and

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

WHEREAS, a drought condition presently exists in Holmes County; 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 Commissioners of Holmes County:


1. **Existence of an Emergency.** An emergency exists in that drought conditions exist 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, fireworks, or combustion of material, which produces visible emissions, but shall not mean the use of charcoal grills or gas grills for cooking.
3. **Conflicting Ordinances.** This Ordinance shall be applied to all municipalities within Holmes County. However, if this Ordinance conflicts with a municipal ordinance, the municipal ordinance prevails within the municipality to the extent of such conflict.
4. **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 \$500.00 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.


5. **Sunset Provision.** This Ordinance shall be automatically repealed NINETY (90) days from the effective date and shall no longer be in force or effect.
6. **Effective Date.** This emergency Ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED by a majority this 25 day of May 2007.

**BOARD OF COUNTY COMMISSIONERS
HOLMES COUNTY, FLORIDA**


RAYMON THOMAS, CHAIRMAN

ATTEST:


CODY TAYLOR, CLERK OF COURT