

ORDINANCE NO. O 2020-011

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING CHAPTER 7, ARTICLE 1, SECTION 1.1, TITLED BONFIRES PROHIBITED; PERMIT EXCEPTIONS; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Davie is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law;

WHEREAS, the Town Council recognizes the dangers that bonfires present to the life, safety, and welfare of the residents and animals of the Town;

WHEREAS, the Town Council is desirous of creating Chapter 7, Article 1, Section 1.1, attached as Exhibit "A";

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety, and welfare of the Town's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Chapter 7, Article I, Section 1.1, is hereby created and adopted as set forth in Exhibit "A".

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. This Ordinance shall become effective immediately upon passage and adoption.

PASSED ON FIRST READING THIS 15TH DAY OF APRIL, 2020.

PASSED ON SECOND READING THIS 6TH DAY OF MAY, 2020.

ATTEST:


MAYOR/COUNCILMEMBER


TOWN CLERK

APPROVED THIS 15TH DAY OF APRIL, 2020.

Approved as to Form and Legality:


TOWN ATTORNEY

Sec 7-1.1 – Bonfires prohibited; Permit exceptions

- (a) Absent a permit issued by the Town of Davie Fire Department, it is unlawful for any individual, entity, or group of individuals to build a bonfire. The term bonfire shall not include outdoor cooking fires, which are defined as the burning of materials by fire not exceeding three feet in diameter and two feet in height so long as the fuel burned is contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for the purpose of preparing food. This section is not intended to conflict with any exception for organic material burning approvals stated in Section 7-1.
- (b) Any person who violates this section may be subject to a civil citation and a fine.
 - 1. First offense the fine shall be \$250.00.
 - 2. Second and any subsequent offenses shall be \$500.00.
- (c) Any property owner, lessee, and / or occupant with knowledge of the violation occurring upon a property that is controlled, owned, leased, or resided upon by said person, may be subject to a civil citation and fine, a notice to appear in county court, or appearance before the Town's code enforcement special magistrate, and subject to the penalties prescribed in chapter 162.09, F.S., or any other legal remedy available to the Town.
- (d) In addition to the provisions in Section 7-1, an individual or entity may apply for a permit to build a bonfire. The bonfire permit application must be submitted at least 60 (sixty) days prior to the proposed date of the bonfire to the Town of Davie Parks, Recreation, and Cultural Arts, Special Event Division and approved by the Town Administrator or his/her designee.