

ORDINANCE 16-17- 07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, ADOPTED PURSUANT TO THE EMERGENCY ENACTMENT PROCEDURE OF SECTION 125.66(3), FLORIDA STATUTES, DECLARING A BAN ON BURNING WITHOUT AN AUTHORIZATION ISSUED BY THE FLORIDA FOREST SERVICE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR JURISDICTION; PROVIDING FOR PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Highlands County Board of County Commissioners (hereinafter referred to as the "Board") was regularly assembled on April 18, 2017; and

WHEREAS, a presentation by a representative of the Florida Forest Service and the County Community Safety Director described the extremely dangerous conditions that currently exist with regard to wildfires; and

WHEREAS, the County has recently experienced wildfires that lasted for days; and

WHEREAS, on Tuesday April 18, 2017, a severe Keetch Byram Drought Index (KBDI) exceeding 605 has been issued for Highlands County; and

WHEREAS, there exists large amounts of combustible materials throughout Highlands County because of the lack of precipitation, creating dangerous conditions to the County and the citizens; and

WHEREAS, hazardous weather conditions conducive to wildfire remain in effect for Highlands County as the atmospheric condition remains favorable for the drought conditions to continue for the foreseeable future; and

WHEREAS, the Florida Forest Service will issue authorizations for burns during a declared state of local emergency to ensure that burns are taking place at appropriate times and locations and may refuse to issue authorizations for burns when appropriate to do so; and

WHEREAS, the Board has determined and does declare that an emergency exists and that the immediate enactment of this Ordinance is necessary.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, after due notice and public hearing, that:

SECTION 1. BURN BAN. No person shall burn vegetation, lumber, trees, trash or debris in Highlands County, Florida, without a burn authorization issued by the Florida Forest Service.

SECTION 2. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 4. JURISDICTION. This Ordinance shall apply in the incorporated and unincorporated areas of Highlands County, Florida.

SECTION 5. PENALTY. Any person who violates this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment in the County jail not to exceed 60 days or both.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Department of State.

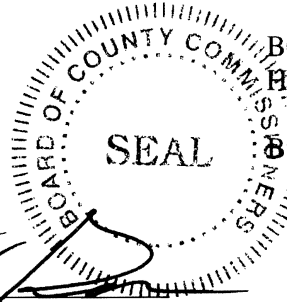
DONE AND ADOPTED this 18th day of April, 2017.

(SEAL)

ATTEST:

By:

Robert W. Germaine, Clerk



BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

Don Elwell, Chairman



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 18, 2017

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Pamela Gamez, Deputy Clerk

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 16-17-07, which was filed in this office on April 18, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb