

AN ORDER AND DECLARATION REGARDING OPEN BURNING

WHEREAS, due to the dry, parched, drought and windy conditions and the resultant threat of wildfires in Bay County, emergency measures are required to protect the health, safety, welfare, and property of Bay County residents and visitors; and

WHEREAS, dry conditions and the imminent potential of forest and brush fires pose a serious threat to the lives and property of the residents of Bay County; and

WHEREAS, the Chief of Emergency Services, based on current conditions has recommended that the County ban open burning.

WHEREAS, Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent actions is necessary to ensure the health, safety, and welfare of the community; and

NOW, THEREFORE, BE IT DECLARED THAT

The foregoing circumstances constitute a local state of emergency pursuant to Section 252.38(3), F.S., and during such emergency, the following activities shall be prohibited:

- A. Open burning, including trash, debris, or trash burning; bonfires; campfires; warming fires; outdoor fireplaces; chimneys; and cooking fires unless within a contained, attended and monitored gas or charcoal grill.
- B. The sale, use and/or discharge of items listed in Florida Statute 791.01(4) (fireworks) using explosive or combustible compounds;
- C. The use or discharge of flares;
- D. The use of outdoor burning devices.
- E. The parking of vehicles with catalytic converters in high grassy areas;
- F. The disposal of matches or cigarettes, etc., except in proper disposal containers;
- G. Any outdoor activity which could allow flames or sparks that could result in a fire.

Notwithstanding the foregoing, the following activities are not prohibited: (a) outdoor grills used in preparing food; (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; (c) firefighter training; and (d) the use of an air curtain incinerator is allowed for the combustion of land clearing debris or storm-related natural vegetative debris, provided the incinerator has a Florida Department of Environmental Protection air permit or has been exempted from air permitting by the Florida Department of Environmental Protection. If an air curtain incinerator has been exempted from air permitting by the Florida Department of Environmental Protection, prior authorization to use the incinerator must be obtained from the Florida Forest Service. Prior to use of the air curtain

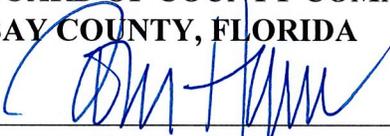
incinerator, the user shall notify Bay County Emergency Services of the date and time of the burn.

The setting of fires except as approved by the Florida Forest Service, shall constitute a violation of the law. Any person violating this Order or any person who willfully fails or refuse to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such Order shall, upon conviction therefore, be punished in accordance with Florida Statutes Section 252.50.

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

This order applies in both incorporated and unincorporated areas of the County. Municipalities may opt out of this emergency order by resolution or ordinance.

**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA**



Tommy Hamm, Chairman

ATTEST:

CLERK OF COURT

Bill Kinsaul, Clerk of Court