

ORDINANCE  
2006-09

AN EMERGENCY ORDINANCE OF WALTON COUNTY, FLORIDA, DECLARING THE EXISTENCE OF AN EMERGENCY; PROHIBITING THE USE OF FIREWORKS EXCEPT BY LICENSED, PERMITTED COMPANIES; 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 use of unregulated fireworks; and

WHEREAS, a drought condition presently exists in Walton County; and

WHEREAS, Walton County has the authority to adopt an ordinance that provides for penalties if any person engages in the use of fireworks without a appropriate license and without a permit from Walton County; and

WHEREAS, the Board of County Commissioners finds a ban on the use of fireworks except by licensed and permitted companies is necessary to protect the health and welfare of the people of Walton 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 Walton County:

1. Existence of an Emergency. An emergency exists in that a drought conditions exists throughout Walton County.

2. Use of Fireworks Without Appropriate License and Without A Permit is Prohibited. It shall be unlawful for any person to use fireworks without an appropriate license and without a permit from Walton County. "Fireworks" shall mean any combustible or explosive composition or substance or combination of substances or, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tables or other device containing any explosive substance.

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 Walton 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

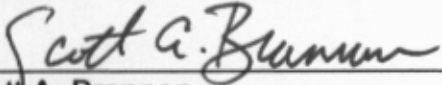
imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate occurrence of an act that violates this Ordinance shall be deemed a separate offense. Further, any persons violating this Ordinance may be subject to appropriate civil action in a court of appropriate jurisdiction for abatement and damages.

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

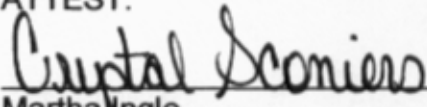
5. Effective Date. This emergency Ordinance shall be effective immediately upon mailing to the Secretary of State.

PASSED AND ADOPTED by a four-fifths majority this 27 day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
WALTON COUNTY, FLORIDA

  
\_\_\_\_\_  
Scott A. Brannon  
Chair

ATTEST:

  
\_\_\_\_\_  
Martha Ingle  
Clerk of Court