

ORDINANCE 2011- 61

**AN EMERGENCY ORDINANCE OF WALTON 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, Governor Rick Scott has declared by Executive Order # 11-128 that a state of emergency exists in the State of Florida due to the current potential for wildfires; and

WHEREAS, the Walton County Sheriff's Office Division of Emergency Management, the Walton Fire Council, and the Florida Division of Forestry have conferred and support the banning of open burning and certain fireworks use; and

WHEREAS, two Division of Forestry firefighters were killed while fighting wildfires in the Florida Panhandle last week and 2 other firefighters sustained injury; and

WHEREAS, numerous fires are started by careless open burning and the misuse or careless use of fireworks; and

WHEREAS, the Keetch-Byram Drought Index (KBDI) average for Walton County is 680 with large portions of the county exceeding 750 (0 represents saturated soil and vegetation conditions; 800 represents extremely dry soil and vegetation conditions); and

WHEREAS, Walton 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 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 drought conditions exist throughout Walton 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

2011-61

burning or "burn in the open" shall mean any outdoor fire or combustion of material which produces visible emissions, but shall not mean the use of charcoal grills or gas grills for cooking.

3. Use of Personal Fireworks is Prohibited. The use of fireworks by other than licensed professional pyro-technicians in support of authorized fireworks displays is prohibited. This shall in no way restrict the sale of fireworks as authorized by state law.

4. Conflicting Ordinances. This Ordinance shall be applied to all municipalities within Walton County. However, if this Ordinance conflicts with a municipal ordinance, the municipal ordinance prevails within the municipality to the extent of such conflict.


5. 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.

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 This Ordinance shall be automatically repealed NINETY (90) days from the effective date and shall no longer be in force or effect.

7. Effective Date. This emergency Ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED by a majority this 28 day of June 2011.

Attest:

for

Martha Ingle
Clerk of Court

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

BY: 
Larry D. Jones, Chairman