RESOLUTION NO. 2017- 95

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, EXTENDING THE BURN BAN

WHEREAS, the Board of County Commissioners of Nassau County, Florida adopted Resolution 2017-87 declaring a State of Emergency which prohibits the outdoor burning of yard debris and trash; and

WHEREAS, the Board of County Commissioners exercised its authority under Chapter 252.38(3), Florida Statutes; and

WHEREAS, Chapter 252.38(3)(5) provides that the duration of the state of emergency declared locally is seven (7) days; and

WHEREAS, the seven day increment may be extended by a majority vote of the Board of County Commissioners of Nassau County, Florida; and

WHEREAS, as a result of numerous wildfires and based upon current conditions, the Assistant Fire Chief has recommended that there exists a need to extend this local State of Emergency.

NOW, THEREFORE, BE IT RESOLVED, this 8th day of May, 2017, pursuant to the authority granted by Nassau County Ordinance No. 2001-04, as amended, that:

1. The Board of County Commissioners of Nassau County, Florida, does hereby extend the State of Emergency for a period commencing May 8, 2017 and continuing the emergency through May 15, 2017.

2. During the state of local emergency, the use, ignition or discharge of (1) items containing any "explosive compound" as that term is defined in Section 791.01(3), Florida Statutes; (2) items defined as "fireworks" in Section 791.01(4)(a), Florida Statutes; (3) sparklers, as that term is defined in Section 791.01(8), Florida Statutes, whether or not "approved by the division"; (4) any item or product using or containing any amount of pyrotechnic composition; (5) flares, (6) open burning; and (7) campfires shall be *prohibited throughout Nassau County during the period of local emergency* and any extension(s) thereof. Except as provided below, the use of an outdoor cooker or grill for cooking is also prohibited during the state of local emergency. The following activities are *expressly permitted* during the state of local emergency:

    a. Use of outdoor cookers or grills as long as they are attended by a responsible adult at all times the unit is burning, cooking or otherwise in use;

    b. Any agricultural, silvicultural or land clearing burn that has been authorized by the Florida Forest Service and it is determined that there will be sufficient fire suppression equipment and personnel on site;

c. Properly permitted public fireworks displays with adequate fire suppression equipment and personnel on site; and

d. Flares discharged over the Atlantic Ocean.

3. As provided in section 252.50, Florida Statutes, any person violating this order is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes. Any violator shall, in addition to the penalties described above, reimburse Nassau County for all costs incurred as a result of such violation, including without limitation, response and suppression costs.

4. This state of local emergency may be modified in whole or in part, extended, or terminated upon the joint recommendation of the Assistant Fire Chief and the County Manager.

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

6. This Resolution shall take effect immediately upon adoption.

DULY ADOPTED this 8th day of May, 2017

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER
Its: Chairman

Attest as to Chairman's signature

JOHN A CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN