

RESOLUTION R-20-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA RELATING TO THE ISSUANCE OF A BURN BAN PROHIBITING OPEN BURNING AND RECREATIONAL FIRES ON ANY PROPERTY LOCATED WITHIN THE MUNICIPAL LIMITS OF THE CITY OF WINTER HAVEN, FLORIDA, AND AS MORE PARTICULARLY SET FORTH IN THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE.

WHEREAS, Polk County and the City of Winter Haven, Florida at times experience dry weather conditions for an extensive period of time because of the lack of rainfall and other atmospheric conditions; and

WHEREAS, during these periods there are no signs of abatement of these dangerous fire conditions in the near future; and

WHEREAS, the atmospheric conditions or local circumstances may rapidly change to increase risk of brush fires and uncontrolled fires; and

WHEREAS, the threat of uncontrolled fires presents a risk to public health, safety and the general welfare of the residents and citizens of the City of Winter Haven, Florida and the general public and may continue to exist for an undetermined length of time; and

WHEREAS, Polk County Ordinance 08-015 as amended allows the Board of County Commissioners to issue a burn ban for the unincorporated areas of Polk County; and

WHEREAS, on March 31, 2020, Polk County has implemented a county wide burn ban in accordance with Polk County Ordinance 08-015 as amended; and

WHEREAS, the City of Winter Haven desires to adhere to the provisions established in Section 590.081 of the Florida Statutes and the National Fire Protection Association Standard 1123.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA:

1. The above recitals are incorporated herein and form a factual basis for the passage of this Resolution.

2. Pursuant to the authority granted in Sections 633.118, 633.206, and/or 633.208 of the Florida Statutes, this Resolution shall prohibit all open burning and recreational fires within the municipal limits of the City of Winter Haven, Florida except for any burning that is conducted pursuant to a State issued permit, defined as follows:

- a. Igniting of fireworks;
- b. Campfires;
- c. Bonfires;
- d. Burning of yard debris, clippings, cuttings and household trash;
- e. Non-permitted controlled burns;
- f. Burning of construction debris;
- g. Non-commercial open burning of material for other than religious or ceremonial purposes which is not contained in a barbecue grill or a barbecue pit and the total fuel area is not exceeding three feet in diameter and two feet in height; and
- h. Burning of organic debris.

3. Cancellation of the burn ban imposed herein shall be determined by the City's Public Safety Director and/or designee in accordance with appropriate and required protocols applicable thereto.

4. Any person who violates any of the provisions of the burn ban imposed herein commits a misdemeanor of the second degree, in violation of Section 590.081, of the Florida Statutes, and is punishable in accordance with Sections 775.082, and 775.083 of the Florida Statutes.

5. If any portion of this Resolution is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Resolution, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this Resolution shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

6. All Resolutions or parts of Resolutions which are in conflict with this Resolution are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting Resolutions, in which case those Resolutions so affected shall be hereby repealed in their entirety.

7. This Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED by the City Commission of the City of Winter Haven, Florida, in regular session this 13th day of April, 2020.

CITY OF WINTER HAVEN, FLORIDA



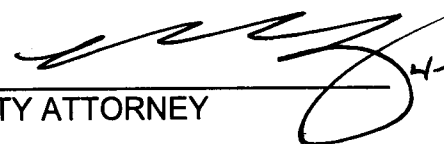
MAYOR-COMMISSIONER

ATTEST:



CITY CLERK

Approved as to form:



CITY ATTORNEY 4-14-20

