

ORDINANCE NO. 2011- 1

AN EMERGENCY ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA, PROVIDING FOR BAN ON THE DISCHARGE OF FIREWORKS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, CITY OF ST. AUGUSTINE, TOWN OF HASTINGS, AND CITY OF ST. AUGUSTINE BEACH DUE TO WEATHER CONDITIONS INCLUDING LACK OF SUBSTANTIAL RAINFALL, LOW TEMPERATURES, WORSENING DROUGHT, AND SYSTEMS WITH SIGNIFICANT WIND; PROVIDING FOR APPLICABILITY OF OPEN FIRES BAN TO SAID AREAS; PROVIDING FOR TERM OF BAN; PROVIDING PENALTIES; PROVIDING FOR JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to weather conditions including lack of substantial rainfall, low temperatures, worsening drought, and systems with significant wind, which have considerably enhanced the potential for and spread of wildfires within St. Johns County, further measures are required to protect St. Johns County citizens, and visitors, and to protect their health, safety, welfare and property; and

WHEREAS, as a result of said conditions, numerous brush and forest wildfires have been ignited or may be ignited throughout the County; and

WHEREAS, because of said conditions, wildfires once ignited, are extremely difficult to control and contain, and therefore the personnel and resources of the County and State battling the same are exposed to high risk, and the spread of said wildfires promotes an ever-increasing threat to the safety of the lives and property of the County; and

WHEREAS, the abatement of said conditions throughout the County is not anticipated in the foreseeable future, and therefore the threat of brush and forest wildfires is expected to continue throughout portions of the Summer; and

WHEREAS, said conditions demand that further precautions be taken to protect the citizens, visitors, and property of the County and to ensure that the health, safety, and welfare of the community is preserved; and

WHEREAS, the potential fires may become beyond the capability of the County to effectively respond and control without emergency procedures and assistance; and

WHEREAS, the Board of County Commissioners of St. Johns County finds that a temporary ban on the discharge of fireworks is necessary to avoid wild fire hazards until existing extreme drought conditions end; and

WHEREAS, the City of St. Augustine, Town of Hastings, and City of St. Augustine Beach are included within the County's unified fire district and served by County fire protection services; and

WHEREAS, based on the recommendation of the County Fire Rescue Chief, the Board of County Commissioners of St. Johns County finds that an emergency exists and that the immediate enactment of said Ordinance is necessary in accordance with Part I, Chapter 252, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. **DECLARATION OF FIREWORKS AND BURN BAN.** The use or discharge of (1) fireworks (as defined in Florida Statute 791.01), (2) sparklers approved by the Division of State Fire Marshal pursuant to Florida Statute 791.013 (and any other sparklers), (3) trick noisemakers and other items listed in Florida Statute 791.01(4)(c) using explosives or combustible compounds (excluding auto burglar alarms used for their intended use), (4) flares; and the use of outdoor burning devices; (5) campfires or outdoor cooking fires, except those campfires located within a metal fire ring located within a state park or licensed campground, or cooking fires within a barbeque grill, hibachi or other similar device specifically intended for cooking; and (6) any other outdoor burning, such as lawn, debris, or trash burning, are hereby prohibited in the unincorporated areas of St. Johns County, and also prohibited in the areas within any municipality in St. Johns County that does not take specific, formal action to declare that such municipality exercises its option (hereby granted by this Ordinance) to exclude such particular municipality from the effect of this Ordinance during the period of local emergency and any extension(s). Notwithstanding any other provision of this Ordinance, the Fire Marshal of St. Johns County or the Fire Marshal of any municipality within St. Johns County may, for good cause in the public interest, authorize and put into effect an exception to the prohibitions imposed by this Ordinance, only for a particular public fireworks display determined by such authority to be reasonably safe for private persons and the public. Furthermore, the Fire Marshal of St. Johns County or the Fire Marshal of any Municipality may authorize specifically or generally any burning authorized by the Florida Division of Forestry. Nothing herein shall be deemed to prohibit the smoking of tobacco products.

Section 2. **EXCEPTION.** The ban enacted by Section 1 of this Ordinance shall not apply to the supervised public display of fireworks for which a permit has been issued by the County Fire Marshall.

Section 3. **JURISDICTION.** This Ordinance shall apply to all unincorporated areas of St. Johns County and the municipalities of the City of St. Augustine, Town of Hastings, and City of St. Augustine Beach.

Section 4. **PENALTY.** A person who knowingly and willfully violates the terms of this Ordinance, upon being found guilty, shall be punished by a fine not to exceed \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Each day that any violation of any provision of this Ordinance shall continue shall constitute a separate offense.

Section 5. **TERM OF BAN; EARLY TERMINATION.** This Ordinance shall be in effect for a period of ninety (90) days, unless:

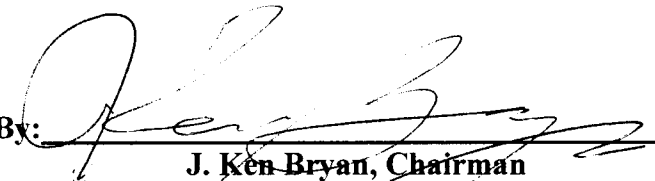
- A. Terminated earlier by resolution, or extended by ordinance of the Board of County Commissioners of St. Johns County; or
- B. Terminated in writing by the County Administrator at an earlier date upon determination that current drought conditions and the threat of wild fires, as defined in Section 590.015, Florida Statutes, have been sufficiently alleviated through rainfall or other weather conditions.
- C. The County Administrator shall have the authority to remove in writing specific types of activities otherwise banned by this Ordinance upon recommendation of the Fire Rescue Chief.

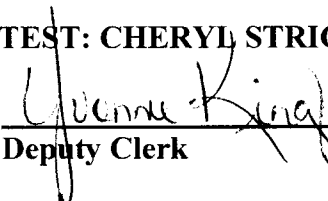
Section 6. **SEVERABILITY CLAUSE.** If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated. All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 7. **EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of Courts, Minutes and Records Department as soon after enactment by the Board of County Commissioners of St. Johns County, as practicable and this Ordinance shall be deemed filed and take effect when a copy has been accepted by the postal authorities of the government of the United States for special delivery by certified or registered mail to the Department of State.

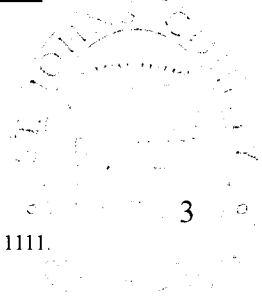
PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of January, 2011.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: 
J. Ken Bryan, Chairman

ATTEST: CHERYL STRICKLAND
By: 
Deputy Clerk

Rendition Date: January 18, 2011
Effective Date: January 18, 2011



NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

CO. ISEMENT

THE ST. AUGUSTINE RECORD

SJC MINUTES & RECORDS C/O CLER ATTN MS.P DEGRANDE 500 SAN SEBASTIAN VIEW SAINT AUGUSTINE FL 32084

Ref.#: L160-11 P.O.#: L160-11

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

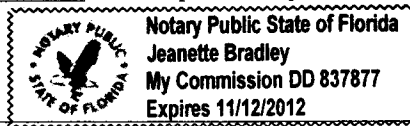
STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared BRI HALL who on oath says that he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement being a NOTICE OF HEARING In the matter of FIREWORKS BAN - HEARING JANUARY 18, 2011 was published in said newspaper on 01/13/2011

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 13 day of Jan 2011 by Bri Hall who is personally known to me or who has produced as identification

Jeanette Bradley (Signature of Notary Public)



(Seal)

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, January 18, 2011 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following emergency ordinance:

AN EMERGENCY ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA, PROVIDING FOR BAN ON THE DISCHARGE OF FIREWORKS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, CITY OF ST. AUGUSTINE, TOWN OF HASTINGS, AND CITY OF ST. AUGUSTINE BEACH DUE TO WEATHER CONDITIONS INCLUDING LACK OF SUBSTANTIAL RAINFALL, LOW TEMPERATURES, WORSENING DROUGHT, AND SYSTEMS WITH SIGNIFICANT WIND; PROVIDING FOR APPLICABILITY OF OPEN FIRES BAN TO SAID AREAS; PROVIDING FOR TERM OF BAN; PROVIDING PENALTIES; PROVIDING FOR JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

The proposed emergency ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed emergency ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L160-11 Jan 13, 2011

U.S. Postal Service™ *ORDINANCE 2011-1*
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®
 TALLAHASSEE FL 32399

OFFICIAL USE

Postage	\$	0.61
Certified Fee		2.80
Return Receipt Fee (Endorsement Required)		2.30
Restricted Delivery Fee (Endorsement Required)		0.00
Total Postage & Fees	\$	5.71

7009 1680 0001 8323 4152

Sent To: *Dept of STATE - Bureau of Admin Code*
 Street, Apt. No.; or PO Box No.: *500 S. BRONOUGH ST RM 101*
 City, State, ZIP+4: *Tallahassee, FL 32399-0250*

PS Form 3800, August 2006 See Reverse for Instructions

Postmark: *JAN 18 2011*

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: <i>DEPT. OF STATE</i> <i>BUREAU OF ADMIN CODE</i> <i>RAGIAY BLDG RM 101</i> <i>500 SOUTH BRONOUGH ST</i> <i>Tallahassee, FL 32399</i></p> <p>2. Article Number (Transfer from service label) <i>7009 1680 0001 8323 4152</i></p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below. <input type="checkbox"/> No</p> <p><i>DEPT. OF STATE</i> <i>JAN 21 2011</i></p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
--	--

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 24, 2011

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

RECEIVED
2011 JAN 31 PM 4: 51
CLERK OF THE SUPERIOR COURT
ST. JOHNS COUNTY, FL.

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 18, 2011 and certified copy of Ordinance No. 2011-1, which was filed in this office on January 21, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282