

RESOLUTION R-20-046

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING A STATE OF EMERGENCY RELATIVE TO DROUGHT CONDITIONS AND BANNING THE USE OF FLARES, EXPLOSIVES, SPARKLERS AND OUTDOOR COOKERS OR GRILLS AND OTHERWISE LAWFUL OUTDOOR BURNING

WHEREAS, safeguarding the lives and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state; and

WHEREAS, due to the hot, dry, parched, drought and windy conditions and the resultant threat of wildfires within Manatee County, emergency measures are required to protect the health, safety, welfare and property of Manatee County residents and visitors.

NOW THEREFORE, in accordance with the emergency powers vested in the County pursuant to Section 252.38, Florida Statutes, it is hereby ordered as follows:

1. A state of local emergency is hereby declared pursuant to Section 252.38(3)5., Florida Statutes.
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), F.S.; (2) items defined as "fireworks" in Section 791.01(4)(a), F.S.; (3) sparklers, as that term is defined in Section 791.01(8), F.S.; 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 Manatee County during the period of local emergency* and any extensions(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 been 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 Gulf of Mexico.

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 Sections 775.082 or 775.083, Florida Statutes. Any violator shall, in addition to the penalties described above, reimburse Manatee County and any relevant Fire District for all costs and expenses incurred as a result of such violation, including without limitation, response and suppression costs.

4. This state of local emergency shall last until 11:59 p.m., March 31, 2020, unless extended as allowed by law.

5. This state of local emergency may be modified in whole or in part, extended, or terminated upon the joint recommendation of the Director of Public Safety and the County Administrator or action of the Chairperson of the Board of County Commissioners, with ratifications in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting.

6. 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.

7. This Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting, this ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST:
ANGELINA M. COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk