

**CITY OF BELLE ISLE, FLORIDA
ORDINANCE NO. 17-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, BANNING
OUTDOOR FLAMES AND BURNING IN THE CITY AND DECLARING AN EMERGENCY.**

WHEREAS, Hurricane Irma has caused extensive damage to the vegetation in the City of Belle Isle; and

WHEREAS, there is a large amount of dry vegetative debris in the City of Belle Isle; and

WHEREAS, high temperatures and dry conditions have created uniquely high fire risk conditions throughout the City of Belle Isle; and

WHEREAS, given the uniquely hazardous present conditions, the Belle Isle City Council finds and determines that, subject to limited exceptions, a broad ban on any outdoor flames or burning as set forth herein by emergency ordinance is necessary to protect the public health, safety, and welfare of the citizens of Belle Isle.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BELLE ISLE, FLORIDA:

1. Incorporation of Recitals. The aforementioned recitals are hereby fully incorporated herein.

2. Ban on Outdoor Flames and Burning. Open burning, including the use of burn barrels, is prohibited within the City. The following are hereby declared unlawful in the City.

a. Any "open fire" within the city limits, including, but not limited to campfires, warming fires, including the use of constructed, permanent fire pits or fire grates within developed picnic grounds or recreation sites; Portable fire pits with approved screens, charcoal and gas grills are permitted at private residences and restaurants, but should be used with extreme caution.

b. Vegetative debris burning. Vegetative debris includes limbs, twigs, and cut trees and shrubbery. No uncut vegetation shall be burned.

c. Any other activity that poses a significant risk of starting a fire, whether on public or private property.

d. Exceptions:

(1) Outdoor (hearth) fireplaces and chimneys (chimney patio fireplaces) with spark arrestors or other approved means to stop embers (i.e. screens on chimney, etc);

(2) Propane, natural gas, or briquette barbeques that meet applicable federal, state, and local requirements.

3. Violations. Violations of this Ordinance shall be punishable in accordance with the provisions of Chapter 1, Section 1-12 of the Belle Isle Municipal Code. Additionally, violations of this Ordinance are hereby deemed and declared to be public nuisances and may be abated by injunction or such other remedy as provided by law or equity.

4. Emergency Declaration. Pursuant to F.S. 166.041, it is hereby declared that, in the opinion of the Belle Isle City Council, an emergency exists and that there is a need for the immediate preservation of the peace, health, and safety of the City of Belle Isle and its residents and guests by the banning of all outdoor flames and burning in the City.

5. Effective Date; Duration. This Ordinance shall become effective immediately upon passage and shall remain in effect until amended or rescinded by action of the City Council and the City Council determines that the ban is no longer necessary for the health, safety and welfare of the City.

6. Severability. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

7. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED AS AN EMERGENCY ORDINANCE, ADOPTED by at least by a two-thirds vote of the governing body, and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Belle Isle by the City Council at a special meeting held on the 13th day of September, 2017.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Bobby Lance	_____	_____	_____
Harvey Readey	_____	_____	_____
Lenny Mosse	_____	_____	_____
Sue Nielsen	_____	_____	_____

LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality - City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, **Yolanda Quiceno, CITY CLERK** of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 17-14 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2017, at which session a quorum of its members were present.

Yolanda Quiceno, Notary