

RESOLUTION NO. 2023- 037

WHEREAS, Polk County has experienced dry weather conditions for an extensive period of time because of the lack of rainfall; and

WHEREAS, over fifty percent (50%) of Polk County is averaging over 500 on the Keetch-Byram Drought Index; and

WHEREAS, the current atmospheric conditions increase the risk of bush fires and uncontrolled fires throughout Polk County; and

WHEREAS, the increase in risk of brush fires and uncontrolled fires are a threat to the public health, safety and general welfare of Polk County; and

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

WHEREAS, On March 30, 2023, pursuant to Ordinance 08-015, as amended, the Fire Chief declared Fire Department Burn Ban 23-01 which is scheduled to be first published on April 5, 2023; and

WHEREAS, such Fire Department Burn Ban must be approved by resolution at the next regular meeting of the Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners that Fire Department Burn Ban 23-01, attached hereto as Exhibit "A," is HEREBY approved.

PASSED AND DULY ADOPTED BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 4TH DAY OF APRIL, 2023.

ATTEST: Stacy M. Butterfield, Clerk

By: Alison Holland
Deputy Clerk

POLK COUNTY, FLORIDA
Board of County Commissioners

BY: George Lindsey, III
Chair



R.41

Exhibit "A"

DECLARATION OF FIRE DEPARTMENT BURN BAN NO. 23-01

WHEREAS, Polk County has experienced dry weather conditions for an extensive period of time because of the lack of rainfall;

WHEREAS, over fifty percent (50%) of Polk County is averaging over 500 on the Keetch-Byram Drought Index;

WHEREAS, Polk County Ordinance No. 08-015 authorizes the Fire Chief or the Fire Chief's Designee to declare a Fire Department Burn Ban during periods in which the atmospheric conditions increase risk in brush fires and uncontrolled fires;

WHEREAS, the current atmospheric conditions increase the risk of bush fires and uncontrolled fires throughout Polk County;

WHEREAS, the increase in risk of brush fires and uncontrolled fires are a threat to the public health, safety and general welfare of Polk County; and

WHEREAS, there are no signs of abatement of these dangerous fire conditions in the near future.

NOW THEREFORE, BE IT DECLARED BY THE POLK COUNTY FIRE CHIEF:

PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE No. 08-015, AS AMENDED, A FIRE DEPARTMENT BURN BAN IS HEREBY DECLARED WITHIN THE UNINCORPORATED AREAS OF POLK COUNTY AND THE FOLLOWING MUNICIPALITIES: AUBURNDALE, EAGLE LAKE, LAKE ALFRED, MULBERRY, LAKE HAMILTON, HAINES CITY, HILLCREST HEIGHTS, POLK CITY, WINTER HAVEN, DAVENPORT, DUNDEE, LAKELAND, BARTOW, FROSTPROOF, FORT MEADE, HIGHLAND PARK. THIS DECLARATION SHALL PROHIBIT ALL OPEN AND RECREATIONAL FIRES UNLESS AUTHORIZED BY THE FLORIDA FOREST SERVICE.

OPEN AND RECREATIONAL FIRES HEREBY INCLUDE, WITHOUT LIMITATION:

1. Campfires;
2. Bonfires;
3. unpermitted controlled burns;
4. burning of yard and household trash;
5. burning of construction debris;
6. burning of organic debris;
7. igniting of fireworks; and

8. noncommercial burning of material, other than for religious or ceremonial purposes, which is not contained in a barbecue grill or barbecue pit and the total fuel area exceeds 3ft in diameter and 2ft in height.

The Fire Marshal upon request by a property owner may approve open fires for agricultural purposes for a specific location and time period. The Fire Marshal may impose necessary conditions on such open fires to minimize the risk of brush fires and uncontrolled fires.

This Burn Ban shall not prohibit burning permitted by the Florida Forest Service or firework displays approved by the Authority Having Jurisdiction.

FURTHERMORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE NO. 08-015, AS AMENDED, ANY PERSON WHO REFUSES TO COMPLY OR VIOLATES THIS BURN BAN SHALL BE IN VIOLATION OF POLK COUNTY ORDINANCE NO. 08-015, AS AMENDED, AND SHALL BE PUNISHED ACCORDING TO LAW, AND UPON SUCH CONVICTION FOR SUCH OFFENSE, SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) OR BY IMPRISONMENT BY A TERM NOT TO EXCEED SIXTY (60) DAYS IN THE COUNTY JAIL OR BOTH.

DATED this Mar 30, 2023 day of March 2023.

ATTEST:

STACY M. BUTTERFIELD, CLERK

By: Erin Valle
Erin Valle | Mar 30 2023 11:00 EDT |
Deputy Clerk

POLK COUNTY FIRE CHIEF

By: Hezedeane Smith
Hezedeane Smith, Fire Chief