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Danny J. Shipp, Levy County Clerk, Florida  
Rec: \$27.00

Deputy Clerk MBASS1

## **EMERGENCY ORDER**

**No. 2021-072**

### **AN EMERGENCY ORDER REGARDING OPEN BURNING DURING THE DECLARED STATE OF EMERGENCY.**

**WHEREAS**, by Emergency Declaration No. 2021-071 dated June 1, 2021, the Chair of the Board of County Commissioners ("Board") declared a state of local emergency due to the drought conditions and forest and brush fires in Levy County; and

**WHEREAS**, several activities create unacceptable risks for accidental or careless ignition of dry vegetation with the potential to cause forest or brush fires, including but not limited to open burning and use of burning or combustible items; and

**WHEREAS**, the Chair of the Board has been requested by the Florida Forest Service of the State of Florida Department of Agriculture and Consumer Services ("Florida Forest Service") to take steps to adopt an order implementing a voluntary burn ban for activities that threaten the health and safety of persons and property due to their high risk of creating damaging forest or brush fires; and

**WHEREAS**, pursuant to the home rule powers authorized by Article VIII, Section 1, Florida Constitution and Section 125.01, Fla. Stat., and the powers and authorities provided in Section 252.38(3), Fla. Stat., including but not limited to the power and authority to provide for the health and safety of persons and property, the Board may take actions to protect the health, safety and welfare of its citizens; and

**WHEREAS**, the Chair of the Board finds it necessary to promulgate an emergency order to implement a voluntary burn ban to protect human life and animal life and to avert the overwhelming destruction of property that could result from a forest or brush fire.

**NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

1. That the following activities be prohibited in the unincorporated area of Levy County, Florida, for the duration of this Emergency Order:

(a) Open burning, except (i) outdoor grills used in preparing food; and (ii) commercial land clearing where on-site inspection and approval has been granted by the Florida Forest Service, on a case-by-case basis, and it is determined that there will be sufficient fire suppression equipment and personnel on-site.

(b) (i) The sale, use and/or discharge of items listed in Section 791.01(4), Fla. Stat., (fireworks) using explosive or combustible compounds; (ii) use or discharge of flares, and the use of outdoor burning devices (excluding attended and monitored barbecue/cooking equipment); and (iii) any otherwise lawful outdoor burning, such as lawn, debris or trash burning.

(c) The throwing of matches or cigarettes or any lit object from vehicles.

2. The purpose of this Emergency Order is to obtain voluntary compliance from citizens and visitors to Levy County to protect the health and safety of persons and property throughout Levy County. Violations of this Emergency Order will carry no penalty or punishment from County code enforcement officers or County law enforcement.

3. If any provision of this Executive Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Executive Order, which shall continue to have the full force and effect of law.

4. This Executive Order shall remain in effect during the state of local emergency declared by Emergency Declaration No. 2021-071, as the same may be extended, but in no event longer than June 30, 2021, unless either modified or rescinded.

**DULY ADOPTED BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS**

this 1<sup>st</sup> day of June, 2021, and ratified by the Board of County Commissioners this 8<sup>th</sup> day of June, 2021.

**BOARD OF COUNTY COMMISSIONERS  
OF LEVY COUNTY, FLORIDA**

ATTEST:  
Clerk of the Circuit Court  
and Ex Officio Clerk to the  
Board of County Commissioners

  
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John Meeks, Chair

  
*for* Chanda Jordan, Deputy Clerk  
Danny J. Shipp, Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
Anne Bast Brown, County Attorney 

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