

**BAY COUNTY EMERGENCY DECLARATION ORDER 18-05**

**AN ORDER AND DECLARATION REGARDING OPEN BURNING DURING THE  
HURRICANE MICHAEL LOCAL STATE OF EMERGENCY**

**WHEREAS**, the Governor of the State of Florida issued Executive Order 18-276, declaring a state of emergency to include Bay County, Florida;

**WHEREAS**, the Executive Order, in accordance with Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent actions is necessary to ensure the health, safety, and welfare of the community; and

**WHEREAS**, Chapter 252, Florida Statutes authorizes political subdivisions to take all necessary action and issue any necessary orders to protect human life; and

**WHEREAS**, by Resolution 3570, the Bay County Board of County Commissioners authorized the Chairman of the Board to issue Declaration of Local State of Emergency (Hurricane Michael) declaring a state of local emergency, dated October 8, 2018; and

**WHEREAS**, damages from Hurricane Michael include the destruction of vegetation and forests; and

**WHEREAS**, Bay County has experienced an extended period of drought; and

**WHEREAS**, the combination of fuel for fires and the extended drought has raised the risk of wildfires to an unsafe level; and

**WHEREAS**, dry conditions and the imminent potential of forest and brush fires pose a serious threat to the lives and property of the residents of Bay County; and

**WHEREAS**, the Chief of Emergency Services and the Florida Forest Service, based on current conditions has recommended that the Board ban the burning of debris and trash.

**NOW, THEREFORE, BE IT ORDERED THAT THE FOLLOWING IS PROHIBITED IN BAY COUNTY, FLORIDA:**

1. Open burning;
2. The sale, use and/or discharge of items listed in Florida Statute 791.01(4) (fireworks) using explosive or combustible compounds;
3. The use or discharge of flares;
4. The use of outdoor burning devices.
5. Any otherwise lawful outdoor burning, such as lawn, debris, or trash burning;
6. The parking of vehicles with catalytic converters in high grassy areas;

7. The disposal of matches or cigarettes, etc., except in proper disposal containers;

8. Any outdoor activity which could allow flames or sparks that could result in a fire.

Notwithstanding the foregoing, the following activities are not prohibited: (a) outdoor grills used in preparing food; (b) 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; (c) firefighter training.

Any person violating this Order or any person who willfully fails or refuse to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such Order shall, upon conviction therefor, be punished in accordance with Florida Statutes Section 252.50.

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

This order applies in both incorporated and unincorporated areas of the County. Municipalities may opt out of this emergency order by resolution or ordinance.

The Order shall remain in effect during the local state of emergency for Hurricane Michael unless otherwise modified or rescinded.

**BOARD OF COUNTY COMMISSIONERS  
BAY COUNTY, FLORIDA**

  
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Philip "Griff" Griffitts, Chairman

ATTEST:

**CLERK OF COURT**

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Bill Kinsaul, Clerk of Court