

ORDINANCE NO. 2011-1058L

AN ORDINANCE OF THE CITY OF WEWAHITCHKA REGULATING OPEN BURNING WITHIN THE CITY, ESTABLISHING ITEMS THAT MAY BE BURNED, ESTABLISHING REQUIREMENTS BEFORE OPEN BURNING MAY OCCUR, PROVIDING FOR PERSONAL LIABILITY, PROVIDING FOR SANCTIONS UPON VIOLATION, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, open burning constitutes a health and safety hazard if not closely watched; and

WHEREAS, uncontrolled open burning often results in the burning of items that produce noxious and unhealthy smoke and fumes; and

WHEREAS, the City of Wewahitchka deems it necessary to regulate open burning within the City limits;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEWAHITCHKA:

1. PROHIBITION: All open burning (a fire whose flames are not completely contained within a metal fire box) within the City limits of the City of Wewahitchka is prohibited except as expressly stated herein.

2. EXCEPTIONS: The following items may be burned by open burning within the City limits of the City of Wewahitchka provided the requirements of paragraph 3 are met:

- a. Tree leaves, grass clippings;
- b. Small limbs not exceeding 3" in diameter and 4' in length;
- c. Shrub clippings and small tree trimmings;
- d. Other yard debris such as pine straw, pine cones, and other woody materials.

3. REQUIREMENTS: Open burning is only allowed if all of the following conditions are met:

- a. The fire must be contained in a fire pit or other area specifically constructed for burning and capable of containing the fire within the defined area of the pit.

Inst: 201123004790 Date: 12/21/2011 Time: 10:05 AM
DC, Rebecca L. Norris, Gulf County B: 514 P: 321

- b. A water hose connected to a pressurized water source is located within 10' of the fire pit and capable of extinguishing the fire.
- c. The fire must be attended by a person at all times until the fire is extinguished and the ashes are cold.
- d. The person who desires to burn allowed items must notify City Hall prior to igniting the fire and provide the address where the fire will occur.
- e. Burning is allowed during daytime hours only.
- f. A burning permit is obtained from the Florida Division of Forestry if one is required by State regulations.

4. **CITY ACTION:** The City, acting through the City Manager, may extinguish or cause to be extinguished, any fire that:

- a. Does not comply with the requirements of this ordinance;
- b. Produces or emits large amounts of dense, or noxious smoke;
- c. Escapes from the fire pit or other specially constructed containment area;
- d. Threatens any person, neighboring real or personal property or dwelling by fire or smoke.

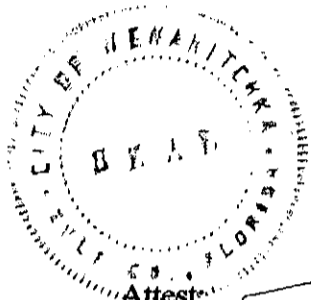
5. **PERSONAL LIABILITY:** Any person who ignites a fire within the City limits of the City of Wewahitchka that does not comply with this ordinance, or that damages another's property, or that requires the expenditure of funds by the City of Wewahitchka to extinguish said fire, shall be liable for any damage caused or public funds so expended.

6. NON APPLICABILITY: This ordinance does not apply to commercial or constructed barbeque grills when used for cooking food.

7. ENFORCEMENT: A violation of the ordinance constitutes a misdemeanor of the second degree, punishable by fine not to exceed \$500.00, or imprisonment not to exceed 60 days in jail, or both. The City may enforce this ordinance through Code Enforcement proceedings or any other manner allowed by law.

8. SEVERABILITY: If any part of this ordinance is declared void by a court of competent jurisdiction, that portion shall be severed from the ordinance and the remainder thereof shall have full force and effect.

9. EFFECTIVE DATE: This ordinance will take effect as provided by law.



A handwritten signature in black ink, appearing to read "P. Gaskin", is written over a horizontal line.

Phillip R. Gaskin, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Connie L. Parrish", is written over a horizontal line.

Connie L. Parrish
City Clerk

