RESOLUTION R-24-130

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, EXTENDING A STATE OF EMERGENCY RELATIVE TO DROUGHT CONDITIONS AND BANNING THE USE OF FLARES, EXPLOSIVES, SPARKLERS AND OUTDOOR COOKERS OR GRILLS AND OTHERWISE LAWFUL OUTDOOR BURNING

WHEREAS, on June 3, 2024, the Board of County Commissioners of Manatee County, Florida, adopted Resolution R-24-124, declaring a state of local emergency pursuant to Section 252.38, Florida Statutes, banning the use of flares, explosives, sparklers, and outdoor cookers or grills and otherwise lawful outdoor burning, except as expressly permitted; and

WHEREAS, safeguarding the lives and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state; and

WHEREAS, consistent with Section 2-13-17(3) of the Manatee County Code of Ordinances, no state of local emergency may continue for longer than seven days unless renewed by resolution of the Board; and

WHEREAS, the local state of emergency pursuant to Resolution R-24-124 shall expire after 11:59 p.m. on June 10, 2024, unless extended as allowed by law; and

WHEREAS, the hot, dry, parched, drought and windy conditions, and the imminent resultant threat of wildfires within Manatee County continue to remain such that emergency measures are required to protect the health, safety, welfare and property of Manatee County residents and visitors.

NOW THEREFORE, in accordance with the emergency powers vested in the County pursuant to Section 252.38, Florida Statutes, and Article II, Chapter 2-13 of the Manatee County Code of Ordinances, it is hereby ordered as follows:

1. The state of local emergency adopted by Resolution R-24-124 is hereby extended pursuant to Section 2-13-17, Manatee County Code of Ordinances for seven days.

2. During the state of local emergency, the use, ignition or discharge of (1) items containing any "explosive compound" as that term is defined in Section 791.01(3), F.S.; (2) items defined as "fireworks" in Section 791.01(4)(a), F.S.; (3) sparklers, as that term is defined in Section 791.01(8), F.S.; whether or not "approved by the division"; (4) any item or product using or containing any amount of pyrotechnic composition; (5) flares; (6) open burning; and (7) campfires shall be prohibited throughout Manatee County during the period of local emergency and any extensions(s) thereof. Except as provided below, the use of an outdoor cooker or grill for cooking is also prohibited during the state of local emergency. The following activities are expressly permitted during the state of local emergency:
Resolution R-24-130

a. Use of outdoor cookers or grills as long as they are attended by a responsible adult at all times the unit is burning, cooking or otherwise in use;

b. Any agricultural, silvicultural or land clearing burn that has been authorized by the Florida Forest Service and it is been determined that there will be sufficient fire suppression equipment and personnel on site;

c. Properly permitted public fireworks displays with adequate fire suppression equipment and personnel on site; and

d. Flares discharged over the Gulf of Mexico.

3. As provided in Section 252.50, Florida Statutes, any person violating this order is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes. Any violator shall, in addition to the penalties described above, reimburse Manatee County and any relevant Fire District for all costs and expenses incurred as a result of such violation, including without limitation, response and suppression costs.

4. This state of local emergency shall last until 11:59 p.m., June 17, 2024, unless extended as allowed by law.

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

6. This Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting, this 10th day of June, 2024.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: [Signature]
First Vice-Chairperson

ATTEST:
ANGELINA M. COLONNESSO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]
Deputy Clerk
June 10, 2023 - Emergency Meeting

Subject
Adoption of Resolution R-24-130, extending the Burn Ban State of Local Emergency

Category
AGENDA ITEMS

Briefings
None

Contact and/or Presenter Information
Jodie Fiske, Director of Public Safety

Action Requested
Adoption of Resolution R-24-130.

Enabling/Regulating Authority
Section 252.38, Florida Statutes
Section 2-13-17 of the Manatee Code

Background Discussion
Due to the hot, dry, parched, drought and windy conditions and the resultant threat of wildfires within Manatee County, emergency measures are required to protect the health, safety, welfare and property of Manatee County residents and visitors.

Attorney Review
Other (Requires explanation in field below)
This resolution extends previously adopted Resolution R-24-124.

Instructions to Board Records
Please send a signed copy of Resolution R-24-130 to matthew.myers@mymanatee.org and Candy.Kelly@mymanatee.org. Emailed 6/10/2024

Cost and Funds Source Account Number and Name
N/A

Amount and Frequency of Recurring Costs
N/A
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DULY ADOPTED with a quorum present and voting, this ___day of __________, 2024.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By:__________________________________

Chairperson

ATTEST:
ANGELINA M. COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By:__________________________________

Deputy Clerk