ORDER REPEALING
OUTDOOR BURN BAN ORDER

WHEREAS, on April 27, 2017, the Fire Rescue Director of the County of Volusia ("Director") signed and issued an “Outdoor Burn Ban Order” prohibiting outdoor burning, a copy of which is attached hereto and incorporated herein as Exhibit “A”, which prohibition became effective at 0001 hours on April 28, 2017; and

WHEREAS, Section 54-32(a), Code of Ordinances, County of Volusia (“Code”) requires the Fire Rescue Administrator to take that action necessary to ensure that the powers and duties of an ex officio agent of the state fire marshal as set forth in F.S. Chapter 633 are satisfied; and

WHEREAS, the Director is the Fire Rescue Administrator for unincorporated Volusia County, the Town of Pierson, the City of Lake Helen, and the City of Oak Hill (“Jurisdictions”); and

WHEREAS, F.S. 633.118 requires that “the chiefs of county, municipal, and special district fire service providers; other fire service provider personnel designated by their respective chiefs; and personnel designated by local governments having no organized fire service providers are authorized to enforce this chapter and all rules prescribed by the State Fire Marshal within their respective jurisdictions”; and

WHEREAS, the Florida Fire Prevention Code, NFPA 1, Fire Code, Florida Edition, Chapter 10, section 10.11.2, requires that the Authority Having Jurisdiction (“AHJ”), as defined in Chapter 3, section 3.2.2, “shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires, or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such fires hazardous”; and

WHEREAS, Chapter 3, section 3.2.2 defines AHJ as the “organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure”; and

WHEREAS, the Director serves as the AHJ for said Jurisdictions; and

WHEREAS, the Director has observed and determined that all Jurisdictions have received significant amounts of rainfall in recent days, which rainfall has reduced and mitigated the drought and atmospheric conditions and local circumstances, originally warranting issuance of the Outdoor Burn Ban Order referenced herein; and

WHEREAS, the local circumstances and environmental conditions that had previously and substantially increased the likelihood of wildfires occurring within the Jurisdictions and posed a threat to residents and visitors of Volusia County have changed so as to allow the Outdoor Burn Ban Order to be repealed.

Dated this 7th day of June, 2017.

Jeff B. Smith
Director of Fire Rescue
County of Volusia, Florida
WHEREAS, the Fire Rescue Director of the County of Volusia ("Director") has received information denoting unusually high drought indicators, and is otherwise aware of the danger of wild fires due to the lack of rainfall, and extreme dry conditions; and

WHEREAS, Section 54-32(a), Code of Ordinances, County of Volusia ("Code") requires the Fire Rescue Administrator to take that action necessary to ensure that the powers and duties of an ex officio agent of the state fire marshal as set forth in F.S. Chapter 633 are satisfied; and

WHEREAS, the Director is the Fire Services Administrator for unincorporated Volusia County, the Town of Pierson, the City of Lake Helen, and the City of Oak Hill ("Jurisdictions"); and

WHEREAS, F.S. 633.118 requires that "the chiefs of county, municipal, and special district fire service providers; other fire service provider personnel designated by their respective chiefs; and personnel designated by local governments having no organized fire service providers are authorized to enforce this chapter and all rules prescribed by the State Fire Marshal within their respective jurisdictions;" and

WHEREAS, the Florida Fire Prevention Code, NFPA 1, Fire Code, Florida Edition, Chapter 10, section 10.11.2, requires that the Authority Having Jurisdiction ("AHJ"), as defined in Chapter 3, section 3.2.2, "shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires, or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such fires hazardous"; and

WHEREAS, Chapter 3, section 3.2.2 defines AHJ as the "organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure"; and

WHEREAS, the Director serves as the AHJ for said Jurisdictions; and

WHEREAS, the Director hereby finds that the current drought condition constitutes atmospheric conditions and local circumstances such that outdoor fires, if not properly contained and controlled, could lead to wild fires that pose a severe threat to residents and visitors of said Jurisdictions; and

NOW, THEREFORE, BASED UPON THE FOREGOING FACTS AND LEGAL AUTHORITY, IT IS HEREBY ORDERED BY THE DIRECTOR OF FIRE RESCUE OF THE COUNTY OF VOLUSIA, FLORIDA:

Outdoor Burn Ban 04/27
Page 1 of 2
Section 1. All outdoor burning of yard trash, household paper products, bonfires, campfires, warming fires, outdoor fire places, chimeneas, and cooking fires within said Jurisdictions is prohibited unless: 1) authorized by the Florida Forest Service; or 2) for the cooking of food exclusively within a contained gas or charcoal grill.

Section 2. The setting of fires to any grass, brush or forest covered land, unless authorized by the Florida Forest Service, shall constitute a violation of the law.

Section 3. The setting of any fire prohibited by section 1 shall constitute a violation punishable pursuant to section 1-7 of the Code of Ordinances, County of Volusia.

Section 4. This order shall become effective 0001 hours on April 28, 2017, and shall remain in effect until specifically repealed in writing by the Fire Rescue Director, County of Volusia.

Dated this 27th day of April, 2017.

[Signature]

Jeff B. Smith
Director of Fire Rescue
County of Volusia, Florida