OUTDOOR BURN BAN ORDER

WHEREAS, the County Council declared a Local State of Emergency on March 13, 2020, which was consistent with the State of Emergency declared by the Governor in Executive Order Number 20-52 (Emergency Management-COVID-19 Public Health Emergency); and

WHEREAS, it is crucial for the public safety and welfare that Fire-Rescue First Responders be available for first-response medical calls during this time and not have to be responding to brush and wild land fires which are preventable, and:

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 brush and wild land fires due to the lack of rainfall, the forecasted lack of rainfall and low relative humidity for the near future, and acute 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 Ponce Inlet, 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 current and County Council adopted Florida Fire Prevention Code, Chapter 10, section 10.10.2, 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:

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 permit 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 Ordinance, County of Volusia.

Section 4. This order shall become effective 12:01 a.m. on April 3, 2020, and shall remain in effect until specifically repealed in writing by the Fire Rescue Director, County of Volusia.

Dated this Z day of April, 2020.

Howard J. Bailey
Director of Fire Rescue
County of Volusia, Florida