

ORDINANCE NO.: 2000-10

AN EMERGENCY ORDINANCE OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE PROHIBITION OF THE SALE OF FIREWORKS AND SPARKLERS AS DEFINED BY FLORIDA STATUTES; PROVIDING FOR TITLE; PROVIDING FOR ENACTMENT AND AUTHORITY; PROVIDING FOR EMERGENCY WAIVER OF NOTICE; PROVIDING FOR JURISDICTION; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, for the past several months Hernando County has had a severe rainfall deficit leading to drought like conditions in the County; and

WHEREAS, the catastrophic drought like conditions have greatly affected the vegetation in the County and made it very susceptible to wildfires; and

WHEREAS, during the last several months the County has had numerous brush, woodland, and wildfires; and

WHEREAS, to avoid a conflagration until drought conditions end and to lessen the extreme fire hazards that exist in the County, the Board of County Commissioners finds it in the public's best interest, health, safety, and welfare to enact this ordinance regulating the sale of fireworks and sparklers in the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION I. TITLE

This ordinance shall be known as Ordinance No. 2000-10, Emergency Drought Condition Fire Hazard Ordinance prohibiting the sale of fireworks and sparklers.

SECTION II. ENACTMENT AND AUTHORITY

This ordinance is adopted in accordance with and pursuant to the authority of §125.66 (3), Fla. Stat.

Section III. EMERGENCY WAIVER OF NOTICE

It is hereby declared that the public's need for adoption of this ordinance is so immediate and urgent as to constitute an emergency. This ordinance will take effect in

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3:24 PM
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

accordance with the Emergency Ordinance provisions of §125.66(3), Fla. Stat. (1999). Notice as otherwise required by the Florida Statutes is hereby waived by a four-fifths (4/5) vote of the membership of the Board of County Commissioners declaring that an emergency exists and that the immediate enactment of this ordinance is necessary.

SECTION IV. JURISDICTION

The areas subject to this ordinance shall be all the unincorporated areas of Hernando County, Florida. Any law enforcement officer with jurisdiction in the County shall have the authority to enforce the terms and provisions of this ordinance.

SECTION V. PROHIBITION OF SALE OF FIREWORKS AND SPARKLERS

As long as the Governor has declared a severe drought emergency affecting Hernando County it shall be unlawful to sell directly or indirectly any fireworks as defined in Chapter 791, Florida Statutes, or sparklers as defined by Section 791.013, or as commonly used and understood as they may be amended from time-to-time or any other incendiary device that may cause, or could reasonably cause or have a tendency to cause, any wildfire in brush, undergrowth, grass, vegetation, or woodlands.

SECTION VI. PENALTIES

Any violation by any person of any requirement or provision of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Upon conviction, any person violating any requirement or provision of this ordinance shall be punished by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the County jail not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION VII. REPEAL

When the Governor rescinds the severe drought emergency for Hernando County, this ban on the sale and use of fireworks or sparklers shall be automatically repealed. Where there is any conflict between the provisions of this ordinance and Ordinance No. 2000-03, the provisions of this ordinance shall prevail and the inconsistent provisions of Ordinance No. 2000-03 shall be null and void.

SECTION VIII. INCLUSION IN THE CODE

The provisions of this ordinance may be included and incorporated in the Hernando County Code of Ordinances as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION IX. EFFECT OF ORDINANCE

The provisions of Ordinance 2000-03, except as specifically amended herein, shall remain in full force and effect and are not to be considered, changed, or modified in any degree except as indicated herein. Ordinance 2000-03 and the provisions of this ordinance are to be read in pari materia and are to be construed to carry out the purposes and effects of both ordinances.

SECTION X. EFFECTIVE DATE

This ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail, return receipt requested to the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 6th day of June 2000 unanimously.



Attest: Karen Nicolai
KAREN NICOLAI
Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: Paul H. Sullivan
PAUL H. SULLIVAN
Chairman