

ORDINANCE NO.: 2000-12

AN EMERGENCY ORDINANCE OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR RESCINDING THE BAN ON THE SALE, USE, OR DISCHARGE 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 RECISSION ON THE SALE OF FIREWORKS AND SPARKLERS; PROVIDING FOR REPEAL; 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, because of the catastrophic drought like conditions, the woodlands and vegetation in the County were very susceptible to fire hazards; and

WHEREAS, because of the numerous brush and woodland wildfires, the County had banned the sale and use or discharge of fireworks and sparklers as defined by Florida Statutes; and

WHEREAS, within the last two weeks it appears that the traditional Florida rainy season has commenced in Hernando County with the summer rains greatly lowering the drought index and making the woodlands and vegetation much less susceptible to fires than previously; and

WHEREAS, the reason for prohibiting the sale and discharge of fireworks no longer exist and now it would be appropriate to rescind the ban on the sale and discharge of fireworks and sparklers; and

WHEREAS, these ordinances prohibiting the sale and discharge of fireworks were enacted on an emergency basis and pursuant to Florida law the rescission on the ban on fireworks must be repealed by like ordinance because of the time constraints the normal ordinance advertising procedures would be too late to effectively permit the sale and discharge of fireworks 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. 2000-12 a repeal of the use,

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

discharge, and sale of fireworks.

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 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.

SECTION V. RECISSION ON SALE OF FIREWORKS AND SPARKLERS

Because of the recent rains greatly lessening the fire danger, the ban on the sale, use, and discharge of fireworks and sparklers defined by Florida Statutes imposed by County Emergency Ordinances 2000-03 and 2000-10 are hereby repealed.

SECTION VI. REPEAL ON BAN SALE, USE, AND DISCHARGE OF FIREWORKS AND SPARKLERS

All conflicting provisions of previously enacted ordinances hereby stand repealed. The provisions of this ordinance shall prevail where there is any conflict with the provisions of previous ordinances and the provisions of this ordinance.

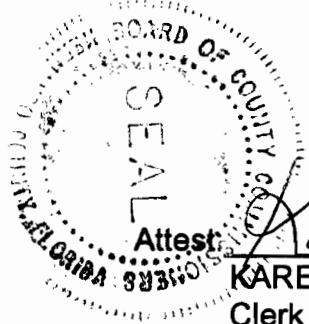
SECTION VII. OPEN BURNING BAN STILL IN EFFECT

This ordinance does not repeal any of the prohibitions against open burning and other types of burning specified in Emergency Ordinance 2000-03.

SECTION VIII. 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 ~~19th~~ day of June 2000 by a vote of 5-0.
20th



Karen Nicolai

KAREN NICOLAI
Clerk

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

By: *Paul H. Sullivan*

PAUL H. SULLIVAN
Chairman