

**PROCLAMATION DECLARING A STATE OF LOCAL EMERGENCY
FLAGLER COUNTY, FLORIDA RELATED TO FOREST AND BRUSH FIRES**

WHEREAS, Chapter 12, Flagler County Code, and Section 252.38, Florida Statutes, provide authority for a political subdivision such as Flagler County to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the National Weather Service concludes that a rainfall deficit currently exists in North Florida that has created a high fire danger and its weather forecasts show a continuing high burn potential for Flagler County and surrounding areas; and

WHEREAS, on the 11th day of April 2017, the Honorable Rick Scott, Governor of the State of Florida, issued Executive Order Number 17-120, declaring a state of emergency in the State of Florida due to the extremely high drought index and the large wildfires already burning in various parts of the State; and

WHEREAS, the Flagler County Fire Rescue Chief advises that the risk of forest and brush fires in Flagler County is high given weather and ecological conditions and that fireworks and open fires could cause wildfires that pose a severe threat to health, safety and property of residents and visitors within the County; and

WHEREAS, it is the recommendation of the County Administrator, the County's Public Safety Emergency Manager, and the County Fire Rescue Chief that a state of local emergency due to the threat of wildfires be declared for Flagler County and that this Proclamation declaring a state of local emergency be adopted; and

WHEREAS, it is necessary to declare an emergency in order to protect human and animal life and to avert the overwhelming destruction of property that could result from a wildfire; and

WHEREAS, this Proclamation, in accordance with Section 252.46, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, authorizes the County to take all necessary action and issue any necessary orders to protect human life and property; and

WHEREAS, such orders when filed with the Clerk of Court have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of such conflict pursuant to Section 252.46(2), Florida Statutes; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor punishable by fine of up to \$500.00 for each offense and by a term of

imprisonment of up to sixty days for each offense, in accordance with Section 252.50, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

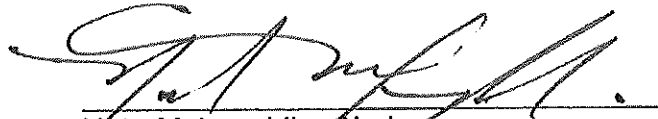
1. I, Nate McLaughlin, as Chair of the Flagler County, Florida, Board of County Commissioners, in accordance with the powers vested in me pursuant to Chapter 252, Florida Statutes, and Section 12-34, Flagler County Code, do hereby proclaim the existence of state of local emergency in Flagler County, Florida, as identified above commencing at the date and time of my execution of this Proclamation and terminating automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.
2. Pursuant to Section 12-34(a)(2), Flagler County Code, this Proclamation authorizes the County Administrator and, in his absence, the Deputy County Administrator and, in both of their absence, the Public Safety Emergency Manager, to take all actions necessary and appropriate to protect human life and property. This Proclamation further authorizes the County Administrator and, in his absence, the Deputy County Administrator and, in both of their absence, the Public Safety Emergency Manager, to utilize all lawful authority granted to Flagler County under federal, State or County emergency management laws, rules and regulations, including, but not limited to, Section 252.38(3)(a), Florida Statutes, and Section 12-34, Flagler County Code. Any such actions taken shall be reported to the Board of County Commissioners as is practical under the circumstances.
3. In addition, pursuant to Section 252.38(3)(a), Florida Statutes, under any wildfire condition, the County is hereby empowered to exercise its authority and when necessary waive the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligation;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds.

4. Pursuant to Section 252.46, Florida Statutes, and to prevent the careless ignition of dry vegetation, the following emergency prohibitions are hereby ordered and enacted:
 - a. The sale, use and/or discharge of any firework as defined in Section 5 herein is prohibited, except that the foregoing prohibition does not apply to: the manufacture, sale and testing of fireworks and pyrotechnics by licensed pyrotechnic wholesale manufacturers who have operated in Flagler County for five or more years; displays by licensed pyrotechnics approved by the County Fire Rescue Chief or his designee; and any burning authorized by the Department of Agriculture and Consumer Services, Florida Forest Service;
 - b. Open burning, burning of lawn debris, and use of open fire pits and containers are prohibited, not including the attended and monitored use of propane barbeque grills;
 - c. No matches or cigarettes, or any other item likely to cause a fire are to be thrown from vehicles; and
 - d. Parking vehicles with catalytic converters in high grassy areas is prohibited.
5. For purposes of this Emergency Proclamation and order, the term "firework" means any combustible or explosive composition or substance or combination of substances or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. This term includes, but is not limited to, blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, bottle rockets, skyrockets, roman candles, aerial bombs, sparklers, snake or glow worms, trick noise makers, snappers, trick matches and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.
6. Any person violating any order issued pursuant to this Proclamation or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished in accordance with Section 252.50, Florida Statutes.
7. The continued state of emergency declared by this Proclamation may be modified in whole or in part or may be terminated upon the joint recommendation of the County Administrator and Public Safety Emergency Manager, by action of the Chairman of the Board of County Commissioners, or if the Chairman is unavailable, according to the order of succession prescribed by Section 12-34, Flagler County Code, with ratification in any event by the Board of County

Commissioners as soon as is practicable at a regular or special meeting. This order shall remain in effect for no longer than seven (7) days unless sooner rescinded or extended in accordance with law.

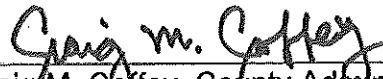
8. If any provision of this Proclamation is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Proclamation, which shall have the full force and effect of law.

DONE AND ORDERED at Flagler County, Florida, this 1st day of May, 2017, at 09:00 A.M.



Nate McLaughlin, Chair
Flagler County Board of County
Commissioners

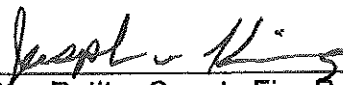
CONCURRENCE:



Craig M. Coffey, County Administrator

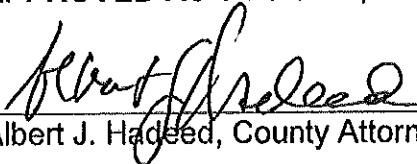


Stephen Garten,
Public Safety Emergency Manager



Don Petite, County Fire Rescue Chief

APPROVED AS TO FORM;



Albert J. Hadeed, County Attorney