

- (2) F.A.C. ch. 62-204.
- (3) F.A.C. ch. 62-210.
- (4) F.A.C. ch. 62-212.
- (5) F.A.C. ch. 62-213.
- (6) F.A.C. ch. 62-243.
- (7) F.A.C. ch. 62-252.
- (8) F.A.C. ch. 62-257.
- (9) F.A.C. ch. 62-281.
- (10) F.A.C. ch. 62-296.
- (11) F.A.C. ch. 62-297.

(Code 1965, § 24-85; Ord. No. 84-15, § 1(5), 7-16-84; Ord. No. 89-17, § 2, 12-11-89; Ord. No. 97-22, § 1, 12-2-97; Ord. No. 2007-05, § 9, 5-22-07)

Sec. 15-91. Reserved.

Editor's note: Section 10 of Ord. No. 2007-05, adopted May 22, 2007, renumbered § 15-91, violations, penalties and remedies, as § 15-71.

Sec. 15-92. Reserved.

Editor's note: Section 11 of Ord. No. 2007-05, adopted May 22, 2007, renumbered § 15-92, interpretation, as § 15-72.

Secs. 15-93--15-94. Reserved.

DIVISION 3. OPEN BURNING

Sec. 15-95. Declaration of intent.

(a) The board of county commissioners finds and declares that the open burning of materials outdoors and the use of outdoor heating devices result in or contribute to air pollution. The board of county commissioners further finds that regulation of open burning and outdoor heating devices will significantly reduce air pollution.

(b) The intent of the board of county commissioners is to require that open burning be conducted in a manner, under conditions, and within certain periods of time that will reduce or eliminate the deleterious and nuisance effects of air pollution caused by open burning.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-96. Prohibitions.

(a) *General prohibitions.* No person shall ignite, cause to be ignited, or allow to be ignited, any

material that will result in any prohibited open burning as regulated by this article; nor shall any person allow, conduct or maintain any prohibited open burning.

(b) *Prohibition of the open burning of certain materials.*

- (1) Open burning to reduce yard waste and tree cutting debris generated on residential properties is prohibited, except as allowed under section 15-97.
- (2) Open burning of biological waste, hazardous waste, asbestos-containing materials or devices, mercury-containing materials or devices, pharmaceuticals, tires and rubber material, residual oil, used oil, asphalt, roofing material, treated wood, tar, plastics, waste pesticide containers, garbage, trash or household paper products is prohibited.
- (3) Open burning of waste matter generated by demolition of a structure is prohibited.
- (4) Open burning of vegetative debris and untreated wood is prohibited, except as provided in sections 15-97, 15-98, 15-99, 15-101, 15-102, 15-103 and 15-104.

(c) *Prohibition on open burning during adverse conditions.* No open burning, including the use of any air curtain incinerator exempted from permitting pursuant to F.A.C. Rule 62-210.300, shall be conducted during a National Weather Service Air Stagnation Advisory or Air Pollution Episode, or if the Florida Department of Agriculture and Consumer Services, Division of Forestry, has determined that the weather conditions are unfavorable for safe burning.

(d) *Open burning, which reduces visibility.* Open burning, which reduces visibility on paved public roadways to less than one thousand (1,000) feet unless the regulating authorities have agreed to control traffic, or have delegated the authority to control traffic, is prohibited.

(e) *Open burning setbacks.* Open burning is limited to the following setbacks:

- (1) One hundred (100) feet from any paved public road and the prevailing winds will direct the smoke away from any buildings (other than the landowner conducting the open burning) or roads. Open burning for paved public road maintenance and widening is exempt from the one hundred-foot setback requirement as long as the visibility on the road is not reduced to less than one thousand (1,000) feet.
- (2) If an air curtain incinerator is not used, the setback shall be a minimum of one thousand (1,000) feet from any building and one hundred (100) feet from any wildlands, wetlands, brush, combustible structure, or conservation easement.
- (3) If an air curtain incinerator is used, the air curtain incinerator must be set back a minimum of three hundred (300) feet from any building, and fifty (50) feet from any wildlands, wetlands, brush, combustible structure, paved public road, or conservation easement.
- (4) Within the Econlockhatchee River Basin, the appropriate protection zone distance established under article XI of chapter 15 shall serve as the setback distance for open burning.
- (5) Within the Wekiva River Basin, the appropriate protection zone distance established under article XIII of chapter 15 shall serve as the setback distance for open burning.
- (6) Setbacks for open burning conducted within the vicinity of surface waters are as follows:
 - a. Open burning must be no closer than one hundred fifty (150) feet from the normal high water elevation, or fifty (50) feet from the landward boundary of a wetland, whichever is greater.
 - b. Open burning conducted within the vicinity of surface waters designated as an "Outstanding Florida Water" must be no closer than one thousand one hundred (1,100) feet from the normal high water elevation.

(f) *Applicability of other laws, rules, and ordinances.* Nothing in this division shall relieve any person from complying with any and all other applicable laws (including F.S. ch. 590), rules (including all rules of the Department of Agriculture and Consumer Services, Division of Forestry), and ordinances of any local government.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-97. Open burning of yard waste and tree cutting debris.

(a) Except as provided in sections 15-102 and 15-103, any open burning of yard waste and/or tree cutting debris is allowed only if such burning is conducted using a permitted air curtain incinerator operated in compliance with the provisions of F.A.C. Rule 62-296.401, and any other terms of the incinerator's air permit; or

(b) Prior to conducting the open burning of tree cutting debris, the person responsible for the burning activity shall obtain an open burning authorization from the division of forestry.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-98. Open burning of land clearing debris.

Open burning of land clearing debris is allowed provided:

- (1) The open burning is restricted to the site where the land clearing debris is generated; and
- (2) The fire is ignited after 9:00 a.m.; and
- (3) The fire is completely extinguished one (1) hour before sunset; and
- (4) The fire is attended by qualified personnel, and adequate fire extinguishing equipment is available at all times; and
- (5) The moisture content and composition of material to be burned is favorable to good burning which will minimize smoke; and
- (6) Prior to conducting the open burning, the person responsible for the burning activity contacts the division of forestry and the local firefighting authority having jurisdiction regarding the planned burning activity.

(b) If the open burning resulting from the land clearing operation is creating a nuisance, as determined by the environmental protection officer or the local firefighting authority having jurisdiction, then the environmental protection officer and the chief of the local firefighting authority having jurisdiction have the authority to suspend or defer open burning or require the use of an air curtain incinerator.

(c) Except as provided above in this section, open burning of any other land clearing debris shall be conducted using an air curtain incinerator operated in compliance with F.A.C. Rule 62-210.300, or F.A.C. Rule 62-292.401, and all applicable terms of the incinerator's air permit.

Sec. 15-99. Open burning for training firefighters.

(a) Except as provided in subsection 15-98(b), open burning is allowed for the instruction and training of organized firefighters or industrial employees under the supervision of the appropriate fire control official, provided that all such burning is conducted at a fire training center certified by the department of financial services, division of state fire marshal, and does not involve the

burning of any asbestos-containing material, mercury-containing devices, or hazardous wastes.

(b) A structure not on the premises of a certified fire training center may be burned for the instruction and training of organized firefighters provided the following conditions are met:

(1) The burning activities shall be conducted under the auspices of a certified training center or by an organized fire department recognized by the division of state fire marshal. The burning activities shall be supervised by a fire training instructor certified by the division of state fire marshal. Furthermore, the burning activities shall be conducted in accordance with the National Fire Protection Association document entitled "Standard on Live Fire Training Evolutions," 2002 Edition (NFPA 1403). A copy of the document entitled "Standard on Live Fire Training Evolutions," 2002 Edition (NFPA 1403) is available for review at the EPD office, and may be available from the National Fire Protection Association, P.O. Box 9101, Quincy, MA 02269-9101.

(2) The burning of the structure and disposal of the waste products shall be conducted in compliance with all applicable provisions of 40 CFR Part 61, Subpart M, National Emissions Standard for Asbestos, adopted in F.A.C. Rule 62-R204.800.

(3) Prior to the structure being burned, all asbestos-containing materials, mercury-containing devices, hazardous wastes, and vinyl siding shall be removed.

(4) The division of forestry and EPD shall be notified at least ten (10) days in advance of commencement of the burning exercise.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-100. Open burning of animal carcasses.

Open burning of animal carcasses is allowed provided:

(1) The Florida Department of Agricultural and Consumer Services has determined that the need for destruction of animal carcasses constitutes an emergency requiring the use of open burning; and

(2) The open burning activity is conducted using an air curtain incinerator operated in compliance with F.A.C. Rule 62-210.300, or F.A.C. Rule 62-296.401, and all applicable terms of the incinerator's air permit.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-101. Open burning of agricultural materials.

(a) Open burning of the following materials used in agricultural operations related to the growing, harvesting, or maintenance of crops is allowed provided the open burning activity is conducted in accordance with the provisions of F.S. § 403.707(2)(e).

(1) Polyethylene mulch;

(2) Damaged, nonsalvageable, untreated wood pallets; and

(3) Packing material that cannot feasibly be recycled.

(b) Agricultural burning conducted under the authority of the department of agriculture and consumer services is not regulated under this division.

(Ord. No. 2007-05, § 12, 5-22-07)

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Sec. 15-102. Open burning of storm-generated debris.

Open burning of storm-generated debris consisting only of vegetative debris and untreated wood is allowed provided:

- (1) The open burning activity is conducted by or under the authority of the municipal or county government responsible for clean-up activities following a storm; and
- (2) The open burning activity is conducted using an air curtain incinerator operated in compliance with F.A.C. Rule 62-210.300, or F.A.C. Rule 62-296.401, and all applicable terms of the incinerator's air permit; or if the open burning activity involves pile burning conducted under the authority of the division of forestry; and
- (3) By no later than ten (10) days after the initiation of the open burning activity, the local government or its agent provides a written notice to EPD and to the Florida Department of Environmental Protection describing the general nature or the material being burned, the location of the burning activity, the method of burning being used, and name, address, and telephone number of the local government representative to contact regarding the open burning activity.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-103. Open burning of insect or disease infested vegetation.

Open burning of insect or disease infested vegetation is allowed provided:

- (1) The director of the division of forestry has determined that the need for destruction of the insect or disease infested vegetation constitutes an emergency requiring the use of open burning; and
- (2) The open burning activity is conducted using an air curtain incinerator operated in compliance with F.A.C. Rule 62-210.300, or F.A.C. Rule 62-296.401, and all applicable terms of the incinerator's air permit; or if the open burning activity involves pile burning conducted under the authority of the division of forestry.

(Ord. No. 2007-05, § 12, 5-22-07)

Sec. 15-104. Recreational open burning.

Open burning of vegetative debris and untreated wood in a campfire, ceremonial bonfire, outdoor fireplace, or other contained outdoor heating or cooking device, or on cold days for warming of outdoor workers, is allowed provided:

- (a) The fire does not violate subsection 15-89.1(a)(1) and (2); and
- (b) The total fuel area does not exceed three (3) feet in diameter and two (2) feet in height, unless the fire is contained in an outdoor fireplace, a barbecue grill or a barbecue pit; and
- (c) The fire is located at least twenty-five (25) feet from any building or combustible structure; and
- (d) Conditions that could cause the fire to spread to within twenty-five (25) feet of a structure shall be eliminated prior to ignition; and
- (e) The fire shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use; and

(f) The environmental protection officer and the local firefighting authority having jurisdiction shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous; and

(g) For other than one-family and two-family dwellings, no hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion or within ten (10) feet of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted; and

(h) Notwithstanding the requirements set forth in this section, ceremonial bonfires exceeding these provisions may be required to be permitted and approved by the local firefighting authority having jurisdiction and may require fees and additional services.

(Ord. No. 2007-05, § 12, 5-22-07)

Secs. 15-105--15-110. Reserved.