

**PROPOSED ORDINANCE NO. 2018-14**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 93, OF THE CITY'S CODE OF ORDINANCES, ENTITLED "BURNING DEBRIS AND RUBBISH" TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR STANDARDS AND GUIDELINES RELATED TO THE OPEN BURNING OF SUBSTANCE, MATERIAL AND MATTER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Fire Department has reviewed the City's existing Code and recommends that the City's Code be amended to address regulations relating to the open burning of substance, material and matter; and,

**WHEREAS**, the City Fire Department recognizes that the burning of substance, material or matter results in air and water pollution, environmental impact and causes an extreme fire and life safety hazard; and

**WHEREAS**, the City Fire Department recognizes that the burning of substance, material or matter is detrimental to the health, safety, and general welfare of the citizens and residents of the City; and

**WHEREAS**, the City Commission has considered the proposed recommendations to amend the City's existing Code and finds that it is in the best interest of the City and the general welfare of the citizens and residents to adopt this ordinance; and

**THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

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**Section 2.** Section 93, of the Code of Ordinances of the City of Pembroke Pines, entitled “Burning Debris and Rubbish” is hereby amended as follows:

#### **§ 93.01. ~~PERMIT REQUIRED.~~ OPEN BURNING PROHIBITED**

~~No debris of any nature shall be burned, caused to be burned, or otherwise incinerated on any public or private property lying within the city unless a permit is first obtained as provided in § 93.02. person shall ignite, burn, cause to be ignited or burned, or allow any burning of any substance, material or matter upon any public or private property lying within the city unless otherwise permitted or allowed pursuant to applicable state law and regulation. Nothing in this section shall be deemed to prohibit burning wood, tinder, or similar materials in a stove, oven, barbecue pit, grill, or fireplace for the purpose of cooking or fuel~~ for residential use in One-and-Two Family Dwellings.

Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, mulch, landscaping debris or other combustible waste material.

In residential use, openings of outdoor fireplaces, permanent barbecues and grills shall be provided with an approved spark arrester, screen or door.

~~(‘69 Code, §8-1) (Ord. 166, passed 9-5-67)~~ Cross Reference - § 155.013(B) – NUISANCES PROHIBITED; Penalty, see §93.99

#### **~~§93.02 ISSUANCE OF A PERMIT.~~**

~~(A) — Upon application of a property owner, the Building and Zoning Inspector shall have the authority to issue permits for the burning or destruction of debris, subject to the approval of the Fire Chief, provided that initial approval of the application is granted by the Environmental Protection Agency and the Florida Department of Forestry. The signature of approval of the permit by the Fire Chief or his authorized representative shall appear thereon and shall be required before the permit can be duly executed and issued by the Inspector.~~

~~(B) — The permit shall state where and when the burning or destruction shall occur.~~

~~(C) — Fees costs and all regulations of the Environmental Protection Agency, Florida Department of Forestry, and the city shall be observed.~~

~~(‘69 Code, §8-2) (Ord. 166, passed 9-5-67).~~

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### **~~§ 93.03 BURNING DEBRIS FOR LAND CLEARING PROHIBITED.~~**

~~(A) — The City Commission prohibits the method of land burning for clearing undeveloped parcels of land in the city. The burning of debris results in air pollution and causes an extreme fire hazard. This creates a condition which is detrimental to the health, safety and general welfare of the citizens and residents of the city.~~

~~(B) — The City Commission recognizes that in addition to the burning of debris there exists alternate methods of land clearing which would not adversely affect the health safety, and general welfare of the citizens and residents of the city.~~

~~(Ord. 740, passed 5-15-85)~~

**Section 3. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 4. Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 5. Codification.** It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon its passage and adoption.

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE FIRST READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

CITY OF PEMBROKE PINES, FLORIDA

BY: \_\_\_\_\_  
MAYOR FRANK C. ORTIS

ATTEST:

\_\_\_\_\_  
MARLENE GRAHAM, CITY CLERK

ORTIS \_\_\_\_\_

CASTILLO \_\_\_\_\_

APPROVED AS TO FORM:

SCHWARTZ \_\_\_\_\_

GOOD \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY

SIPLE \_\_\_\_\_

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