

Requested by: City Council
Prepared by: City Attorney's Office

ORDINANCE NO. 2018-42

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING CHAPTER 34, ENVIRONMENT, ARTICLE III, NUISANCES, DIVISION 1, GENERALLY, TO ADD SECTION 34-62, BURNING OF LAND CLEARING AND TREE CUTTING DEBRIS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the open burning of debris from land clearing and tree cutting operations can result in heavy smoke and other irritants that negatively impact the safety, lives and activities of city residents; and

WHEREAS, Section 54-116 of the Sarasota County Code of Ordinances addresses open burning and the creation of nuisances related thereto and applies in the city pursuant to Section 54-121 of the County Code; and

WHEREAS, an "air curtain incinerator" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a refractory lined firebox with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain; and

WHEREAS, city council finds that requiring the use of air curtain incinerators for burns involving land clearing and tree cutting debris is in the best interests of the health, safety and welfare of the city and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 34, Environment, Article III, Nuisances, Division 1, Generally, is hereby amended to create Section 34-62, Burning of land clearing and tree cutting debris, as follows:

Sec. 34-62. Burning of land clearing and tree cutting debris.

All burning of land clearing debris and tree cutting debris shall be conducted using an air curtain incinerator, defined as a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a refractory lined firebox with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain, except recreational fires on private property as allowed by Section 54-116 of the Sarasota County Code of Ordinances, burns to facilitate habitat restoration on lands owned or managed for conservation purposes by the city, a legally authorized conservation organization, the state or federal government, or burns of debris collected by the City after a bona fide emergency. The person or entity conducting the burn shall provide the city Fire Chief or his designee with their Florida Division of Forestry burn permit number each

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day before initiating the burn.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This ordinance shall take effect immediately upon approval and adoption as provided by law.

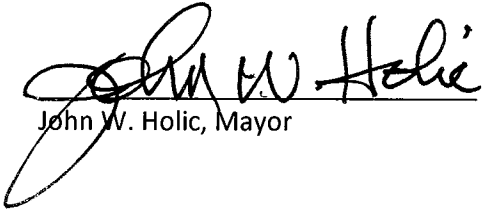
PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 8TH DAY OF JANUARY 2019.

First Reading: November 27, 2018
Final Reading: January 8, 2019
Adoption: January 8, 2019

ATTEST:



Lori Stelzer, MMC, City Clerk



John W. Holic, Mayor

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council at a meeting thereof duly convened and held on the 8th day of January 2019 a quorum being present.

WITNESS my hand and the official seal of said City this 8th day of January 2019.



Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:



Kelly Fernandez, City Attorney