

ORDINANCE No. 2015-21

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING EXISTING CHAPTER 20, ENTITLED "ENVIRONMENT;" SECTIONS 20-2 "OPEN BURNING" AND 20-3 "EXCEPTIONS TO PROHIBITION AGAINST OPEN BURNING", OF THE CITY CODE BY PROVIDING FOR STANDARDS FOR OPEN BURNING; PROVIDING FOR CIVIL ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR INCORPORATION INTO THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") Code Compliance Department has become aware of needed amendments to the existing Code; and

WHEREAS, the policies as recommended by the City's administration in this Ordinance allow for the City to continue working towards the Green Master Plan; and

WHEREAS, the Mayor and City Council, through the adoption of this ordinance, seeks to protect the public health, safety, and welfare for the community; and

WHEREAS, the Mayor and the City Council find that the policies contained herein are in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended by revising Chapter 20 Article I Sections 20-2, "Open Burning" and 20-3, "Exceptions to Prohibition Against Open Burning," which shall read as follows:

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Words in underscored type are additions.

Section 20-2. Open burning.

No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain ~~any~~ open outdoor fire except as provided in section 20-3.

Section 20-3. Exceptions to prohibition against open burning.

The following fires are exempted from the provisions of this chapter.

- (1) Fires used only for noncommercial cooking of food for human beings or for recreational purposes, which shall include an outdoor fire pit.
- (2) Any fire set or permitted by the city manager in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous material when there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.
- (3) Fires set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty and by the city manager.
- (4) An agricultural fire set by or permitted by the city manager if such fire is for the purpose of disease and pest prevention, or for frost protection.
- (5) Smokeless flares or safety flares for the combustion of waste gases.
- (6) A fire set or permitted by the Director of the Department of Environmental Resources Management, Miami-Dade Fire Rescue Department, or the Florida Forest Service and under his control for the purpose of nonrecurring ~~gent~~ clearing of debris from land, agricultural and silviculture.
- (7) A fire set, with the consent of a private property owner, for the purposes of religious or cultural ceremonies or rituals.

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Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this

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Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or re-lettering sections, and to change, and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately

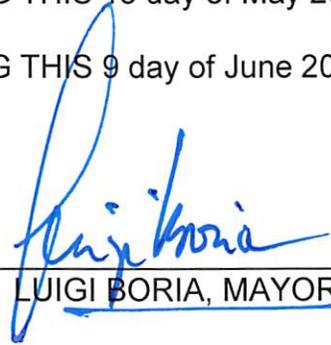
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The foregoing Ordinance was offered by Councilmember Cabrera, who moved its adoption. The motion was seconded by Councilmember Rodriguez, and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING THIS 13 day of May 2015.

PASSED AND ADOPTED on FIRST READING THIS 9 day of June 2015.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CITY CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
FOR THE SOLE USE AND RELIANCE OF THE CITY OF DORAL



WEISS SEROTA HELFMAN COLE & BIERMANN, PL
CITY ATTORNEY

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