

THE CITY OF CRESCENT CITY EMERGENCY ORDER
RESOLUTION NO. 2026-05
AN EMERGENCY ORDER REGARDING OPEN BURNING DURING THE FOREST AND
BRUSH FIRE DECLARED EMERGENCY

WHEREAS, by Resolution dated February 2, 2026, the Chairman of the Board of County Commissioners declared a state of local emergency as a result of the forest and brush fires in Putnam County; and

WHEREAS, the Keetch-Byram Drought Index, a soil moisture measurement that is a continuous reference scale for estimating the dryness of the soil and duff layers, and has Putnam County currently measured at 479 with relative humidity of 22%. This Fire Danger Index denotes a moderate danger of fire; and

WHEREAS, The U.S. Drought Monitor is a joint effort of the National Drought Mitigation Center, U.S. Department of Agriculture, and National Oceanic and Atmospheric Administration. The U.S. Drought Monitor depicts the location and intensity of drought across the country using 5 classifications: Abnormally Dry (DO), showing areas that may be going into or are coming out of drought, and four levels of drought (D1-D4). The U.S. Drought Monitor denotes portions of Putnam County Florida as D3 (Extreme Drought) on the western end, and D2 (Severe Drought) for the rest of the county indicating worsening drought conditions through February; and

WHEREAS, any open burning creates unacceptable risks for accidental or careless ignition of dry vegetation; and

WHEREAS, pursuant to the police power, the County and Municipalities in the State of Florida may take actions to protect the health, safety and welfare of its citizens; and

WHEREAS, Florida Statute Section 252.46 authorizes political subdivisions of the State of Florida to promulgate orders and rules as are necessary for emergency management purposes; and

WHEREAS, Florida Statutes 166.041(3)(b) authorizes municipalities to adopt emergency resolutions and orders without complying with notice and advertising requirement otherwise applicable so long as the resolution passes by 2/3 vote of the governing body; and,

WHEREAS, such orders when filed with the City Clerk and “noticed” in accord with applicable law will have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of the conflict pursuant to Florida Statute Section 252.46 (2); and

WHEREAS, the law enforcement authorities of the State and its political subdivisions enforce such orders pursuant to Florida Statute Section 252.47 and Ch 166 Fl. Stat. and other applicable provisions of the City code; and

WHEREAS, a violation of a duly promulgated order under the Crescent City code is punishable by a fine not exceeding \$500.00 and/or up to 60 days incarceration, in addition to those sanctions provided for in Sec 1 -16 (c) of this code. Each day any such violation shall continue shall constitute a separate offense; and

WHEREAS, the City Commission finds it necessary to promulgate an emergency order to protect human life and animal life and to avert the overwhelming destruction of property that could result from wildfire.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT THE FOLLOWING IS PROHIBITED
WITHIN THE LEGAL BOUNDARIES OF THE CITY OF CRESCENT CITY, FLORIDA:**

1. Open burning, except (a) outdoor grills used in preparing food; and (b) commercial land clearing where on-site inspection and approval has been granted by the Florida Forest Service, on a case-by-case basis, and it is determined there will be sufficient fire suppression equipment and personnel on-site.
2. (1) The sale, use and/or discharge of items listed in Florida Statute 791.01 (4) (Fireworks) using explosive or combustible compounds; (2) use or discharge of flares, and the use of outdoor burning devices (excluding attended and monitored barbecue/cooking equipment); and (3) any otherwise lawful outdoor burning, such as lawn, debris or trash burning.
3. The parking vehicles with catalytic converters in high grassy areas Throwing matches, cigarettes, or similar items from vehicles

FURTHER BE IT RESOLVED AND ORDERED THAT:

4. Any person violating any executive order issued pursuant to this Resolution 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 executive orders shall, upon conviction therefore, be punished in accordance with applicable provisions of the Crescent City Municipal Code by a fine not exceeding \$500 and/or up to 60 days incarceration, in addition to those remedies provided in section 1-16 of the Code, and/or as provided in applicable State Statute.
5. If any provision of the Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of the Order, which shall continue to have the full force and effect of law.
6. This Resolution shall be made available on a dedicated web page accessible through a conspicuous link on the City's homepage. The homepage must identify the emergency resolution currently in effect. The State Division of Emergency Management must then be provided a link to the City's dedicated web page at which the Resolution can be found.
7. The City Commission recognizes that the circumstances and conditions which necessitate the foregoing Resolution may extend beyond seven (7) days, and therefore, the City Commission hereby authorizes the Mayor or her designated agent(s) to extend this Order in her sole discretion for additional periods of (7) days each, provided that and for so long as the Declaration of Emergency adopted by Putnam County remains in full force and effect. Any subsequent extension shall be reported to the Crescent City Commission at the following regularly scheduled Commission meeting of Crescent City.

**NOW, THEREFORE, BE IT RESOLVED AND ADOPTED BY THE CITY COMMISSION OF
CRESCENT CITY, FLORIDA, this 12th day of February, 2026.**

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE

By: _____

Mayor: Michele Myers

Attest: _____

City Manager: Derek A. Martin