

Franklin County Ordinance 2022- 13

AN EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE 92-3 TO ALLOW FOR SPECIAL USE PERMITS ALLOWING VEHICLES HAVING MORE THAN TWO AXLES ON OR TRAVELING ON PART OF MCINTYRE ROAD AND AN EFFECTIVE DATE

Whereas, on July 5, 2022, the Florida Forest Service presented additional evidence of an outbreak of southern pine beetles along that part of McIntyre Road regulated by Emergency Ordinance 92-3; and,

Whereas, the Florida Forest Service presented evidence that unless treated the area along said part of McIntyre Road will spread and could potentially devastate and destroy thousands of acres of pine tree; and,

Whereas, the Florida Forest Service presented evidence that the only practical treatment for pine tree infested with the Southern Pine Beetle is the removal of the infested trees and a buffer area of approximately 300 feet around the infested pine trees,

Whereas, that part of McIntyre Road which presently prohibits vehicles with more than two axles is the only practical public road from which to treated a substantial portion pine trees infested with the Southern Pine Beetle, and

Whereas, the Florida Forest Service testified that time is of the essence in order to limit the spread of the Southern Pine Beetle, and

Whereas, the Florida Forest Service testifies that it and its independent contractors will be responsible for maintaining McIntyre Road so that it is passable by cars and for the repair of any damages to the road or the culverts resulting from the treatment of the infested pine trees; and,

Whereas, Franklin County has determined that it is in the best interests of the public health, safety and welfare to amend Ordinance 92-3 to allow the issuance of a special use permit to allow vehicles with more than two axles on that part of McIntyre Road regulated by Emergency Ordinance 92-3 in order to treat and remove timber infested with the Southern Pine Beetle; and

Whereas, pursuant to s.125.66(3), Fla. Stat., Franklin County has determined that an emergency exists, that it waives the ordinary notice requirements for the adoption of an ordinance, and the immediate enactment of this ordinance is necessary; now therefore be it resolved that,

IT IS ORDAINED that:

1. The above recitals are incorporated herein.
2. Franklin County has determined that an emergency exists and that the immediate enactment of this ordinance is necessary and that it therefore waives the ordinary

notice requirements of s.125.66(2), Fla. Stat., by a four-fifth vote of the membership of the Board of County Commissioners of Franklin County, Florida.

3. Franklin County Ordinance 92-3 is hereby amended to allow for the issuance of a special use permit by Franklin County which temporarily allowing the use of vehicles with more than two axles on that part of McIntyre Road regulated by Ordinance 92-3 for the purpose of removing and treating timber infected with the Southern Pine Beetle, and that the special use permit shall require that the Florida Forest Service, and its independent contractors, to maintain and repair said road and culverts so that such part of McIntyre Road is passable by car.
4. Except for the issuance of the special use permit provided by this ordinance, all vehicles with more than two axles shall continue to be subject to Ordinance 92-3.
5. All ordinances in conflict herewith are declared null and void.
6. This ordinance shall take effect according to law.

Adopted this the 5th day of July, 2022, after a four-fifths vote of the membership of the Board waiving the ordinary notice requirements of s.125.66(2), Fla. Stat., declaring that an emergency exists and that the immediate enactment of this ordinance is necessary.

Franklin County, a political  
Subdivision of the State of Florida

By: Ricky D. Jones  
Ricky D. Jones, its Chairman



Attest:

By: Michele Maxwell  
Michele Maxwell, Clerk



Approved as to form and legal sufficiency:

By: Thomas M. Shuler  
Thomas M. Shuler, County Attorney