

## AGENDA ITEM SUMMARY

**Submitted For: County Attorney**

## Date \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

| Fiscal Years            | 2011                 | 2012       | 2013       | 2014       | 2015       |
|-------------------------|----------------------|------------|------------|------------|------------|
| Capital Expenditures    | \$ <u>          </u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| Operating Costs         | <u>-0-</u>           | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| External Revenues       | <u>-0-</u>           | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| Program Income (County) | <u>-0-</u>           | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| In-Kind Match (County)  | <u>-0-</u>           | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
|                         | <i>* see below</i>   |            |            |            |            |
| NET FISCAL IMPACT       | <u>~0~</u>           | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Depart \_\_\_\_\_ Unit \_\_\_\_\_  
                                   Object \_\_\_\_\_ Program \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS:

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

\* No fiscal impact  
 OFMB                                    8/3/2011  
                                   *VR*  
                                   8/2/11

                                   8/3/11  
 Contract Dev. and Control

### B. Legal Sufficiency:

Anne Delgado 8/4/11  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

ORDINANCE NO. 2011-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 11, ARTICLE XI NATURAL AREAS; AMENDING SECTION 11-262. PROHIBITED ACTIVITIES; AMENDING SECTION 11-271. PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that Chapter 11, Article XI of the Palm Beach County Code, Natural Areas, Section 11-262, prohibited activities needs to be amended in order to comply with Chapter 2011-109 Laws of Florida; and

WHEREAS, the Board of County Commissioners has determined that Chapter 11, Article XI of the Palm Beach County Code, Natural Areas, Section 11-271, penalties needs to be amended in order to allow for enforcement of violations by the Groundwater and Natural Resources Protection Board or as provided in Chapter 162, Florida Statutes, Part II.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Chapter 11 of the Palm Beach County Code of Law and Ordinances, Article XI, Natural Areas is hereby amended as follows:

**Section 1.**

Sec. 11-262. Prohibited activities, is hereby amended as follows:

The following are prohibited in county-managed natural areas:

(a) Hunting, trapping, or the possession of any kind of trapping device. Licensed hunters and trappers authorized by the county administrator or his designee to remove nuisance and exotic animals are exempt from this prohibition, as are licensed hunters authorized by the county administrator or his designee to reduce excessive populations of animals causing environmental damage in a natural area.

~~(b) Use of firearms or other weapons potentially inimical to wildlife and dangerous to human safety by persons other than authorized law enforcement personnel and persons authorized to remove nuisance and exotic animals. This prohibition includes shooting into a natural area from beyond the boundaries of the natural area.~~

~~(b)~~ (e) The sale, purchase, consumption, or possession of alcoholic beverages as defined in section 561.01(4), Florida Statutes.

~~(c)~~ (d) Use, discharge or possession of fireworks, explosives, or substances that could be combined into an explosive mixture.

~~(d)~~ (e) Domestic animals and pets.

~~(e)~~ (f) Placement of beehives or other apicultural practices.

~~(f)~~ (g) Cultivation of plants.

- ~~(g) (h)~~ Vehicle repair.
- ~~(h) (i)~~ Use of airboats.

~~(i) (j)~~ Loud, unnecessary noise that disturbs wildlife and produces physical discomfort or annoyance to other people.

~~(j) (k)~~ Possession and release of inflated balloons.

## **Section 2.**

Section 11-271. Penalties, is hereby amended as follows:

(a) The violation of any provision of this article shall be enforced by the Groundwater Natural Resource Protection Board (GNRPB) pursuant to the procedures and penalties of F.S. Ch. 162, Local Government Code Enforcement Boards, and Article 10 of the County Unified Land Development Code, all as may be amended or recodified from time to time.

(b) The violation of any provision of this article may also be enforced pursuant to the procedures and penalties of F.S. Ch. 162, Supplemental County or Municipal Code or Ordinance Enforcement Procedures, and shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

(c) The violation of any provision of this article may also be enforced pursuant to F.S. §125.69 and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment, or by such other penalty as may hereafter be provided in section 125.69, Florida Statutes.

(d) In addition to the sanctions contained herein, the county may take any other appropriate legal action to enforce the provisions of this code, including, but not limited to, cease and desist orders, instituting civil action, and requesting temporary and permanent injunctions.

(e) It is the purpose of this article to provide additional, cumulative remedies.

(f) Each violation of this code shall constitute a separate offense and be punishable as such.

(g) The board of county commissioners by resolution may establish fines to be imposed for violation of this article.

(h) All monies collected as a result of violations of this article shall be deposited in the county natural areas fund.

## **Section 3. REPEAL OF LAWS IN CONFLICT:**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

## **Section 4. SEVERABILITY:**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 6. CAPTIONS:**

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

**Section 7. EFFECTIVE DATE:**

The provisions of this Ordinance shall become effective on filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**SHARON R. BOCK, CLERK AND  
COMPTROLLER**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen T. Marcus, Chair

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: Anne Delgant  
County Attorney

Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.