

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 12, 2013

Consent

Regular

Workshop

Public Hearing

Department

Submitted By:

Environmental Resources Management

Submitted For:

Environmental Resources Management

I. EXECUTIVE BRIEF

MOTION AND TITLE: Staff recommends motion to adopt: A resolution establishing a penalty schedule and the imposition of fines by way of a written ticket as an efficient alternative to the current method of arrest and court appearance for minor violations of County Ordinance 94-13, as amended. A ticket may be issued by law enforcement officers including deputies of the County's Wildlands Task Force of the Palm Beach County Sheriff's office. The existing method of arrest and court appearance will continue to be used for major violations of the Ordinance.


Summary: Ordinance 94-13 (aka Chapter 11, Article XI of the County Code) was amended by the Palm Beach County Board of County Commissioners (BCC) on September 13, 2011 (ORD 2011-021). It provides for the regulation of activities occurring within County-managed natural areas and approves multiple methods of enforcement, including the issuance of fines to be imposed for violations of the Ordinance. To issue the fines, a fine schedule must be established. Approval of this resolution will establish the fine schedule and the form of the written citation to be issued. Countywide (SF)

BACKGROUND AND JUSTIFICATION: On June 21, 1994, the BCC approved the Natural Areas Ordinance 94-13. On September 13, 2011, this Ordinance was amended by adding provisions to Chapter 11, Article XI ss 11-262 and ss 11-272 to address firearms in natural areas, and to provide multiple methods and flexibility in enforcement of the Ordinance. Staff of the Department of Environmental Resources Management worked with the Palm Beach County Sheriff's Office, Assistant State Attorney's Office, the Clerk and Comptroller's Office, and the County Attorney's Office to develop a fine schedule and citation form to be used as a method of enforcement provided for in Article XI ss 11-272. The Palm Beach County Sheriff's Office approved the citation method and wording on January 28, 2013. Per the amended ordinance, the fines collected pursuant to this fine schedule shall be deposited in the County's Natural Areas Fund to help defray the costs of managing the natural areas.

Attachments:

Resolution

Recommended by:


Department Director

2-20-13

Date

Approved by:


County Administrator

3-11-13

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?		Yes _____		No <u>X</u> _____	
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Program _____				

B. Recommended Sources of Funds/Summary of Fiscal Impact:
The fiscal impact of this item cannot be determined at this time.

C. Department Fiscal Review: *JP*

III. REVIEW COMMENTS

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

J. D. Wick

 OFMB 2/21/13
 ce

Ann J. Jacobson

 Contract Development and Control 3/4/13
 3-4-13 B. Wick

B. Legal Sufficiency:

M. J. ...

 Assistant County Attorney

C. Other Department Review:

 Department Director

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RESOLUTION NO. 2013-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA TO APPROVE A FINE SCHEDULE AND THE FORM OF CITATION TICKETS TO BE USED FOR MINOR VIOLATIONS AS SPECIFIED IN THE PALM BEACH COUNTY CODE CHAPTER 11, ARTICLE XI THAT OCCUR WITHIN PALM BEACH COUNTY NATURAL AREAS AND THAT VIOLATIONS AS DEFINED IN ARTICLE XI, DEEMED TO BE MAJOR INFRACTIONS BY LAW ENFORCEMENT OFFICERS, SHALL REQUIRE A HEARING DATE BEFORE THE GROUNDWATER AND NATURAL RESOURCE PROTECTION BOARD OR HEARING OFFICER OF THE COURT.

Whereas Palm Beach County Natural Areas are part of the heritage of the citizens of Palm Beach County; provide opportunities for passive recreation, environmental education, and scientific research; serve as show places for residents and visitors; and enhance the overall quality and diversity of life in Palm Beach County; and

WHEREAS, the alteration or misuse of these natural areas will cause an irreparable aesthetic, educational, scientific, and cultural loss to the citizens of and visitors to Palm Beach County, and will result in potential harm to, and degradation of, groundwater, surface waters, air quality, and native plant and animal populations; and

WHEREAS, the Board of County Commissioners desires to prevent the harm recited above and protect and maintain the native biological diversity of County-managed natural areas by promulgating appropriate regulations to govern public use of these natural areas; and

WHEREAS the Board of County Commissioners approved Ordinance 94-13 (i.e. Chapter 11, Article XI of the County Code a.k.a. the "Natural Areas Ordinance") to set forth those regulations governing public use of the natural areas and provide appropriate enforcement of those regulations; and

WHEREAS, the Board of County Commissioners by resolution may establish fines to be imposed for minor violations of Chapter 11, Article XI; and

WHEREAS, it is the purpose of Article XI, Section 11-271, to provide additional, cumulative remedies; and

WHEREAS, all monies collected as a result of violations of Article XI shall be deposited in the County's Natural Areas Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section 1:

An official schedule be specified for fines for minor violations occurring within Palm Beach County managed natural areas as identified within Chapter 11, Article XI of the County Code (i.e. Ordinance 94-13, as amended). The fines are hereby adopted as shown in Exhibit A.

Section 2

Citations shall be issued as tickets on forms as shown in Exhibit B or forms that are substantially similar.

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Section 3:

All resolutions or parts thereof in conflict with the provisions of this resolution are hereby repealed.

Section 4:

This resolution shall take effect upon its passage in the manner provided by law.

Section 5:

Should any section, paragraph, sentence, clause, or word of this resolution be held to be unconstitutional, inoperative, or void, such holding shall not affect the validity of the remainder of the resolution.

(Remainder of Page Left Intentionally Blank)

1 The foregoing Resolution was offered by Commissioner
2 _____, who moved its adoption. The motion was seconded by
3 Commissioner _____, and upon being put to a vote, the vote was as
4 follows:


- 5 Commissioner Steven L. Abrams, Mayor _____
- 6 Commissioner Priscilla A. Taylor, Vice Mayor _____
- 7 Commissioner Hal R. Valeche _____
- 8 Commissioner Paulette Burdick _____
- 9 Commissioner Shelley Vana _____
- 10 Commissioner Mary Lou Berger _____
- 11 Commissioner Jess R. Santamaria _____

12 The Mayor thereupon declared the Resolution duly passed and adopted this
13 _____ day of _____, 20__.

14

15 APPROVED AS TO FORM AND. PALM BEACH COUNTY, FLORIDA BY
16 LEGAL SUFFICIENCY. ITS
17 BOARD OF COUNTY COMMISSIONERS

18
19 Sharon R. Bock, Clerk & Comptroller

21
22 By  _____
23 Assistant County Attorney

By _____
Deputy Clerk

24
25
26 APPROVED AS TO
27 TERMS AND CONDITIONS

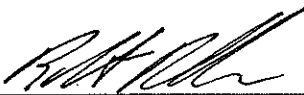
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31 BY  _____
32 Department Director
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EXHIBIT A

SCHEDULE OF FINES FOR VIOLATIONS OF COUNTY NATURAL AREAS ORDINANCE 94-13, AS AMENDED

MINOR VIOLATIONS WITHIN THE COUNTY'S NATURAL AREAS

(All major violations of the infractions listed below may be referred to the Ground Water and Natural Resource Protection Board or Court Hearing Officer for potentially increased fines at the discretion of the law enforcement officer.)

Violations of this ordinance can be handled in a civil or criminal manner. This citation is the civil option.

Damage to buildings and other property:	Sec 11-256	\$75
Damage, injury, or molestation of plants and wildlife:	Sec.11-257	\$75
Build, light, or cause to be lighted any unauthorized fire:	Sec. 11-259	\$75
Launch or operate any watercraft in a non-designated area:	Sec. 11-260	\$75
Damage to plant or wildlife by watercraft:	Sec. 11-262	\$75
Fishing in non-designated areas:	Sec. 11-261	\$75
Consumption, possession of alcoholic beverages:	Sec. 11-262 (c)	\$75
Introduction of domestic animals and pets:	Sec. 11-262 (e)	\$75
Performing vehicle repair other than a flat tire or dead battery:	Sec. 11-262 (h)	\$75
Creating loud, unnecessary noise:	Sec. 11-262 (j)	\$75
Camping without a special permit:	Sec. 11-263 (a)	\$75
Erecting a temporary structure without a special permit:	Sec. 11-263 (b)	\$75
Horseback riding without a special permit or not following the guidelines of the permit:	Sec. 11-263 (c)	\$75
After-hours and night-time use without a special permit:	Sec. 11-263 (g)	\$75
Expose, offer for sale, rent or trade any article or thing, or station or place any stand, cart, or vehicle for the transportation, sale or display of any article, merchandise, or other item within the limits of any natural area:	Sec. 11-264 (a)	\$75
Display, distribute, post, paste, glue, tack, or otherwise fix any handbill, pamphlet, circular, sign, placard or any other printed matter containing advertising upon any tree, fence or other structure:	Sec. 11-264 (c)	\$75
Throw, discharge, or otherwise place or cause to be placed in any water any substance, matter, or object or item to cause pollution:	Sec. 11-265	\$75
Dump, deposit, or leave refuse and trash:	Sec. 11-266	\$75
Remain in any natural area after closing hours:	Sec. 11-268 (a,b)	\$75
Unauthorized operation of any motorized vehicle outside of approved areas:	Sec. 11-269 (a,b)	\$175
Unauthorized operation of any self propelled vehicle outside of approved areas:	Sec. 11-269 (a,b)	\$50
Unauthorized parking of any vehicle (e.g. blocking management/emergency access gates):	Sec. 11-269 (c)	\$50
Other:	Sec.	\$75

Officer's Comments: _____

THUMB PRINT



EXHIBIT B

Palm Beach County Natural Areas Ordinance Violation				No. (citation) 00000	
Palm Beach County Department of Environmental Resources Management		Palm Beach County Logo		Agency Case #	
The undersigned certifies that he/she had just and reasonable grounds to believe a violation of the County's Natural Areas Ordinance 94-13, as amended occurred on:					
Month	Day	Year	Time	AM PM	
Name (Violator) First M.I. Last					
Street					
City			State	Zip	
Telephone Number ()			Date of Birth		
Driver's License Number or Other			State	Type	Expiration
Vehicle Tag Number (if applicable)	Year Vehicle	Make	Style	Color	
Violation Description					
Ordinance Section Number 94-13 Section-					
Name of Natural Area					
Location					
First Violation Yes No			Fine, if paid within 30 days		
Second Violation Fines Doubled			Amount Plus \$10 Court Cost:		
Third Violation Fines Tripled			\$		
Notice: This citation is issued pursuant to County Ordinance 94-13, as amended. The violation for which you are charged is a civil infraction. Failure to pay the applicable civil penalty or request a hearing from the Clerk of the Court within 30 days shall constitute a waiver of your right to contest this citation, and judgement may be entered against you for an amount of up to \$500, per infraction.					
Signature of Violator					
Signature of Officer				ID#	
Print Name					
Deputy Police Officer					
Agency					
WHITE: Clerk of the Court BLUE: ERM YELLOW: Officer PINK: Individual					

INSTRUCTIONS FOR PAYMENT OF FINES:

1. Payment must be made by:

(A) mailing a certified check or money order (made payable to Sharon R. Bock, Clerk and Comptroller) at the address below:

Sharon R. Bock, Clerk & Comptroller

P.O. Box 3544

West Palm Beach, Florida 33402-3544; or

(B) In person, at any of the following branch locations. Hours of operation are 9:00 a.m. to 4:00 p.m., Monday through Friday, except for legal holidays.

Payment is accepted by credit card, cash, check or money order (made payable to Sharon R. Bock, Clerk and Comptroller). A service charge will apply for payment made by credit card.

Palm Beach County Main Courthouse

205 N. Dixie Highway, Room 2.2300

West Palm Beach, FL 33401

North County Courthouse

3188 PGA Boulevard, Room 1210

Palm beach Gardens, FL 33410

West County Courthouse

38844 State Road 80

Belle Glade, FL 33430

South County Courthouse

200 W. Atlantic Avenue, Room150

Delray Beach, FL 33444

Citations must be paid within 30 days from the date the citation was issued.

By paying the citation you will be deemed to have admitted the violation and to have waived your right to a hearing on the issue of commission of the violation.

You may request an extension of time to pay the citation in person at any Clerk & Comptroller branch location. A \$25 administrative fee plus a reasonable down payment is required at the time you request the extension. If payment is past due, you will also be charged a late fee and compliance letter fee. The extension allows for three equal payments over a 90-day period.

STEPS TO PLEA "NOT GUILTY" TO MY CITATION:

You must notify the Clerk & Comptroller's office in writing at the address listed below within 30 days of the citation issue date if you wish to contest the violation in county court. Your citation number and your correct mailing address must be provided.

Sharon R. Bock, Clerk & Comptroller

P.O. Box 3544

West Palm Beach, Florida 33402-3544