

PALM BEACH COUNTY CODE
Chapter 11 - ENVIRONMENTAL REGULATION AND CONTROL
ARTICLE XI. - NATURAL AREAS

ARTICLE XI. - NATURAL AREAS ^[72]

⁽⁷²⁾ **Editor's note**— Ord. No. 94-13, adopted June 21, 1994, effective June 27, 1994, amended this Code by adding provisions designated by the editor as ch. 11, art. XI, §§ 11-251—11-272.

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Sec. 11-251. - Short title; applicability.

- (a) This article shall be known as the "Palm Beach County Natural Areas Ordinance."
- (b) The recitations set forth in the "WHEREAS" paragraphs included in Ordinance No. 94-13 are incorporated by reference herein as findings of fact upon which this article is based.
- (c) All provisions of this article shall be effective within the unincorporated and incorporated areas of the county and shall set restrictions, constraints, and requirements to protect and preserve county-managed natural areas.
- (d) This article shall be liberally construed to effect the purposes set forth herein.

(Ord. No. 94-13, § 1, 6-21-94)

Sec. 11-252. - Authority.

This article is adopted under the authority of chapter 125, Florida Statutes.

(Ord. No. 94-13, § 2, 6-21-94)

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Sec. 11-253. - Purpose.

The purpose of this article is to preserve and protect in perpetuity county-managed natural areas by regulating public uses of these lands.

(Ord. No. 94-13, § 3, 6-21-94)

Sec. 11-254. - Definitions.

The following terms when used in this article shall have the meanings ascribed to them in this section:

Department means the department of environmental resources management.

Natural area means all public lands containing high-quality native ecosystems that are under the control of or assigned to the department for management, maintenance, and operation.

Natural areas property means all structures, facilities, plants, and animals contained within a natural area.

Parking area means a specially designed and publicly designated area set aside for the standing or temporary stationing of vehicles.

Permit means a document or certificate provided by the county administrator or his designee granting permission to conduct or take part in a specific activity at a specific location.

Vehicle means any wheeled conveyance for transportation of persons or materials whether:

- (1) Powered or drawn by motor such as an automobile, truck, motorcycle, scooter, or minibike.
- (2) Animal-drawn such as a carriage, wagon, or cart.
- (3) Self-propelled such as a bicycle.

Watercraft means any boat, kayak, canoe, raft, houseboat, barge, vessel, ship or any other floating device capable of transporting humans or objects over water.

(Ord. No. 94-13, § 4, 6-21-94)

Sec. 11-255. - Scope.

This article applies only to county-owned or county-controlled natural areas and natural areas property that is assigned to the department of environmental resources management for management, maintenance and operation. Department staff and other authorized persons working under staff supervision shall be exempt from the provisions of this article when performing activities related to management plans.

(Ord. No. 94-13, § 5, 6-21-94)

Sec. 11-256. - Buildings and other property.

(a) No person shall willfully mark, deface or damage in any way, or displace, remove or tamper with, any natural area building, fence, educational or informational structure, walkway, bridge, bench, railing, public utility, paving or paving material, or part or appurtenance thereof, natural area sign, notice or

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placard, monument, stake, post, or other boundary marker, or other structure or equipment, facility or natural area property or appurtenance that is located on a natural area.

(b) No person shall dig, move, or remove from any natural area any sand, soil, rocks, stones, trees, shrubs, or plants, fallen timber, or other wood or materials, or make any excavation by tool, equipment, blasting or other means.

(Ord. No. 94-13, § 6, 6-21-94)

Sec. 11-257. - Plant and wildlife protection and preservation.

(a) Within any natural area, no person shall cut, carve, or damage the bark, or break off limbs or branches or mutilate in any way, or pick the flowers or seeds, of any tree or plant, or shrub, nor shall any person dig in or disturb grassy areas, or transplant or remove any tree or plant or part thereof, or in any other way damage or impair the natural beauty or usefulness of any natural area, nor shall any person deposit any debris or material on or about any tree or plant.

(b) Within any natural area, no person shall molest, harm, frighten, kill, trap, hunt, chase, shoot, throw objects at, harass, feed, or otherwise inhibit the natural movements and habits of any invertebrate, mammal, amphibian, reptile, fish or bird. No person shall remove or have in his or her possession the young of any wild animal, or the eggs or nests of any amphibian, reptile, fish, bird or invertebrate. The provisions of this section applying to fishes are not applicable in designated fishing areas.

(c) In order to prevent disruption of natural ecosystems and the spread of disease, no person shall introduce, plant, or release any plant or animal into any natural area.

(Ord. No. 94-13, § 7, 6-21-94)

Editor's note— As originally promulgated, Ord. No. 94-13 contained no § 8.

Sec. 11-258. - Reserved.

Sec. 11-259. - Fires.

No person shall build or attempt to build, light, or cause to be lighted any fire or fires within any natural area unless given permission under a written permit from the county administrator or his designee. No person shall drop, throw, or otherwise deposit lighted matches, burning cigarettes or cigars, tobacco paper, or other flammable materials within any natural area or on any county highway, road or street abutting or contiguous thereto.

(Ord. No. 94-13, § 9, 6-21-94)

Sec. 11-260. - Boating.

(a) All provisions of F.S. Ch. 327 shall apply to county-managed natural area waters.

(b) No person shall launch or operate any watercraft upon any watercourse, lagoon, lake, canal, pond, marsh, wet prairie or slough within a natural area except at such places that are designated for such use by the board of county commissioners or the county administrator or his designee.

(c) No person shall operate, moor, or anchor any watercraft within the waters of any natural area in a manner that results in damage or harm to the vegetation, wildlife or shoreline.

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(Ord. No. 94-13, § 10, 6-21-94)

Sec. 11-261. - Fishing.

Except where specifically designated, fishing, or the buying or selling of fish caught in any natural area waters, is prohibited in all natural areas.

(Ord. No. 94-13, § 11, 6-21-94)

Sec. 11-262. - Prohibited activities.

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) All activities that are 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.
- (c) The sale, purchase, consumption, or possession of alcoholic beverages as defined in F.S. § 561.01(4).
- (d) Use, discharge or possession of fireworks, explosives, or substances that could be combined into an explosive mixture.
- (e) Domestic animals and pets.
- (f) Placement of beehives or other apicultural practices.
- (g) Cultivation of plants.
- (h) Vehicle repair.
- (i) Use of airboats.
- (j) Loud, unnecessary noise that disturbs wildlife and produces physical discomfort or annoyance to other people.
- (k) Possession and release of inflated balloons.

(Ord. No. 94-13, § 12, 6-21-94; Ord. No. 2011-021, § 1, 9-13-11)

Sec. 11-263. - Activities requiring a special permit.

The following activities may be allowed only if a written permit is obtained from the county administrator or his authorized designee. Written terms and conditions shall accompany each permit, and a fee will be charged as set by resolution of the board of county commissioners. The decision on whether or not to issue a permit will be based on the potential for damage to the natural resources of the site, the carrying capacity for that particular use, and any conflicts with a previously issued permit for the same use. The

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activities requiring a special permit are:

- (a) Camping.
- (b) Erection of temporary or permanent structures.
- (c) Horseback riding.
- (d) Public demonstrations and gatherings.
- (f) Collection of plant and animal specimens and use of watercraft in wetlands for scientific research.
- (g) After-hours and night-time use of natural areas. *After dusk*

(Ord. No. 94-13, § 13, 6-21-94)

Sec. 11-264. - Merchandising, advertising and signs.

- (a) No person shall expose or 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.
- (b) No person shall use the natural area roadways or paths, or enter any natural area, for the purpose of announcing, displaying, advertising or calling attention to any person, political party, religious institution, or meetings or assemblies thereof, or for the purpose of demonstrating, advertising or calling attention to any article or service for sale or for hire; nor shall any signs, slogans, loudspeakers or advertising display be used for such purposes unless a written permit allows such activity.

- (c) No person shall display, distribute, post, paste, glue, tack, or otherwise fix any handbill, pamphlet, circular, sign, placard or any other printed matter containing advertising within any natural area or upon any natural area tree, fence or other structure.

(Ord. No. 94-13, § 14, 6-21-94)

Sec. 11-265. - Pollution of waters.

No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any pond, lake, canal, slough, marsh, wet prairie, lagoon, or any other body of water or wetland in any natural area, any substance, matter, object or item which will or may result in pollution of those waters.

(Ord. No. 94-13, § 15, 6-21-94)

Sec. 11-266. - Refuse and trash.

No person shall take into, dump or deposit on land of, or leave in, any natural area or county road abutting such natural area, bottles, broken glass, ashes, paper, boxes, cans, dirt, construction or agricultural debris, rubbish, waste, garbage, refuse, or any other solid or liquid discard. Such discard shall be placed in the proper receptacles where provided on a natural area. Where receptacles are not provided, all such discard shall be carried away from the natural area and properly disposed of by the person responsible for its presence.

(Ord. No. 94-13, § 16, 6-21-94)

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Sec. 11-267. - Public utilities.

No entity shall be allowed to place any new public service utility into, upon, or across natural area lands except by prior written permit from the county administrator or his designee.

(Ord. No. 94-13, § 17, 6-21-94)

Sec. 11-268. - Closing of natural areas.

(a) Each natural area managed by the county shall be open to the public at hours and days that are determined to be appropriate and adopted as part of the management plan for that natural area. These hours shall be posted at each natural area.

(b) The county administrator or his designee may declare any section of a natural area closed to the public, either temporarily or at regularly stated intervals, in order to protect natural resource protection, public safety, health and/or welfare.

(c) No person shall remain in any natural area during the hours that the natural area is closed, unless he or she has a permit.

(Ord. No. 94-13, § 18, 6-21-94)

Sec. 11-269. - Vehicles.

(a) All state vehicle laws and county traffic regulations shall be applicable in all natural areas. Municipal traffic ordinances shall be applicable in those natural areas located within municipalities.

(b) No person shall drive, operate, or propel any vehicle outside the boundaries of designated paved or improved natural area access roads or driveways unless specifically authorized by the county administrator or his designee.

(c) No person shall park any vehicle on a natural area at any place other than a designated parking area without prior authorization from the county administrator or his designee. No person shall park any vehicle in a manner that blocks or impedes access to a parking area or access road. No vehicle shall be left in a parking area or access road. No vehicle shall be left in a parking area overnight without prior authorization by the county administrator or his designee.

(Ord. No. 94-13, § 19, 6-21-94)

Sec. 11-270. - Enforcement.

Mutual Aid Agreement

(a) It shall be the duty and responsibility of law enforcement officials to, within their jurisdiction, enforce all state laws, municipal ordinances, county ordinances, and county traffic regulations within and adjacent to the limits of all natural areas maintained and operated by the department.

(b) It shall be unlawful for any person to do any act forbidden, or fail to perform any act required, by this article or for any person to fail to comply with any lawful and reasonable order given by law enforcement officers or authorized department officials. It shall be the duty and responsibility of law enforcement officers and authorized department officials to enforce all natural areas rules.

(Ord. No. 94-13, § 20, 6-21-94)

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Sec. 11-271. - Penalties.

- (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 F.S. § 125.69.
- (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.

(Ord. No. 94-13, § 21, 6-21-94; Ord. No. 2011-021, § 2, 9-13-11)

Sec. 11-272. - Municipal ordinances and land development regulations.

This article does not supersede any municipal ordinance or land development regulation.

(Ord. No. 94-13, § 23, 6-21-94)

Secs. 11-273—11-290. - Reserved.