

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 34 – ENVIRONMENT, TO CREATE ARTICLE VII – NATURAL AREAS TO PROVIDE REGULATIONS GOVERNING CONDUCT IN THE CITY’S NATURAL AREAS, INCLUDING GRASSY WATERS PRESERVE/WATER CATCHMENT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

\* \* \* \* \*

WHEREAS, the City of West Palm Beach owns and manages high-quality native ecosystems that are under the control of or assigned to the City for management, maintenance, and operation, including but not limited to Grassy Waters Preserve/Water Catchment Area, Apoxee area, Clear Lake, Lake Mangonia, Renaissance Settling Basin and its South Lobe; and

WHEREAS, Grassy Waters Preserve/Water Catchment Area and adjacent natural areas are a pristine remnant of the once great Everglades system; and

WHEREAS, protection of these natural areas are necessary to protect the City’s potable water supply; and

WHEREAS, these natural area are home to a variety of native wildlife, including, but not limited to the Everglades snail kite, wood stork, white ibis, great blue heron, white-tailed deer, otter, bobcat and alligator; and

WHEREAS, due to increased use of the City’s natural areas, and a resulting increase in behavior detrimental to the natural areas, the West Palm Beach Police Department and the Public Utilities Department desire more specific regulations for the protection of the natural areas and the City’s drinking water system; and

WHEREAS, protection of these natural areas provide City residents and visitors with an opportunity to learn about and appreciate these natural resources and wildlife; and

WHEREAS, pursuant to the home rule powers of the City of West Palm Beach granted by Chapter 166, Florida Statutes, the City has the authority to exercise its police powers and regulatory powers to protect its water system and natural areas for the benefit of the health, safety and welfare of its residents, businesses and visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH FLORIDA, that:**

**SECTION 1:** The City Commission hereby determines that protection of the City’s natural areas will protect the City’s water supply, provide City residents and visitors with an opportunity to learn about and appreciate these natural resources and

wildlife, and benefits the public health and welfare.

**SECTION 2:** Chapter 34 (Environment) is hereby amended to create Article VII (Natural Areas), which shall read as follows:

**ARTICLE VII. – NATURAL AREAS**

**Sec. 34 - 170. - Short title; intent.**

(a) This article shall be known as the "West Palm Beach Natural Areas Ordinance."

(b) This article shall set restrictions, constraints, and requirements to protect and preserve the natural areas owned by the city.

(c) This article shall be liberally construed to effect the purposes set forth herein.

**Sec. 34-172. - Definitions.**

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

*Aircraft* means any helicopter, airplane, glider, powered parachute, ultra-light or parachute.

*Drone / UAV* means a remotely operated unmanned aerial vehicle.

*Natural area* means all public lands containing high-quality native ecosystems that are under the control of or assigned to the city for management, maintenance, and operation, including but not limited to Grassy Waters Preserve/Water Catchment Area, Apoxee area, Clear Lake, Lake Mangonia, Renaissance Settling Basin and its South Lobe.

*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 city granting permission to conduct or take part in a specific activity at a specific location.

*Special event* has the meaning as set forth in sec. 78-151 of this code.

*Vehicle(s)* means any wheeled conveyance for transportation of persons or materials whether:

- Powered or drawn by motor (gas or electric) such as an automobile, truck, ATV, motorcycle (to include motor assisted bicycles) scooter, or mini-bike.

- Animal-drawn such as a carriage, wagon, or cart.

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

**Sec. 34-171. - Scope.**

- (a) This article applies to all natural areas of the city along with any supplement applicable provisions of state law and with the special act applicable to the water catchment area.
- (b) This article applies only to city-owned or city-controlled natural areas. City employees, and other authorized persons or contractors working under city supervision, shall be exempt from the provisions of this article when performing activities related to environmental management and/or mitigation plans. Licensed hunters or trappers authorized by the city to remove nuisance and exotic animals, or to reduce excessive populations of animals causing environmental damage in a natural area, are exempt from the prohibition on hunting and trapping.

**Sec. 34-172. – Access to natural areas; Trespass.**

- (a) Each natural area shall be open to the public at designated hours and days determined appropriate and adopted as part of the management plan for that natural area. These hours shall be posted at each designated entrance.
- (b) The city 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 authorized by permit.
- (d) Removing of securing devices to include but not limited to locks and chains to gain unauthorized entrance to natural areas is prohibited.
- (e) Entering natural area at a non designated entrance (i.e. by jumping fences, utilizing maintenance gates, going around or over berms ) is prohibited.
- (f) Entering areas where signage prohibits entrance due to maintenance, repair or hazardous conditions is prohibited.
- (g) Any person, except as may be approved by the city, who willfully enters upon the natural area by unauthorized means, or who remains in a natural area when the natural area is closed, commits the offense of trespass on the natural area. Such trespass is declared to be a criminal offense and misdemeanor within the meaning of F.S. § 775.08, and shall be punishable as provided by general law.

**Sec. 34-173. - 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 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.

**Sec. 34-174. - Plant 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) In order to prevent disruption of natural ecosystems and the spread of disease, no person shall introduce or plant any plant into any natural area.
- (c) The use of ladders or tree climbing devices are prohibited unless authorized by the city.
- (d) Cultivation of plants in natural areas is prohibited.

**Sec. 34-175. - Wildlife protection and preservation.**

- (a) 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.
- (b) Hunting, trapping, or the possession of any kind of trapping device is prohibited in natural areas. Installation of game cameras in natural areas is prohibited. Licensed hunters or trappers authorized by the city to remove nuisance and exotic animals, or to reduce excessive populations of animals causing environmental damage in a natural area, are exempt from this prohibition.
- (c) The provisions of this section applying to fishes are not applicable in designated fishing areas.
- (d) In order to prevent disruption of natural ecosystems and the spread of disease, no person shall introduce or release any domestic, farm or wild animal into any natural area.
- (e) Placement of beehives or other apicultural practices in natural areas is prohibited.

**Sec. 35-176. - Fishing.**

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

**Sec. 34-177. - Boating.**

- (a) All provisions of F.S. ch. 327 shall apply to city-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 city.
- (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.
- (d) Use of airboats within the waters of any natural area is prohibited.

**Sec. 34-178. – Vehicles; Parking.**

- (a) All state vehicle laws and city traffic ordinances shall be applicable in all natural areas.
- (b) No person shall drive, operate, or propel any vehicle outside the boundaries of designated paved or improved natural area access roads or driveways.
- (c) The use of off-road vehicles, all terrain vehicles (ATV), utility terrain vehicles (UTV), motorcycles, and motor scooters is prohibited.
- (d) No person shall park any vehicle on a natural area at any place other than a designated parking area. 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 overnight.
- (e) Repair of vehicles in natural areas is prohibited.

**Sec. 34-179. - Fires.**

No person shall build or attempt to build, light, or cause to be lighted any fire or fires within any natural area, including fires for grilling food or barbecue. No person shall drop, throw, or otherwise deposit lighted matches, lit cigarettes or cigars, tobacco paper, or other flammable materials within any natural area or on any city highway, road or street abutting or contiguous to a natural area.

**Sec. 34-180. - 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, liquid, object or item which will or may result in pollution of those waters.

**Sec. 34-181. - Refuse and trash.**

No person shall take into, dump or deposit on land of, or leave in, any natural area or city road abutting such natural area, any 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.

**Sec. 34-182. - 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 authorization by the city commission, if permitted by law.

**Sec. 34-183. - 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.

**Sec. 34-184. – Additional prohibited activities.**

The following are also prohibited in natural areas:

- (a) All activities that are potentially dangerous to human safety.
- (b) The sale, purchase, consumption, or possession of alcoholic beverages as defined in F.S.S § 561.01(4).
- (c) Use, discharge or possession of fireworks, explosives, or substances that could be combined into an explosive mixture.
- (d) Domestic animals and pets are not allowed in natural areas.
- (e) Loud, unnecessary noise that disturbs wildlife and produces physical discomfort or annoyance to other people.
- (f) Possession and release of inflated balloons.
- (g) Landing of aircraft (emergencies exempt).
- (h) Unauthorized use of remote control aircraft, helicopters, or drones / UAV.

- (i) Leaving designated trail or improved roadway.
- (j) Swimming, wading or unauthorized entry into water.
- (s) Dispersing animal or human remains.

**Sec. 34-185. - Activities requiring a special permit.**

- (a) The following activities may be allowed within natural only if a written permit is obtained from city after submittal of an application for a special event, on city forms accompanied by the application fee, as established by the city commission:
  - i. Camping;
  - ii. Erection of temporary structures
  - iii. Riding of horses
  - iv. Public demonstrations
  - v. Special events, which shall also require a special event permit from the city
  - vi. Surveying
  - vii. Collection of plant, animal and water specimens for scientific research
- (b) Issuance of such permit will be based on consideration of: 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.
- (c) The permit may include written terms and conditions specific to the activity, as the city deems necessary for the protection of natural areas.

**Sec. 34-186. - Penalties.**

Violations of this article may be enforced by one or more of the following means:

- (a) As provided by special act, any person, except as may be approved by the city, who willfully enters upon or remains in Grassy Waters Preserve/water catchment area to whom notice against entering or remaining is given, either by actual communication to the offender or by posting or fencing, commits the offense of trespass. Such trespass is declared to be a criminal offense and misdemeanor within the meaning of F.S. § 775.08, and shall be punishable as provided by general law.
- (b) Through the provisions of section 1-13 of this code. In addition to any other penalty provided in this section, a person violating this article shall be subject to the penalties and procedures set forth in F.S. §§ 162.22 and 162.23. Unless otherwise specifically authorized and provided by law, a person convicted of violating this article may be sentenced to pay a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days.
- (c) Through the code enforcement provisions of chapter 26 of this code. A person who receives a citation for a violation of a city ordinance and who elects not to contest the citation shall be subject to a civil penalty of \$125.00 for a first offense, \$250 for a second offense and \$500 for subsequent offenses.

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- (d) Through a city-initiated lawsuit in a court of competent jurisdiction to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law to cure, remove, prevent, or end a violation of any provision of this article. The city shall recover its court costs and reasonable attorneys' fees in any legal proceedings commenced to enforce this article.
- (e) Each violation of this Code shall constitute a separate offense and be punishable as such.
- (f) All monies collected as a result of violations of this article shall be deposited in the city natural areas fund for preservation and protection of the wetlands.

These remedies are cumulative and the use of any appropriate remedy shall not constitute an election of other remedies by the city. The use of one remedy shall not preclude the use of any other remedy. Nothing in this article shall prohibit the city from enforcing the requirements of this article by any other legal means.

Secs. 34-187—34-200. - Reserved.

**SECTION 3:** This Ordinance shall apply within the jurisdictional boundaries of the City of West Palm Beach. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 6:** Authority is hereby granted to codify the text amendments set forth in this Ordinance.

**SECTION 7:** This Ordinance shall take effect as of April 1, 2022.

[SIGNATURES ON FOLLOWING PAGE]

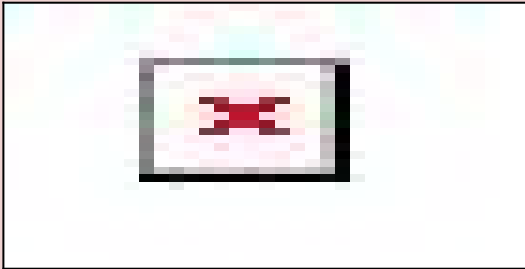


**FIRST READING THIS 7TH DAY OF MARCH, 2022.**

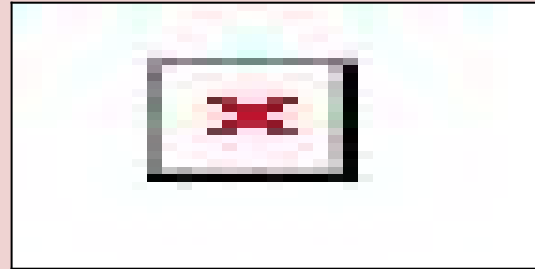
**SECOND READING AND PASSAGE THIS 21ST DAY OF MARCH, 2022.**



**ATTEST:**



**CITY OF WEST PALM BEACH BY  
ITS CITY COMMISSION:**



**APPROVED AS TO FORM AND  
LEGALITY:**

