



TOWN OF HIGHLAND BEACH RECOMMENDATION MEMORANDUM

TO: Town Commission

MEETING DATE: December 7, 2021

FROM: Ingrid Allen, Town Planner, on behalf of the Natural Resources Preservation Advisory Board ("Board")

SUBJECT: November 3, 2021 Board recommendations

ACTION:

At the November 3, 2021 Board meeting, the Board provided the following recommendations (in bold) to the Town Commission (staff comment is provided in italics):

1. **To emphasize the consideration of a marine patrol vessel or boat and implement a program which would protect manatee populations and mangrove populations by slowing down traffic on the Intracoastal.** *Staff advised the Board of the Town Commission's discussion at both the September 21 and October 19, 2021 meetings regarding the potential establishment of a Town of Highland Beach Marine Patrol Unit including Police Chief Hartmann's presentation on such topic on October 19, 2021. Board discussion, prior to the above recommendation, included amending the Town Code of Ordinances (Chapter 5 - "Beaches and Boats") in an effort to provide protection for manatees and mangroves. Based on the latter discussion, staff suggested that the Board look at other municipal codes to see how they address manatee and mangrove protection. Note that the Florida Legislature enacted the 1996 Mangrove Trimming and Preservation Act. This law regulates the trimming and alteration of mangroves statewide. In addition, manatees are protected by the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973 and the Florida Manatee Sanctuary Act of 1978. Pursuant to Section 2-140(g) of the Town Code, the Board can assist the Town Commission, upon Commission request, with items and issues related to waterways within the corporate limits of the town including boat wakes, manatee protection and mangroves.*
2. **Expand the obligations of our current code compliance officer to walk the beach or do an evaluation of the beach so as to know what is or is not appropriately being done on the beach .** *On July 1, 2020 the Board made a related recommendation to the Town Commission to hire an environmental maintenance employee "to traverse the beach and pick up debris." Given the Town Commission adopted a hiring freeze during the state of local emergency declared as a result of the COVID-19 Pandemic (Reso No. 20-009), the recommendation was not considered (Note that the hiring freeze*

has since been lifted). Board discussion included the enforcement of the following "littering" provisions found in Section 5-9 of the Town Code:

Beaches means that area abutting the Atlantic Ocean consisting of predominantly sand, whether below or above the mean high water mark.

(b) Prohibited. No person shall leave or deposit any trash, refuse or debris on any beach. Any such trash, refuse or debris shall be placed, when available, in a container clearly marked by the town for such purpose. If there is no receptacle, or if the receptacle is full, all trash or refuse must be removed from the beach.

(c) Private beaches. In regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse or debris. Further, the owner of the private property shall not allow trash, refuse or debris to remain on his property for a period of time greater than seven (7) days after notification by the town. Any such trash, refuse or debris located upon private beachfront property shall be properly disposed of in a manner otherwise provided by the codes and regulations of the town.

(d) Violation. Any private property owner found to be in violation of this section shall be subject to the jurisdiction of the town's code enforcement ordinance, and subject to penalties prescribed by the code enforcement board for each day a violation is determined to exist.

ATTACHMENTS:

None.