

Town of Grant-Valkaria, Florida

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA RELATING TO ENVIRONMENTAL REGULATIONS AND CONTROL; CREATING A NEW SECTION RELATING TO PLANT AND WILDLIFE PRESERVATION; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS AND GENERAL REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town was incorporated, in part, to preserve the rural character and quality of the Town, maintain and protect the “green canopy” and natural preserve that currently covers a majority of the Town, promote and preserve public lands, wildlife and wildlife habitats, and to preserve the natural view of portions of the Town; and,

WHEREAS, the Town maintains the “Rural” element of community as provided for in section 9.01 of the Town Charter; and,

WHEREAS, there is a significant amount of land in the Town which is public land owned or maintained by the Town, the Environmentally endangered Lands Program and other public agencies which supports indigenous flora and fauna; and,

WHEREAS, there has been an increase in the amount of illegal activity on such lands, including the illegal harvesting of such flora and fauna, which such illegal harvesting has a severe and negative impact on wildlife and wildlife habitat; and,

WHEREAS, for example, saw palmetto berry harvesting has become a profitable commercial enterprise resulting in the illegal harvesting of saw palmetto berries in natural areas, without regard for property rights and wildlife and wildlife habitat protection

WHEREAS, illegal harvesting of flora and fauna deprives wildlife with natural food sources, creates unwanted trails and vehicle damage, and piles of cut stalks and other debris on such public lands; and

WHEREAS, such illegal activities have also resulted in cut fencing, broken gates, and other damage to public property and is a trespass and is considered “poaching” and detrimental to the health, safety and welfare of the general public.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, FLORIDA, AS FOLLOWS:

SECTION 1. New Environmental Regulations and Control adopted as follows:

“Section 1: Plant and wildlife protection and preservation.

A. Definitions:

Natural area means all public lands containing native ecosystems or public right-of-ways or easements abutting such public lands that are owned by, under the control of or assigned to the Town or any other public lands which have been set aside or designated as environmentally sensitive or endangered land or sanctuary land regardless of which public entity owns or controls such land. Natural Areas shall also include, but not limited to, public parks, conservation areas, public right-of-ways and easements,

Natural areas property means all plants, and animals contained within a Natural Area.

Town means the Town of Grant-Valkaria

B. Within any Natural Area, unless written permission is granted by the Town or other public entity owning or controlling environmentally sensitive land, 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 or fruit, 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 Natural Area.

C. Within any Natural Area, unless written permission is granted by the Town or other public entity owning or controlling environmentally sensitive land 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.

D. 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.

E. The provisions herein shall only apply to town-owned or town-controlled natural areas

and natural areas property that is assigned to the town for management, maintenance and operation and areas designated as environmentally sensitive land regardless of which public entity owns or controls such land located within the geographic boundaries of the Town .

F. The provisions herein shall not apply to the town or any other governmental agency in the performance of any management, maintenance and operation of such natural areas or natural areas property.

G. Penalties.

1. In addition to any other penalties provided by law, including laws of trespass and theft, a violation of any provision of this article 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.

2. In addition to the sanctions contained herein, the town 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, or referral to the town Special Magistrate.

3. It is the purpose of this article to provide additional, cumulative remedies.

4. Each violation of this Code shall constitute a separate offense and be punishable as such.

SECTION 2. It is the intention of the Town Council of the Town of Grant-Valkaria, Brevard County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Grant-Valkaria Code.

SECTION 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. EFFECTIVE DATE. This ordinance takes effect in accordance with the Town Charter.

This ordinance was then declared to be duly passed and adopted this 14th day of March, 2018.

TOWN OF GRANT-VALKARIA

BY: _____(Signature on file)_____
Del Yonts, Mayor

First Reading: Feb. 14, 2018
Second Reading: March 14, 2018

ATTEST:

(Signature on file)
Rebekah Raddon, Town Clerk

Roll Call Vote:	Del Yonts	<u>Yes</u>
	Tom Sammon	<u>Absent/excused</u>
	Lisette Kolar	<u>Yes</u>
	Dan Faden	<u>Yes</u>
	Cathy DeMott	<u>Yes</u>
	Pat Bryan	<u>Yes</u>
	Dan Robino	<u>Yes</u>