



# **TOWN COMMISSION MEETING**

**MONDAY, SEPTEMBER 25, 2023**

**4:30 P.M.**





**PUBLIC NOTICE/AGENDA  
TOWN COMMISSION MEETING  
Monday September 25<sup>th</sup>, 2023 at 4:30 p.m.**

<b>Town Commission</b>	<b>Town Staff</b>
Stewart Satter, Mayor _____	Linda Stumpf, Town Manager _____
John Deese, Vice Mayor _____	Carmen Mattox, Chief of Police _____
Simone Bonutti, Mayor Pro Tem _____	Erika Petersen, Town Clerk _____
Richard Granara, Commissioner _____	Keith W. Davis, Town Attorney _____
Chauncey Johnstone, Commissioner _____	Trey Nazzaro, Ass't. Town Attorney _____
Aileen Carlucci, Commissioner _____	Brent Watson, Waterplant Superintendent _____
Kristin Rosen, Commissioner _____	

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATION – SERGEANT MERRIT PROMOTED TO LIETUENANT**

**AGENDA ADDITIONS, DELETIONS OR SUBSTITUTIONS**

**MAYOR’S COMMENTS**

**CONSENT AGENDA:**

- 1. RES 5-23** Resilient Florida Grant

**REGULAR AGENDA**

**PUBLIC COMMENTS**

**OTHER BUSINESS**

**PUBLIC HEARING:**

**PH 1 - Ordinance #388** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING ITS COMPREHENSIVE DEVELOPMENT PLAN TO ADOPT EVALUATION AND APPRAISAL REVIEW (“EAR”) BASED AMENDMENTS WHICH PROVIDE FOR AN EVALUATION AND FOR PLAN AMENDMENTS DETERMINED TO BE NECESSARY PURSUANT TO THE REQUIREMENTS OF SECTION 163.3191, FLORIDA STATUTES; BY ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT AND BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO ADDRESS PERILS OF FLOOD, ALL PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184 FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. **(Second Reading)**

**PH 2 - Ordinance #390** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING TITLE XI: BUSINESS REGULATIONS. AT CHAPTER 110: BUSINESS TAX AND REGISTRATION. BY AMENDING SECTION 110.12 TO PROVIDE FOR A FIVE (5) PERCENT INCREASE TO THE BUSINESS TAX RATES FOR ALL THE TOWN’S EXISTING BUSINESS TAX CLASSIFICATIONS IN ACCORDANCE WITH STATE LAW; AS DEFINED BY TOWN CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 110. BUSINESS TAX AND REGISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED. **(Second Reading)**

**PH 3 - Ordinance #391** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING TITLE V: PUBLIC WORKS. AT CHAPTER 51: WATER. BY AMENDING SECTION 51 .16. INSTALLATION REQUIREMENTS. TO PROVIDE FOR INSPECTION OF BACKFLOW PREVENTION DEVICES BY THE TOWN AND BY REQUIRING THE PROPERTY OWNER TO PAY FOR SAID INSPECTIONS THROUGH THE TOWN’S WATER BILLING PROCEDURES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 51. WATER. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS

CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE;  
AND FOR OTHER PURPOSES. **(Second Reading)**

## **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission, Special Magistrate or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact the Town Clerk at (561) 585-9477 - 600 South Ocean Blvd., Manalapan, FL 33462 - [townhall@manalapan.org](mailto:townhall@manalapan.org)



## MANALAPAN POLICE DEPARTMENT MEMO

TO: Sergeant Merritt  
FROM: Chief Mattox  
SUBJECT: Lieutenant Promotion  
DATE: September 25, 2023

You have been employed with the Manalapan Police Department since 03/18/2019. Prior to accepting employment with this agency, you retired from the Florida Atlantic University Police Department with 20 years of experience with the rank of Lieutenant. During your time with this agency, you were assigned the position of Sergeant. In the position you have assumed many responsibilities including FTO supervisor, firearms trainer and overseeing daily scheduling.

You have performed well in all areas listed above. You have also demonstrated the ability to fit in with this agency and its goals to provide the highest level of service to the community.

Choosing a Lieutenant is a very difficult decision and due to your qualifications and performance the choice was easy. Effective this date you are promoted to Lieutenant. Your starting salary shall be \$88,000 annually, plus any allowable educational incentives.

Congratulations

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Mattox", is written over a light blue circular stamp.

Carmen Mattox, Chief of Police





## **TOWN OF MANALAPAN**

### **AGENDA ITEM SUMMARY**

**Meeting Date:** September 25, 2023

**Agenda Item No.:** CA.1

**Agenda Item Name:** RES 5-2023 - Amending Fee Schedule

**ACTION REQUESTED:** Discussion ☐ Action ☒

#### **BACKGROUND:**

To further the Town's efforts to convert existing septic systems to a town-wide sewer system and secure grant funding staff and the grant consultant have identified the Resilient Florida Grant Program as a viable option. This program provides both planning grant funds and implementation grant funds to municipalities and other entities for the purpose of effectively addressing the impacts of flooding and sea level rise. Furthermore, the Resilient Florida Grant Program does not require the recipient jurisdiction to provide matching funds for planning grants. The Town Commission has determined it to be in the best interest of the Town and its residents and businesses, to apply for Resilient Florida Grant Program planning grant funds in excess of \$300,000.00 in order to complete the planning activities described herein.

#### **ATTACHMENT:**

- RES 5-2023





## **RESOLUTION NO. 5-2023**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SUBMIT ONE OR MORE APPLICATIONS, AS APPROPRIATE, TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RESILIENT FLORIDA GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Resilient Florida Grant Program provides both planning grant funds and implementation grant funds to counties, municipalities, water management districts, flood control districts, and regional resilience entities for the purpose of effectively addressing the impacts of flooding and sea level rise; and

**WHEREAS**, the Resilient Florida Grant Program does not require the recipient jurisdiction to provide matching funds for planning grants; and

**WHEREAS**, the Town of Manalapan is in need of such planning grant funds in order to conduct vulnerability analysis, critical infrastructure evaluation, and adaptation analysis for projects related to the Townwide resiliency plan which will identify needs resulting from sea level rise; and

**WHEREAS**, the estimated grant request to complete such planning activities will exceed \$300,000; and

**WHEREAS**, the Town Commission of the Town of Manalapan has determined it to be in the best interest of the Town and its residents and businesses, to apply for Resilient Florida Grant Program planning grant funds in excess of \$300,000.00 in order to complete the planning activities described herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are hereby incorporated into this Resolution.

**Section 2.** The Town Commission of the Town of Manalapan, Florida, hereby authorizes and directs the Town Manager to submit one or more applications, as appropriate, to the State of Florida Department of Environmental Protection Resilient Florida Grant Program, requesting funding for planning related to the Townwide resiliency plan and issue a workorder to Mock • Roos Associates, Inc. to conduct the study. The planning grant application will seek funding in excess of \$300,000. As the applications are digital, the Town Manager may authorize a designee to

submit the applications to the Florida Department of Environmental Protection for the Resilient Florida Grant Program on behalf of the Town.

**Section 3.** Upon the approval by the State of Florida Department of Environmental Protection of any such grant application for planning grant funds, the Town Manager is authorized to execute any and all documentation necessary to formalize the Town's receipt of the planning grant funds and the expenditure by the Town of same.

**Section 4.** This Resolution shall take effect upon its adoption and approval by Manalapan Town Commission.

PASSED AND ADOPTED this \_\_\_\_ day of September 2023.

TOWN OF MANALAPAN

\_\_\_\_\_  
STEWART SATTER, MAYOR

ATTEST:

(Seal)

\_\_\_\_\_  
ERIKA PETERSEN, TOWN CLERK



## **TOWN OF MANALAPAN AGENDA ITEM SUMMARY**

**Meeting Date:** September 25, 2023

**Agenda Item No.:** PH 1

**Agenda Item Name:** **Ordinance #388** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING ITS COMPREHENSIVE DEVELOPMENT PLAN TO ADOPT EVALUATION AND APPRAISAL REVIEW ("EAR") BASED AMENDMENTS WHICH PROVIDE FOR AN EVALUATION AND FOR PLAN AMENDMENTS DETERMINED TO BE NECESSARY PURSUANT TO THE REQUIREMENTS OF SECTION 163.3191, FLORIDA STATUTES; BY ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT AND BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO ADDRESS PERILS OF FLOOD, ALL PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184 FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. **(Second Reading)**

**ACTION REQUESTED:** Discussion ☒ Action ☐

### **BACKGROUND:**

This is the first reading of the proposed EAR based amendments to the Town's Comprehensive Plan. These amendments include the Coastal Management and Private Property Rights Elements necessary for the Florida Department of Economic Opportunity (DEO) approval.

### **ATTACHMENT:**

- Ordinance #388
- EAR based amendments



**ORDINANCE NO. 388**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING ITS COMPREHENSIVE DEVELOPMENT PLAN TO ADOPT EVALUATION AND APPRAISAL REVIEW (“EAR”) BASED AMENDMENTS WHICH PROVIDE FOR AN EVALUATION AND FOR PLAN AMENDMENTS DETERMINED TO BE NECESSARY PURSUANT TO THE REQUIREMENTS OF SECTION 163.3191, FLORIDA STATUTES; BY ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT AND BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO ADDRESS PERILS OF FLOOD, ALL PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184 FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the State Legislature of the State of Florida has mandated that all municipalities evaluate their comprehensive plan at least once every seven (7) years; and

**WHEREAS**, the Town of Manalapan has completed its required evaluation, and has determined that amendments are required in order to reflect changes in state requirements and to provide thorough and consistent planning with regard to land within its corporate limits; and

**WHEREAS**, the State Legislature of the State of Florida has also mandated that all municipalities shall include in their Comprehensive Development Plans a property rights element to ensure that private property rights are considered in local decision-making; and

**WHEREAS**, the State Legislature of the State of Florida has also mandated that all municipalities abutting the Atlantic Ocean shall include in their Comprehensive Development Plans a coastal management element that addresses the perils of flood; and

**WHEREAS**, Section 163.3177, *Florida Statutes*, requires that local governments coordinate appropriate aspects of their comprehensive plans with the appropriate water management district’s regional water supply plan and ensure that the future land use plan is based upon availability of adequate water supplies and public facilities and services; and

**WHEREAS**, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

**WHEREAS**, the Town of Manalapan has held all duly required public hearings; both prior to submission of the proposed amendments to the plan to the Department of Economic Opportunity and

after the proposed amendment of the plan was returned to the Town of Manalapan, in accordance with Chapter 163.3184(4), *Florida Statutes*; and

**WHEREAS**, the Department of Economic Opportunity issued its Objections, Recommendations and Comments (“ORC”) Report on April 11, 2023, identifying one objection and one recommendation to the Town’s proposed plan amendments; and

**WHEREAS**, the Town has revised and made changes to its plan amendments to address and correct the objection and the recommendation in the ORC report; and

**WHEREAS**, the Town Commission desires to adopt the plan amendments as revised in accordance with the ORC report to guide and control the future development of the Town, and to preserve, promote, and protect the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AS FOLLOWS:**

**Section 1.** The Town of Manalapan Comprehensive Plan is hereby amended by adopting an Evaluation and Appraisal Review amendment to its current Comprehensive Plan; which amendment is attached hereto as Exhibit “A” and made a part hereof and of the current Comprehensive Plan. This amendment specifically provides comprehensive amendments to the Comprehensive Plan in conformance with the required Evaluation and Appraisal Review described therein and also in accordance with the ORC report issued April 11, 2023, which affects the pagination of certain elements; all as specifically set forth on Exhibit “A”. The text and maps adopted in Exhibit “A” shall be substituted for and replace in total the previously adopted text and maps in the amended elements.

**Section 2.** The Town of Manalapan Comprehensive Development Plan is specifically amended to add a “Private Property Rights Element”, which amendment is included in Exhibit “A” and made a part hereof and of the current Comprehensive Plan.

**Section 3.** The Town of Manalapan Comprehensive Development Plan is hereby further amended at the Coastal Management Element to address perils of flood, which amendment is also included in Exhibit “A” and made a part hereof and of the current Comprehensive Plan.

**Section 4.** A copy of the comprehensive development plan, as amended, shall be kept on file in the office of the Town Clerk.

**Section 5.** The Town Manager is hereby directed to transmit three (3) copies of the

amendments to the current comprehensive development plan to the State Land Planning Agency, along with a copy to the Treasure Coast Regional Planning Council, and to any other unit of local government who has filed a written request for a copy, within ten (10) working days after adoption, in accordance with Section 163.3184(4), *Florida Statutes*.

**Section 6.** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 7.** Should any section or provision of this Ordinance or any portion thereof, any 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 8.** The effective date of this plan amendment shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(4)(e)5., *Florida Statutes*, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Division of Community Planning, Plan Processing Team.

**FIRST READING this 24th day of January 2023.**

**SECOND AND FINAL READING this 25th day of September 2023.**

**TOWN OF MANALAPAN**

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**Mayor Stewart Satter**

**ATTEST:**

**(SEAL)**

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**Erika Petersen, Town Clerk**







**PROPOSED COMPREHENSIVE PLAN AMENDMENTS  
BASED ON EVALUATION AND APPRAISAL REVIEW  
PRIVATE PROPERTY RIGHTS ELEMENT &  
COASTAL MANAGEMENT ELEMENT**

**Prepared for:**

**The Town of Manalapan  
Palm Beach County, Florida**

**2022 UPDATE**

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## SECTION 11

### COASTAL MANAGEMENT

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#### Goals, Objectives, and Policies

- Goal: 1.0.0 To conserve, manage and sensitively use the environmental assets of Manalapan's coastal zone location.
- Objective: 1.1.0 Continue to protect the mangroves and estuary.
- Policies: 1.1.1 Continue to review development applications to assure adequate on-site drainage retention and vegetative cover preservation (particularly mangroves).
- 1.1.2 Preserve the mangrove areas in a manner that enhanced their wildlife habitat function. However, selective clearance of some new mangrove expansion onto building lots should be authorized.
- Objective: 1.2.0 Maintain the current estuarine protection policies.
- Policies: 1.2.1 Since the entire Intracoastal Waterway frontage in Manalapan is residentially developed, continue to enforce development code provisions that protect run-off and vegetation.
- 1.2.2 Cooperate with County and State agencies in their efforts to address the water quality of the Intracoastal Waterway.
- Objective: 1.3.0 Continue the current pattern of shore-line uses, most of which are water-related or dependent.
- Policy: 1.3.1 Maintain the zoning and conservation policies which preserve shoreline use as mangroves (or other environmentally important vegetation), beaches, and low density development.
- Objective: 1.4.0 Encourage the South Lake Worth Inlet District to transfer the maximum amount of sand possible without depleting the Manalapan shoreline.
- Policies: 1.4.1 The Town shall coordinate as appropriate with the South Lake Worth Inlet District to ensure that sand transfer activities do not result in increased sand loss on or offshore of the beach in Manalapan.
- 1.4.2 Continue to use land use controls to prevent construction that impacts the dune and its vegetation system.
- 1.4.3 Continue to oppose the offshore dumping of sand by the Corps of Engineers.
- 1.4.4 Continue to support the efforts to secure an increase in the transfer of sand at the Palm Beach Inlet.

- Objective: 1.5.0 Continue the Town policy of avoiding an increase in infrastructure capacity unless public safety so requires and/or the increased capacity will address needs generated by existing development at adopted levels of service, and/or needs that will be generated by development that occurs in accordance with the Future Land Use Element and Map.
- Policies: 1.5.1 The Town shall not program any infrastructure capacity increase that would induce and subsidize development beyond that which currently exists and/or development that occurs in accordance with the Future Land Use Element and Map.
- 1.5.2 Maintain the current basic density controls so that the Town will experience only minor new residential development and thereby not jeopardize hurricane evacuation times.
- 1.5.3 In accordance with the Concurrency Management System, the Town shall monitor and review of achievement and maintenance of all levels of service contained in the elements of the Manalapan Comprehensive Plan.
- Objective: 1.6.0 Preserve both resident and general public access to the beach.
- Policy: 1.6.1 Work with Town of Lantana to maintain general public parking and access via the Lantana Public Beach Park.
- Goal: 2.0.0 To preserve and enhance the significant natural features in Manalapan.
- Objective: 2.1.0 Continue to pursue drainage practices and programs that minimize ground and surface water pollution.
- Policies: 2.1.1 Continue to review development plans in order to require on-site detention of stormwater runoff, particularly in the coastal zone.
- 2.1.2 Ensure adequate controls over hazardous wastes through the appropriate regulatory mechanisms.
- Objective: 2.2.0 Continue to protect existing vegetative and wildlife communities.
- Policies: 2.2.1 Continue to review all proposed development with specific concern to the pervious cover and landscaping provisions of the development code. Be particularly diligent in the review of any coastal zone projects such as any development near mangrove areas.
- Goal: 3.0.0 Protection of preservation areas to the maximum degree possible while consistent with private property rights.
- Objective: 3.1.0 Protect the basic natural functions served by mangroves.
- Policies: 3.1.1 Manalapan should recognize the natural values of mangrove systems and provide for their protection and recognition of management alternatives.
- 3.1.2 Mangroves in Manalapan should be regulated by appropriate governmental authority to ensure maintenance of protected natural functions.

- 3.1.3 Discourage development in coastal mangrove systems, except in cases shown by assessment of all pertinent factors to be not contrary to the public interest.
- 3.1.4 Continue efforts to notify new residents of federal, State and local laws relative to mangrove protection.
- Objective: 3.2.0 Avoid or minimize adverse impact upon coastal mangrove systems from public works activities, such as transportation, mosquito control, and drainage activities, by the review of such project's adverse effects on system size.
- Policy: 3.2.1 The Town should closely monitor public works activities in order to avoid any identified adverse impact upon mangrove systems.
- Objective: 3.3.0 Preserve all small patched and shore fringing strands of mangrove, where possible.
- Policies: 3.3.1 Small Patches and shore-fringing strands of mangroves located within Manalapan should be left undisturbed, recognizing that such areas may be subject to direct state and federal regulations and that permits may be required for their modification.
- 3.3.2 Continue to cooperate with other enforcement agencies in the protection of mangroves.
- Objective: 3.4.0 To expressly prohibit new construction to take place oceanside of the designated construction setback line or in an area that would threaten the stability of either the primary dune or the beach itself.
- Policies: 3.4.1 No new construction should be allowed that would threaten the stability of either the dune systems or the beach itself. All new construction should be restricted to areas landward of the primary dune line.
- 3.4.2 The Town will continue enforcing the Florida Department of Environmental Protection (FDEP) regulations for constructions that are east of the Coastal Construction Control Lines (CCCL)~~should prohibit new development east of the state designated state coastal construction control setback line~~ unless the Town establishes more restrictive provisions at the local level. In such cases, the local provisions should apply.
- 3.4.3 The Town should establish new setback lines in local codes or ordinances if the CCCL ~~state setback lines~~ proves to be inadequate.
- Objective: 3.5.0 Encourage the use of indigenous vegetation for dune stabilization.
- Policy: 3.5.1 New development or redevelopment shall be required to renourish or replant indigenous vegetation areas when such vegetation exists in a deteriorated if depleted state.
- Objective: 3.6.0 Prevent certain motorized vehicles from driving on the primary dunes except in emergency situations.
- Policies: 3.6.1 Town Ordinances and regulations should delineate which motorized vehicles are to be prohibited from driving on the primary dunes.

	3.6.2 Continue to utilize the appropriate regulatory mechanisms to control mechanized beach cleaning operations.
Goal:	4.0.0 Continue consideration of identified use limitations in future coastal zone planning and management decisions.
Objective:	4.1.0 Require all proposed development or redevelopment, to comply with municipal, state or national requirements established for the protection of life and property.
Policies:	4.1.1 The Town should keep abreast of federal requirements to assure resident's eligibility for flood insurance.  4.1.2 The Town should carefully scrutinize all developments in flood zone areas as part of the planning and review process.  4.1.3 Continue to oppose use of public funds to subsidize public or private development in the Town beyond that which currently exists and/or development that occurs in accordance with the Future Land Use Element and Map.
Objective:	4.2.0 Introduce appropriate land use controls for development within the special flood hazard areas.
Policies:	4.2.1 As new land use control criteria relating to flood zones development becomes available, the Town should examine them for possible inclusion in the existing zoning ordinance, subdivision regulations or other applicable development codes.  4.2.2 High intensity development in Manalapan, excluding single family residential development, should continue to be serviced by central sanitary sewer systems.  4.2.3 The Town should discourage high intensity land uses, excepting existing development or development that occurs in accordance with the Future Land Use Element and Map.
Objective:	4.3.0 Continue to implement regulations in existing building codes requiring new construction to utilize the latest wind damage and flood prevention techniques.
Policy:	4.3.1 The Town shall continue to monitor, and adopt as appropriate, any new building standards that may be recommended for areas vulnerable to hurricanes.
Objective:	4.4.0 Encourage local residents within the hurricane flood areas to utilize the flood insurance programs developed by the Federal Insurance Administration.
Policy:	4.4.1 The Town should continue to support the Federal Flood Insurance Program.
Objective:	4.5.0 To minimize the hazards to property within the Town of Manalapan, seek methods to facilitate runoff of flood waters.
Policies:	4.5.1 Monitor the need to dredge the South Lake Worth Inlet channel on an ongoing basis in order to ensure proper flood water runoff.

- 4.5.2 The Town shall continue to inspect stormwater drainage systems as part of pre-hurricane planning.
- Objective: 4.6.0 The Town shall continue to review and revise its emergency preparedness policies and plans, as needed, on an ongoing basis.
- Policies: 4.6.1 Upon completion of the revised Manalapan Emergency Preparedness Plan, continue to utilize existing hurricane policies and procedures, including evacuation routes and time frames, in accordance with adopted plans and procedures.
- 4.6.2 The Town shall continue to maintain a post-disaster redevelopment plan
- Goal: 5.0.0 Coordinate with Palm Beach and other agencies in the protection of the coastline.
- Objective: 5.1.0 Manalapan shall continue to coordinate with Palm Beach County and other appropriate agencies to maintain the natural littoral transport along Palm Beach County's coast line.
- Policies: 5.1.1 The Town shall encourage the County to coordinate with all inlet taxing districts to create effective bypassing of sand at improved inlets at a rate equivalent to that which would exist if the inlet did not exist.
- 5.1.2 The Town shall encourage placement of all beach compatible material where the placement of that material on the adjacent beaches south of inlets would not have significant adverse affects on water quality and/or natural resources.
- 5.1.3 The Town shall encourage the County to review existing and proposed erosion control structures which may impede the natural littoral transport of sand and develop policies for modifications to ensure that the natural littoral transport is continued downdrift of each structure.
- 5.1.4 The Town shall encourage the County to review the existing design of all structured bypass systems, bypass operations, and recapturing of sand at inlets in the County and coordinate necessary modifications to ensure that the littoral drift is maintained downdrift of all improved inlets.
- 5.1.5 The Town shall encourage the County to monitor or ensure the monitoring efforts of the bypassing systems, bypass operations, recapturing processes, and feeder beach projects at all inlets in the County.
- 5.1.6 Manalapan shall continue to monitor activities that will result in alterations to the portion the Atlantic Ocean extending to the three-mile limit that is within its Town Limits, and shall coordinate as appropriate with other agencies having jurisdiction in this area, to ensure that such activities will not negatively impact its beaches.

- Goal:        6.0.0    *Support sea level rise mitigation strategies, adaptation and resiliency strategies to protect the Town and ensure sustainability.*
- Objective:    6.1.0    *The Town shall consider investigating, adopting and implementing appropriate and cost-effective strategies to increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of sea level rise, changes in rainfall patterns, and extreme weather events.*
- Policies:        6.1.1    *The Town shall utilize best practices and initiate mitigation strategies to reduce the risk of flooding in coastal areas that may result from high tide events, storm surge, flash floods, stormwater runoff, and shall consider the related impacts of sea level rise. [Section 163.3178, F.S (Chapter 2015-69, Section 1)]*
- a. *Incorporate Federal Emergency Management Agency (FEMA) Floodplain Management Regulations or higher regulatory standards to guide development and redevelopment activities where applicable.*
- b. *Support the implementation of engineering solutions to prevent flooding including retaining walls, elevation of seawalls, backflow prevention devices, in-line check valves swales and other strategies.*
- c. *Create a guideline encouraging the use of pervious materials for landscaping and driveways.*
- 6.1.3    *The Town shall collaborate with Palm Beach County to increase regional resilience by sharing technical expertise, participating in annual summits, assessing local vulnerabilities, advancing agreed-upon mitigation and adaptation strategies, and developing joint state and federal legislation policies and programs.*
- 6.1.4    *The Town shall consider coordinating with Palm Beach County, other local governments, federal, state and regional agencies and private sector to develop initiatives and goals to address sea level rise.*
- 6.1.5    *The Town shall consider the feasibility of the use of Adaptation Action Areas as provided by Section 163.3177(6)(g)(10), Florida Statutes, to identify areas vulnerable to coastal storm surge and sea level rise impacts.*
- 6.1.6    *The Town of Manalapan shall conduct a study to implement sea level adaptation and mitigation measures to the extent practical.*
- 6.1.7    *The Town of Manalapan shall consider coordinating with Palm Beach County to integrate consideration of sea level impacts, and adaptation and mitigation strategies, into existing and future system-wide planning, operations, policies, and programs.*

6.1.8 The Town shall evaluate opportunities to protect coastal investments and infrastructure, as necessary and feasible, from the impacts of sea level rise. Specifically, the Town shall maintain shoreline protection and erosion control by:

- a) Continuing the appropriate use of beach nourishment and sand bypassing;
- b) Facilitating the installation and maintenance of native beach dune vegetation along appropriate areas of beach;
- c) Considering hard structures, such as seawalls, only when alternative options are unavailable.

6.1.9 The Town shall implement strategies for adaptation for sea level rise impacts, incorporating into the planning, siting, construction, replacement and maintenance of public infrastructure in a manner that is cost-effective and that maximizes the use of the infrastructure throughout its expected life span.

6.1.10. The Town shall coordinate with FDOT to identify and address flooding vulnerable sections of A1-A State Road to provide a resilient and quality infrastructure system.

6.1.11. The Town shall coordinate with Palm Beach County to adopt Adaptation Action Areas within the Town boundaries, per Florida State Law, in order to:

- a. Identify areas of significance that are vulnerable to the impacts of sea level.
- b. Identify and implement adaptation policies to increase community resilience.
- c. Enhance the funding potential of infrastructure adaptation projects.
- d. Reduce flooding risk by updating development and redevelopment policies based on improving the Stormwater Master Plan; and, hardening of structures such as seawalls, retaining walls; and installing backflow prevention devices, in-line check valves, swales, and other engineering solutions.

Objective: 6.2.0 The Town shall continue and enhance its participation in programs that reduce flood insurance premiums for residents including but not limited to then National Flood Insurance Program's Community Rating System.

Policies: 6.2.1 The Town will continue its participation in the National Flood Insurance Program's Community Rating System, and strive to improve its score, resulting in reductions in flood risk and insurance premiums for residents.

6.2.2 The Town shall prioritize public outreach and education to residents and the business and development community on the importance and benefits of mitigating flood risk, and how the Town's participation in these efforts results in reduced flood insurance premiums.



6.2.3. The Town shall reduce flooding risk and flood losses on development and redevelopment sites by:

- a. Improving the Stormwater Master Plan to revise and develop new regulations and policies that will mitigate onsite flooding within two (2) years of adoption.
- b. Hardening of structures such as seawalls, and retaining walls, installing backflow prevention devices, in-line check valves, swales and other engineering solutions.
- c. Create a guideline encouraging the use of pervious materials for landscaping and driveways.

Objective: 6.3.0 The Town shall adopt principles, strategies and implement engineering solutions to address the impact of sea level rise and to reduce flood risk in affected coastal areas.

Policies: 6.3.1 The Town shall protect coastal infrastructure, public and private property from the impacts of sea level rise, high-tide events, storm surge, flash floods, stormwater runoff by:

- a. Allocating funding for capital projects to reduce the risk of flooding and sea level rise impact
- b. Pursuing state and federal grants to strengthen the Town's policies for vulnerable areas.
- c. Adopting land development regulations that include best resilience practices
- d. Improving the Stormwater Master Plan to revise and develop new regulations and policies that will mitigate onsite flooding within two (2) years of adoption.
- e. Hardening of structures such as seawalls, and retaining walls, installing backflow prevention devices, in-line check valves, swales and other engineering solutions.
- f. Creating a guideline to encourage the use of pervious materials for landscaping and driveways.

6.3.2 The Town shall seek funding from studies and infrastructure improvements to implement engineering solutions that reduce flood risk in the coastal zone.

6.3.3. The Town shall prioritize areas that require stormwater system updates to ensure that all new development and redevelopment meets the Town's adopted level of service standard for drainage.

6.3.4. The Town shall encourage the design and construction of Capital Improvement Projects that require Town engineer use proven methods to design drainage systems that will provide flood protection, and add water quality improvements to the System, and to reduce pollution found in stormwater runoff.

6.3.5. The Town will continue enforcing that development and redevelopment shall "be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable Flood Plain Management Regulations set forth in 44 C.F.R. part 60"

## DATA AND ANALYSIS

### COASTAL MANAGEMENT ELEMENT

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The purpose of the Coastal Management Element is to plan for, and where appropriate, restrict development activities where such activities would damage or destroy coastal resources. This element is also required to formulate guidelines which protect human life from storm events and limit public expenditures in areas subject to destruction by natural disasters.

The Town of Manalapan is located along the coastline of the Intracoastal Waterway, also known as the Lake Worth Lagoon. The Town is bordered on the north by the bridge, beach access road and beach for the Town of Lantana. Therefore, the Town of Manalapan is required under Chapter 380.24, Florida Statutes (F.S.), to include a Coastal Management Element in its Comprehensive Plan, pursuant to Chapter 163.3178. The Coastal Management element shall set forth the principles, guidelines, standards, and strategies that shall guide the local government's decisions.

The subject Evaluation and Appraisal Review focus on including amendments to address the 2015 legislation regarding sea level rise (S.B. 1094).

#### Florida Senate Bill 1094 (S.B. 1094)

Recognizing the priority to integrate sea level rise into local government planning, Florida Governor Rick Scott signed S.B. 1094 in May 2015, amending the state comprehensive planning laws (F.S. 163.3178(2)(f)) that had stipulated local governments, required to have a coastal management element in their comprehensive plan, include a redevelopment component to "eliminate inappropriate and unsafe development in coastal areas".

Florida S.B. 1094, which became effective on July 1, 2015, requires coastal management plans to include the reduction of flood risks and losses. It also creates new requirements related to flood elevation certificates and revises requirements related to flood insurance.

This new law now includes "sea-level-rise":

1. *Including development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.*

—SB 1094 (*underline added*)

Specifically, S.B. 1094, Section 1, amends s. 163.3178(2)(f), F.S., to require local governments when drafting their comprehensive coastal management plans to:

- Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in the coastal zone which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

- Encourage the use of best-practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

In addition to the consideration of related impacts of sea level, SB 1094 amendment of F.S. 163.3178 (2) (f), F.S. also includes the following effective changes:

- Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
- Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
- Require construction activities seaward of the coastal construction control lines established pursuant to s. 161.053, F.S., be consistent with ch. 161, F.S.
- Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents

#### Related Florida Statutes

To support the implementation of the Southeast Florida Regional Climate Change Compact and the Regional Action Plan, and recognizing the importance of integrating sea level rise directly into municipal and county planning, the Regional Climate Action Plan (RCAP) Workshop #10: “Essential Tools: Integrating the Southeast Florida Sea Level Rise Projections into Community Planning” was held in July, 2016 in Broward County. The report, *Integrating the Unified Sea Level Rise Projection into Local Plans*, that followed this workshop is available at the SEFRCC website. The following legislative history is taken directly from that report.

Support for using these sea level rise projections exists currently with Florida State laws requiring that comprehensive plans use “relevant and appropriate data,” according to Statute 163.3177(1)(f):

*All mandatory and optional elements of the comprehensive plan and plan amendments must be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment.*

Relevant data that may have been used to write the plan is not considered formally adopted and embedded in the plan unless it is included directly in the planning document:

*Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it.*

–Florida Statute (163.3177(1)(f)1

Additionally, coordination and alignment between local comprehensive planning efforts is an explicit goal of Florida state law:

*Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern must be a major objective of the local comprehensive planning process.*

– Florida Statute (163.3177(4)(a)

### **Sea Level Rise Considerations**

Sea level rise has long been recognized by the South Florida Water Management District and by the U.S. Army Corps of Engineers as an increasing threat to low lying, porous South Florida. Organizations such as the Southeast Florida Regional Climate Compact have provided reports and publications that have increased awareness and expanded the knowledge of the impacts of sea level rise on coastal communities in South Florida.

Rising sea levels due to the melting of the polar ice caps contribute to greater storm damage; warming ocean temperatures are associated with stronger and more frequent storms; additional rainfall, particularly during severe weather events, leads to flooding and other damage; an increase in the incidence and severity of wildfires threatens habitats, homes, and lives; and heat waves contribute to human deaths and other consequences.

Given the geography of Florida, coastal communities in Southeast Florida have long known how to incorporate hazard mitigation with long-term planning to reduce the loss of life and property and lessen the impact of disasters (hurricanes, severe weather events, flooding, etc.). The challenge of adaptive planning for sea level rise goes beyond hazard mitigation. Rather than preparing for a specific disaster or event, a resilient community is one that can face an array of unpredictable challenges and disturbances with minimal long-term impacts. Certain communities, especially in coastal areas, must be prepared for future conditions that may not allow the same development intensity, location, type, or access. Through the use of innovative tools and strategies it is possible to transition these economies and the built environment into resilient communities that adapt to these adverse impacts.

With the currently accepted sea level rise projections and known climate impacts, long-range planning must now incorporate resiliency strategies that balance mitigation and adaptation for the protection of the natural systems and to sustain the socio-economic characteristics of the community. Understanding how mitigation and adaptation act as interconnected relationships to building resilient and sustainable coastal communities is vital for adaptive planning.

Adaptive planning in response to global impacts begins with a 'Top-Down' approach that relies on broad climate data and scientific forecasting models from which climate scenarios are developed. While the 'Bottom-Up' approach focuses on understanding and managing the community's level risk and vulnerability to these external drivers. To effectively implement adaptive planning, both must work

together to inform decision-makers, and potential stakeholders with information that may influence their communities' adaptation priorities.

Although many other Florida cities and towns have yet to experience damage, scientists and engineers have predicted that within 40 to 50 years, Florida will be inundated with problems related to sea level rise.

### Federal Agencies Initiatives

The U. S. Global Change Research Program (USGCRP) was mandated by Congress in 1990 and has been advancing Earth system science and growing the knowledge base needed to respond to a changing climate by providing the world's largest scientific investment in the areas of climate science and global change research. There are thirteen Federal entities that conduct or use research on global change and its impacts on society.

The United States' President's Task Force on Climate Preparedness and Resilience was established by Executive Order 13653 on November 1, 2013 and outlined the President's Climate Action Plan (CAP). In November 2014, the Task Force released a 49 pg. Report that invoked, in part, the critical role of U.S. Global Change Research Program (USCRP) in developing sound science to manage climate change impact.

Within the report, 35 key recommendations are organized into seven cross-cutting themes:

- Resilient communities;
- Infrastructure resilience;
- Natural resources resilience;
- Human health and population resilience;
- Climate-smart hazard mitigation,
- Disaster preparedness and recovery;
- The economics of resilience; and
- Building capacity for resilience.

In addition, the White House released Climate Resilience Toolkit website in 2014, to provide access to dozens of tools cities can use to better understand climate change impacts on their communities.

The development of these planning tools, using current data reflective of the changing climate conditions and sea level rise has been integrated into many Federal and State Programs that work together to reduce hazards and to build more resilient communities. The following section outlines this integration.

### Federal Emergency Management Agency (FEMA)

FEMA identifies flood hazards, assesses flood risks, and partners with States and communities to provide accurate flood hazard and risk data to encourage communities to take mitigation actions. Maps identifying flood hazards provide citizens with flood risk information and enable communities to make informed development decisions. With this information, communities are able to adopt and enforce minimum floodplain management regulations that reduce the loss of life and property. Flood mapping information and resources are available on the FEMA website.

Flood hazard mapping is an important part of the National Flood Insurance Program (NFIP) (established in 1968) as it is the basis of the NFIP regulations and flood insurance requirements. FEMA maintains and updates data through Flood Insurance Rate Maps (FIRMs) and risk assessments.

#### U.S. Department of Transportation

The U.S. Department of Transportation (DOT) has also submitted a Climate Adaptation Plan pursuant to Executive Orders No. 13514 and 13653, as well as Council on Environmental Quality (CEQ) Implementing Instructions. DOT recognizes sea level rise and climate change present threats to the transportation system and infrastructure to U.S. including roadway deterioration, flooding, limited waterway access, and weakened structures. Severe conditions may reduce the life of capital assets and increase operational disruptions. Rising sea level can directly affect transit agencies on the US coasts. These systems may experience more downtime due to flooding, requiring system users to be rerouted and possibly making obsolete earlier transportation investments in low-lying coastal areas.

#### Federal Highway Administration

The Federal Highway Administration (FHWA) has several initiatives designed to develop information, tools, and procedures necessary to support the consideration of the impacts of climate change on the development of transportation projects. FHWA has provided seed funding to State Departments of Transportation (DOTs), Metropolitan Planning Organizations (MPOs), and Federal Land Management Agencies (FLMAs) to pilot approaches to conduct climate change and extreme weather vulnerability assessments of transportation infrastructure and to analyze options for adapting and improving resiliency.

#### U.S. Army Corps of Engineers

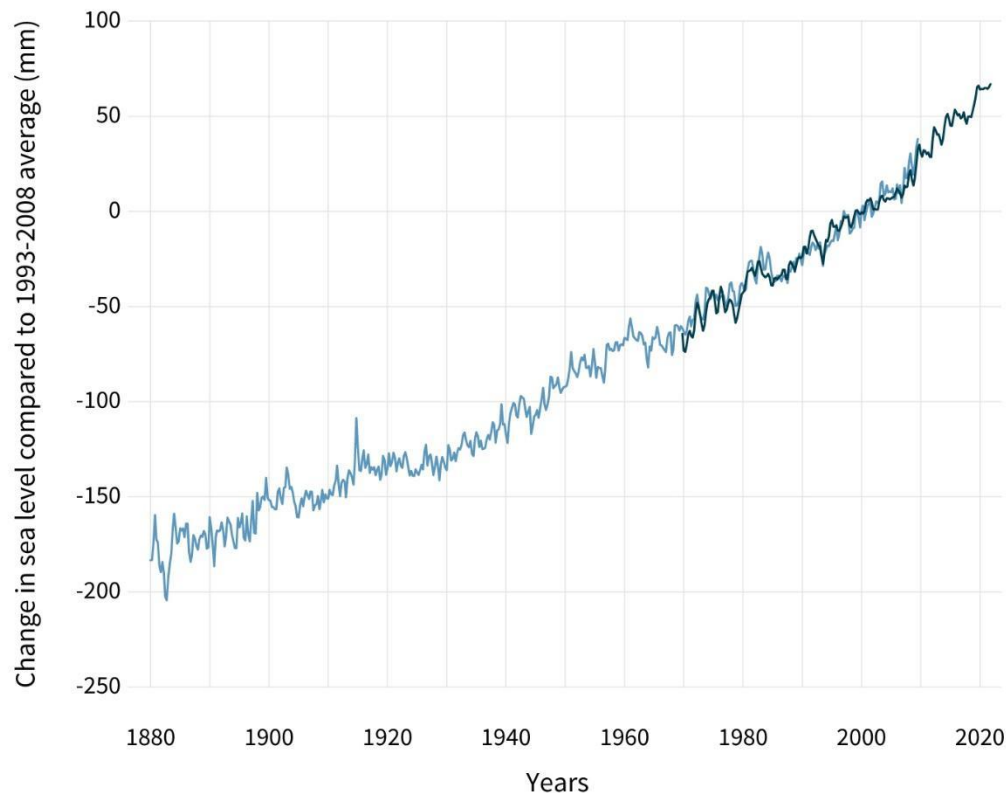
U.S. Army Corps of Engineers (USACE) developed a Sea-Level Change Calculator to assist in developing information to support its sea-level change policy which supports the USACE overarching climate change adaptation policy. This tool has been modified to NOAA scenarios to help people rapidly assess what the coming changes could look like. The USACE undertakes climate change preparedness and resilience planning, in consultation with internal and external experts and implement the results of that planning using the best available – and actionable – climate science and climate change information. The USACE also works with other agencies to develop the science and engineering research on climate change information into the actionable basis for adapting to climate change impacts.

#### National Oceanic and Atmospheric Administration

The National Oceanic and Atmospheric Administration (NOAA) Science & Information for a Climate-Smart Nation had published a report about global average sea level rise. The report was produced in collaboration with multiple contributing authors from different federal and academic science institutions including NOAA, the University of Hawaii, IPCC Special Report on the Ocean and Cryosphere in a Changing Climate.

**Figure 11-1. Global Sea Levels**

## GLOBAL SEA LEVEL



Source: NOAA, Climate Change: Global Sea Level, 2022.

The graph above shows changes in sea level in millimeters compared to the 1993-2008. In 2021, global mean sea level was 97 millimeters (3.8 inches) above 1993 levels, making it the highest annual average in the satellite record (1993-present). From the 1970s up through the last decade or so, melting and heat expansion were contributing roughly equally to observed sea level rise. But the melting of mountain glaciers and ice sheets has accelerated.

The decadal average loss from glaciers in the World Glacier Monitoring Service's reference network quintupled over the past few decades, from the equivalent of 6.7 inches (171 millimeters) of liquid water in the 1980s, to 18 inches (460 millimeters) in the 1990s, to 20 inches (500 millimeters) in the 2000s, to 33 inches (850 millimeters) for 2010-2018. Ice loss from the Greenland Ice Sheet increased seven-fold from 34 billion tons per year between 1992-2001 to 247 billion tons per year between 2012 and 2016. Antarctic ice loss nearly quadrupled from 51 billion tons per year between 1992 and 2001 to 199 billion tons per year from 2012-2016.

As a result, the amount of sea level rise due to melting (with a small addition from groundwater transfer and other water storage shifts) from 2005-2013 was nearly twice the amount of sea level rise due to thermal expansion.

Every four or five years, NOAA leads an interagency task force that reviews the latest research on sea level rise and issues a report on amounts future sea level rise for different greenhouse gas and global warming pathways. In the 2022 report, the task force concluded that even on the pathway with the lowest possible greenhouse gas emissions and warming (1.5 degrees C), global mean sea level would rise at least 0.3 meters (1 foot) above 2000 levels by 2100. On a pathway with very high rates of emissions that trigger rapid ice sheet collapse, sea level could be as much as 2 meters (6.6 feet) higher in 2100 than it was in 2000.

#### State (Florida) Agencies Initiatives

##### *Southeast Florida Regional Climate Change Compact*

The Southeast Florida Regional Climate Change Compact (SEFRCCC) was executed by Broward, Miami-Dade, Monroe, and Palm Beach Counties in January 2010 to coordinate mitigation and adaptation activities across county lines. The Compact represents a new form of regional climate governance designed to allow local governments to set the agenda for adaptation while providing an efficient means for state and federal agencies to engage with technical assistance and support. It is in that spirit that this plan provides the common integrated framework for a stronger and more resilient Southeast Florida starting today and for tomorrow.

In order to better coordinate local planning, the Southeast Florida Regional Climate Change Compact (the Compact) developed unified regional sea level rise projection for Southeast Florida. The Unified Sea Level Rise Projection (unified projections) were originally prepared in 2011 by the Compact's Sea Level Rise Technical Advisory Group, comprised of representatives from county governments, United States Army Corps of Engineers (USACE), National Oceanic and Atmospheric Association (NOAA), United States Geological Survey (USGS), the South Florida Water Management District, and climate scientists from Florida Atlantic University and University of Miami. Moreover, this provision of the unified sea level rise projection for the Southeast region allows for consistent long-range planning by the more than 115 local governments within the Lower East Coast of Florida. Based on guidance from the Work Group, and in response to emergent research since the publication of the 2015 report, the Compact reconvened the Work Group in 2019 to produce the third update. In particular, new research has indicated the potential for faster rates of melting of the Antarctic Ice Sheet, triggering the likelihood of higher rates of rise in the future.

The Unified Sea Level Rise Projections are the only regionally-coordinated and locally-specific sea level rise projections for the Southeast Florida region. The projections are updated regularly by a qualified group of scientists and experts, so planners should consider the projections to be both scientifically sound and timely. This unified sea level rise projection has been formally adopted by Palm Beach, Broward, Miami-Dade and Monroe Counties and is now being used to inform planning process and project design throughout the region.

The 2019 update, the Compact's third Regionally Unified Sea Level Rise Projection, provides an update to the amount of anticipated sea level rise in Southeast Florida through 2120. These projections represent a consensus from a technical Work Group consisting of members from the academic community and federal agencies, with support from local government staff, and incorporates the most up-to-date, peer-reviewed



literature, and climate modeling data. Estimates of sea level rise are provided from a baseline year of 2000, and the planning horizon has been extended to 2120, in response to the release of climate scenarios extending beyond the year 2100 by federal agencies (NOAA and the U.S. Army Corps of Engineers) and the need for planning for infrastructure with design lives greater than 50 years.

The consequences associated with sea level rise are already apparent in Southeast Florida and pose an immediate and real threat to lives, livelihoods, economies, and the environment. Consequences include physical impacts such as coastal inundation and erosion, increased frequency of flooding in vulnerable coastal areas as well as inland areas due to impairment of the region's largely gravity-driven stormwater infrastructure system, reduced soil infiltration capacity, and saltwater intrusion of drinking-water supply. Moreover, the impacts of surge from tropical storms or hurricanes are exacerbated as a result of sea level rise. Increased pollution and contamination as a result of flooding degrades natural resources critical to the region's economy (NOAA, 2019).

Ocean circulation has changed little during the current period of scientific observation, but in the future it may considerably alter the relative rate of sea level rise in some regions, including Southeast Florida. The potential slowing of the Florida Current and Gulf Stream could result in a more rapid sea level rise along the east coast of North America. By 2100, these circulation changes could contribute an extra eight inches of sea level rise in New York and three inches in Miami according to Yin et al. (2009). Most of the global climate models used by the IPCC (IPCC, 1993 project a 20-30% weakening of the Atlantic Meridional Overturning Circulation (AMOC), of which the Gulf Stream and Florida Current are a part, a response to warming caused by increasing greenhouse gases.

These scenarios provide a useful tool for coastal managers in assessing vulnerability, impacts, and adaptation strategies when coupled with local and regional specific information on climatic, physical, ecological, and biological processes and on the culture and economy of coastal communities.

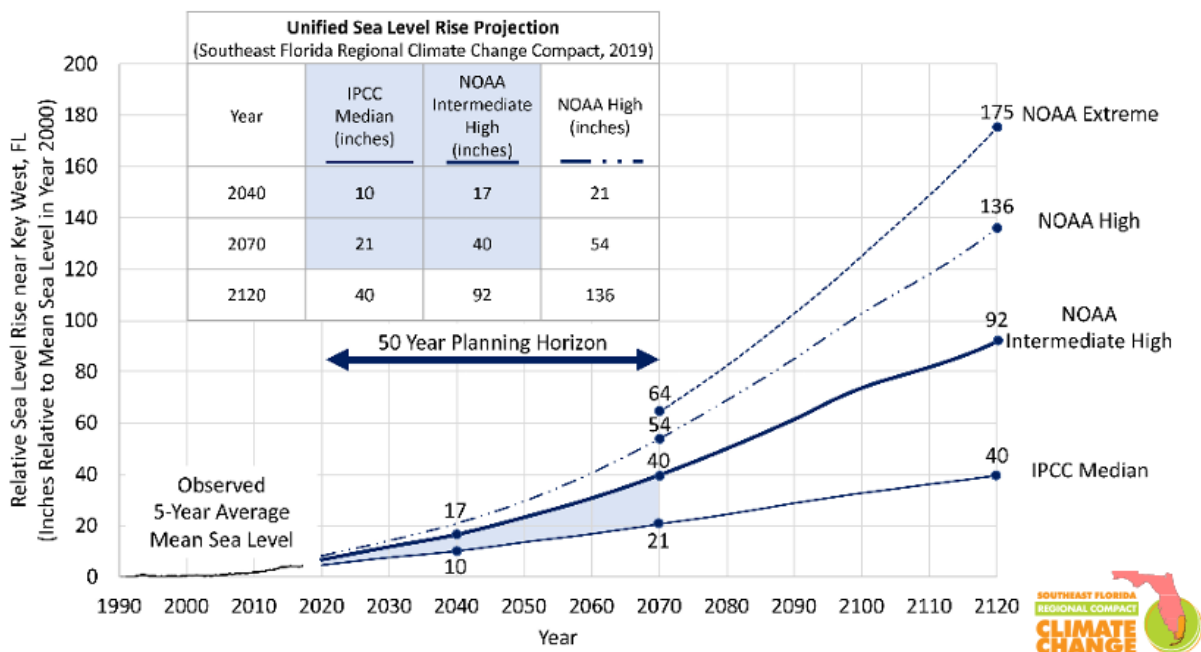
The Unified Sea Level Rise Projections are the only regionally-coordinated and locally-specific sea level rise projections for the Southeast Florida region. The projections are updated regularly by a qualified group of scientists and experts, so planners should consider the projections to be both scientifically sound and timely.

In summary, this Unified Sea Level Rise projection for Southeast Florida updated in 2019 projects the anticipated range of sea level rise for the region from 2000 to 2120 (Figure 11-2).

The projection highlights three planning horizons:

- 1) Short term: by 2040, sea level is projected to rise 10 to 17 inches above 2000 mean sea level.
- 2) Medium term: by 2070, sea level is projected to rise 21 to 54 inches above 2000 mean sea level.
- 3) Long term: by 2120, sea level is projected to rise 40 to 136 inches above 2000 mean sea level.

**Figure 11-2. Unified Sea Level Rise Projection for Southeast Florida, 2019. South Florida Regional Climate Change Compact**



**FIGURE 1: Unified Sea Level Rise Projection**

These projections start from zero in year 2000 and are referenced to mean sea level at the Key West tide gauge. Based on the 5-year average of mean sea level, approximately 3.9 inches of sea level rise has occurred from 2000 to 2017 (see historic sea level section of guidance document). The projection includes global curves adapted for regional application: the median of the IPCC AR5 RCP 8.5 scenario (Growing Emissions Scenario) as the lowest boundary (solid thin curve), the NOAA Intermediate High curve as the upper boundary for short-term use until 2070 (solid thick line), the NOAA High curve as the upper boundary for medium and long-term use (dash-dot curve). The shaded zone between the IPCC AR5 RCP 8.5 median curve and the NOAA Intermediate High is recommended to be generally applied to most projects within a short-term planning horizon. Beyond 2070, the adaptability, interdependencies, and costs of the infrastructure should be weighed to select a projection value between the IPCC Median and the NOAA High curves. The NOAA Extreme curve (dash curve) brackets the published upper range of possible sea level rise under an accelerated ice melt scenario. Emissions reductions could reduce the rate of sea level rise significantly.

Source: Southeast Florida Regional Climate Change Compact, 2019

### Local Mitigation Initiatives

In light of these adopted projection, long-range (50 yrs.) adaptive measures have taken the forefront for many local governments planning initiatives. To effect this planning in a meaningful way, the community must work together to understand the short and long-term costs and risks associated with the establishment of coastal protection. Planners should be proactively setting (and communicating) appropriate level of service for maintaining services for the community's infrastructure services under projected sea level rise. The establishment of Goals, Objectives and Policies with measurable and tangible outcomes in local government Comprehensive Plans (that have the force of law in Florida) provides for an effective means of avoiding conflicts, and maximizing key resources that build a resilient community.

Thus far, the effects of sea level rise have been most visible in Fort Lauderdale, Miami Beach, and in the Florida Keys; however, even nearby Delray Beach is already seeing "King tide" flooding. Portions of Fort Lauderdale are experiencing flooding.

With higher sea levels, cities have seen that their stormwater systems no longer drain as quickly, increasing the frequency and depth of flooding in some streets. In addition, saltwater intrusion into aquifers is another important and growing concern, particularly in the wells located near water bodies, such as the Intracoastal Waterway. As sea level continues to rise in the future, the threat of salt water contamination even further inland becomes a major challenge.

Although many other Florida cities and towns have yet to experience damage, scientists and engineers have predicted that within 40 to 50 years, Florida will be inundated with problems related to sea level rise. With Manalapan being surrounded by various bodies of water, the Town should continue to develop and implement stormwater management strategies to effectively maintain water quality standards and minimize potential damage from flooding and storm surge.

### Coastal High Hazard Areas

Coastal High Hazard Areas have been discussed in detail throughout this Element, due to their importance in coastal communities like Manalapan, which contains a large number of waterfront properties. Moreover, the Town is unique in that it interfaces major water bodies, including the Atlantic Ocean and Intracoastal Waterway.

### Adaptation Action Areas

In addition to Coastal High Hazard Areas which have been discussed in detail in previous sections, Adaptation Action Areas (AAA) are another step local municipalities can take to protect areas in their communities that are especially vulnerable to flooding due to sea level rise. While the Coastal High-Hazard Area is standardized delineated area, there is no standard boundary for Adaptation Action Areas. The Coastal High-Hazard Area considers current coastal flooding conditions while the Adaptation Action Area encourages planning for future vulnerability.

The Community Planning Act (CPA) made changes to the state's growth management laws in 2011, including the optional adaptation planning for coastal hazards and the potential impacts of sea level rise. The Adaptation Action Area, as defined in the CPA, is an optional comprehensive plan designation for areas that experience coastal flooding and that are vulnerable to the related impacts of rising sea levels for prioritizing funding for infrastructure and adaptation planning.

Local governments that adopt an adaptation action area may consider policies within the coastal management element in their comprehensive plan to improve resilience to coastal flooding. Criteria for the adaptation action area may include: areas below, at, or near mean higher high water; areas which have a hydrological connection to coastal waters; or areas designated as evacuation zones for storm surge.

Florida Statute (163.3164(1)) states:

*“Adaptation action area” or “adaptation area” means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.*

Florida Statute (163.3177(6)(g)(10)) states:

*At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.*

In future hazard mitigation planning initiatives, the Town should consider designating areas that are particularly susceptible to flooding and other sea level rise impacts as Adaption Action Areas. These may include areas along the water front, where many properties would be at risk for flooding during a category 4 or 5 hurricane, and other areas that are within a hurricane surge area.

#### Palm Beach County Policy Development

As written in the Palm Beach County Comprehensive Plan (8/25/2022), Palm Beach County shall adopt, implement, and encourage strategies which increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.

#### **FINAL REMARKS**

Due to its location along the coast, the Town and its resources are vulnerable to various natural disasters. This element provides insight into the Town's coastal resources and emphasizes the importance of building and maintaining a resilient community to preserve and protect these resources and associated areas.

Increasing sea levels are expected to significantly challenge regional long-term planning for coastal communities in South Florida, including Manalapan. In order to minimize the threat imposed by these challenges, it is imperative that the Town take necessary steps in adaptive planning and work to develop a policy framework that is integrated into its local planning system.

Steps to take include adding goals and policies that address adaptation or sustainability issues into existing plans, ensuring consistency across all municipal operations and their guiding plans and programs, and even educating residents and visitors on the importance of the challenges posed by storm surge and major flooding from rising sea levels, and finally, how to work as a community to address these challenges. These steps lay the foundation toward building a more resilient community, and together with informed public and committed elected officials, reaching the community's established goals and strategies are achievable.

Sea level rise remains a significant threat to the coastal communities in South Florida as increasing sea levels are expected to significantly challenge regional long-term planning for these areas. These challenges include:

- Increased flooding and drainage problems,
- Destruction of natural resource habitats,
- Higher storms surge, increased evacuation areas and evacuation time frames,
- Increased shoreline erosion,
- Saltwater Intrusion, and
- Loss of infrastructure and existing development.

Throughout the extensive review of recent climate data and rising sea levels, the importance of adaptive planning has been abundantly clear. And while adaptation planning strategies may be developed into differently for differently effected communities, working to develop a policy framework that is integrated into the local planning system is imperative. Future steps include addressing adaptation and resiliency into existing and new plans; and, ensuring consistency across all municipal operations and programs.

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# Town of Manalapan Palm Beach County, Florida Potential Coastal Inundation from Sea Level Rise Map



3 ft Sea Level Rise



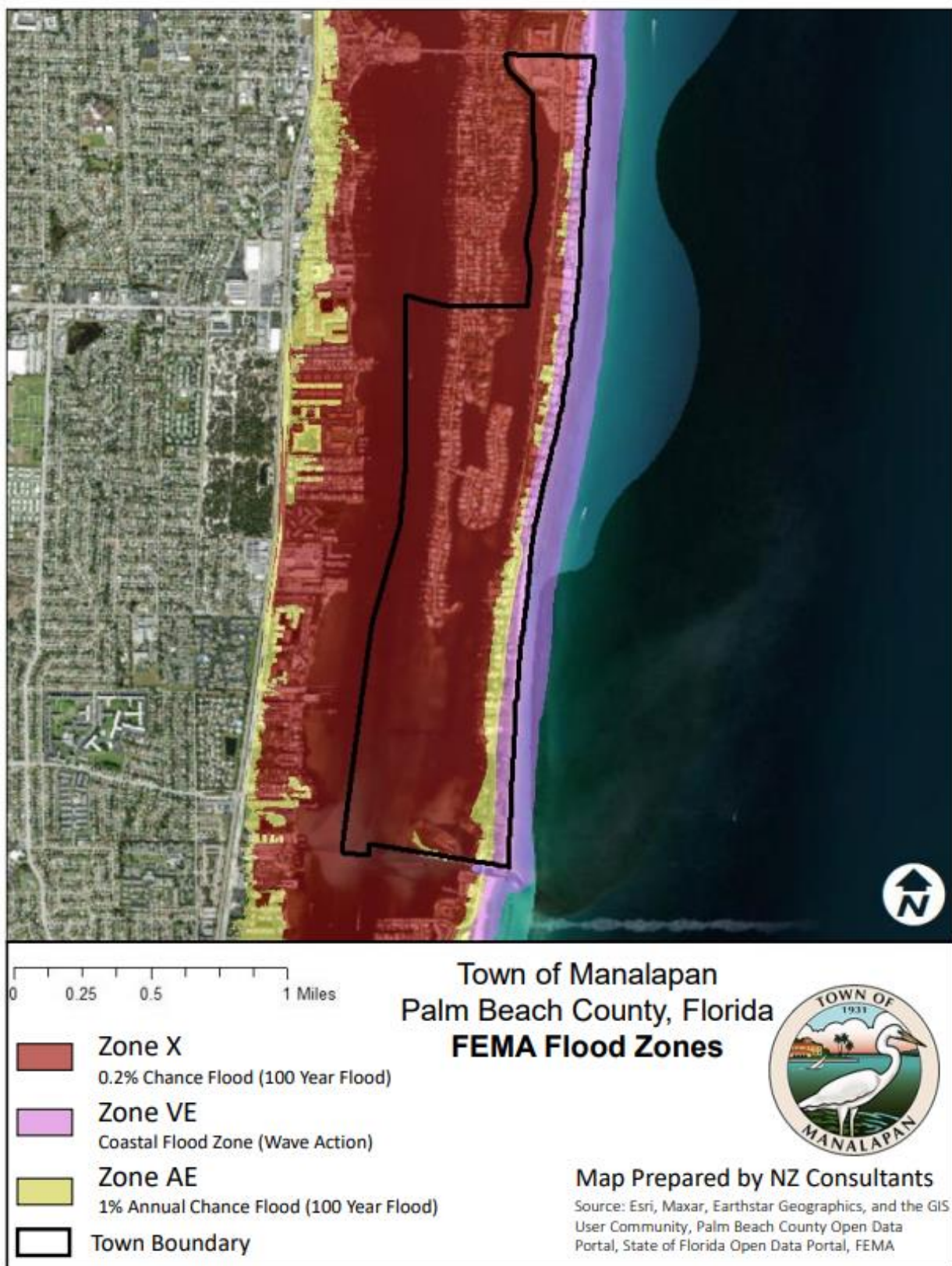
2 ft Sea Level Rise

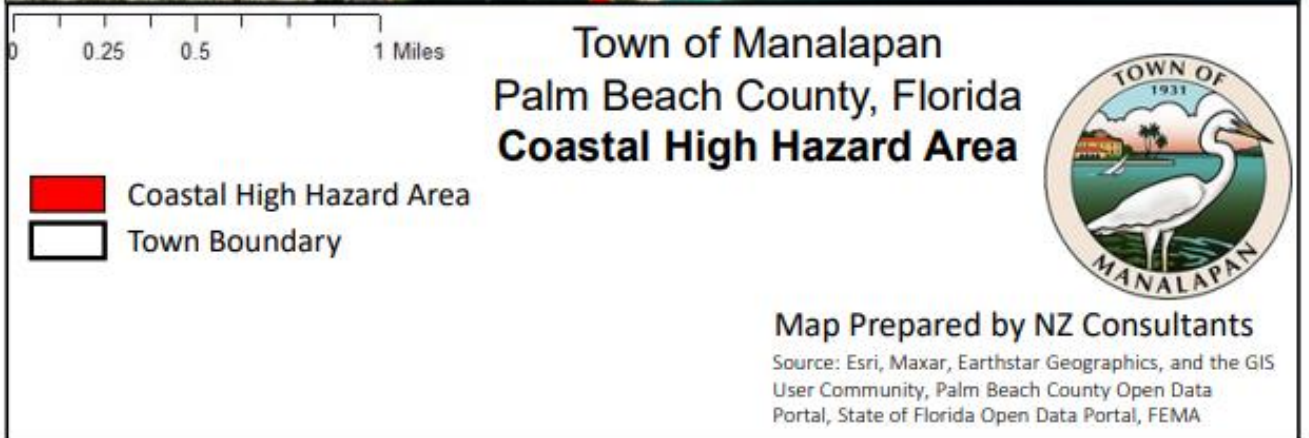
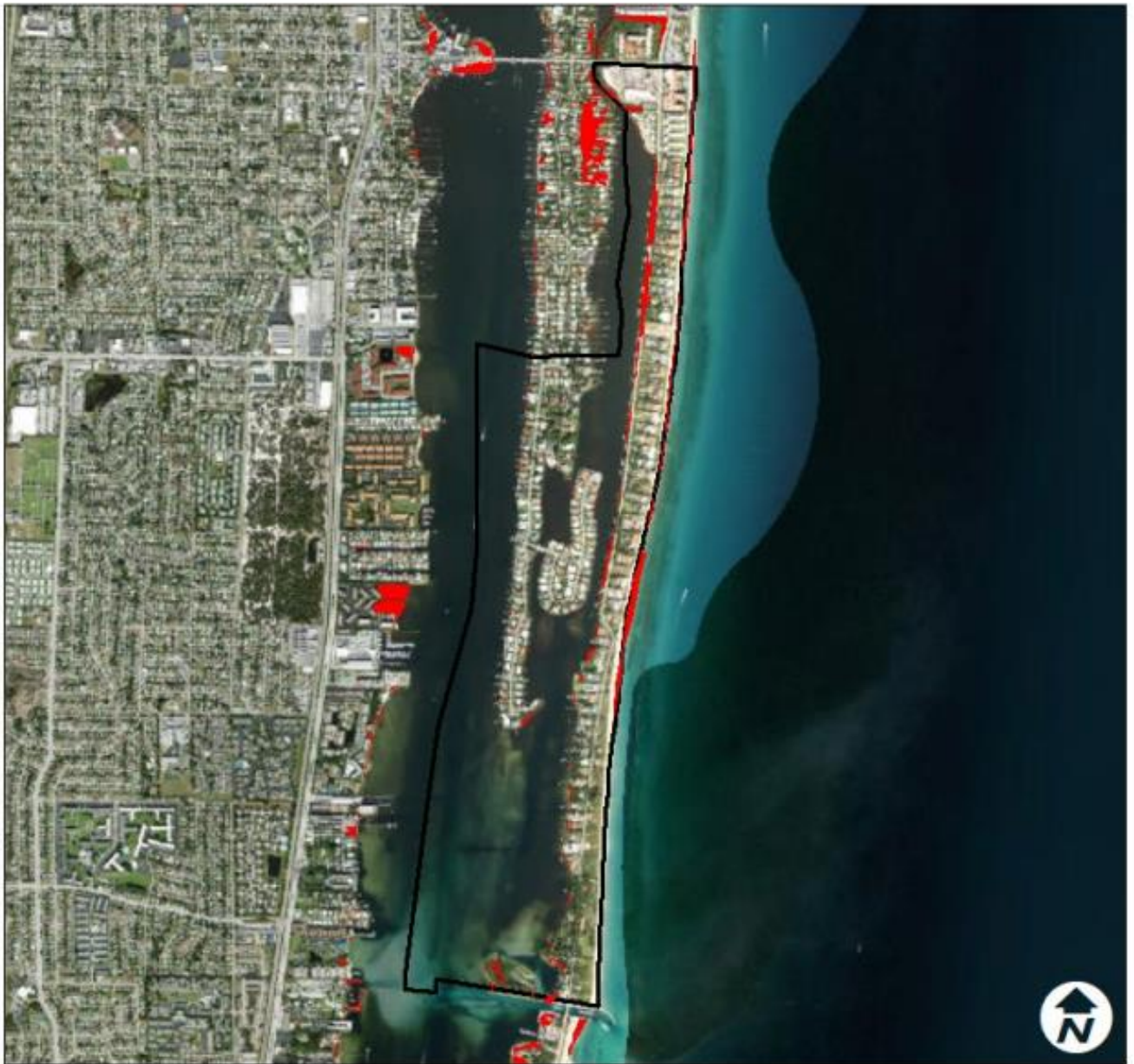


1 ft Sea Level Rise

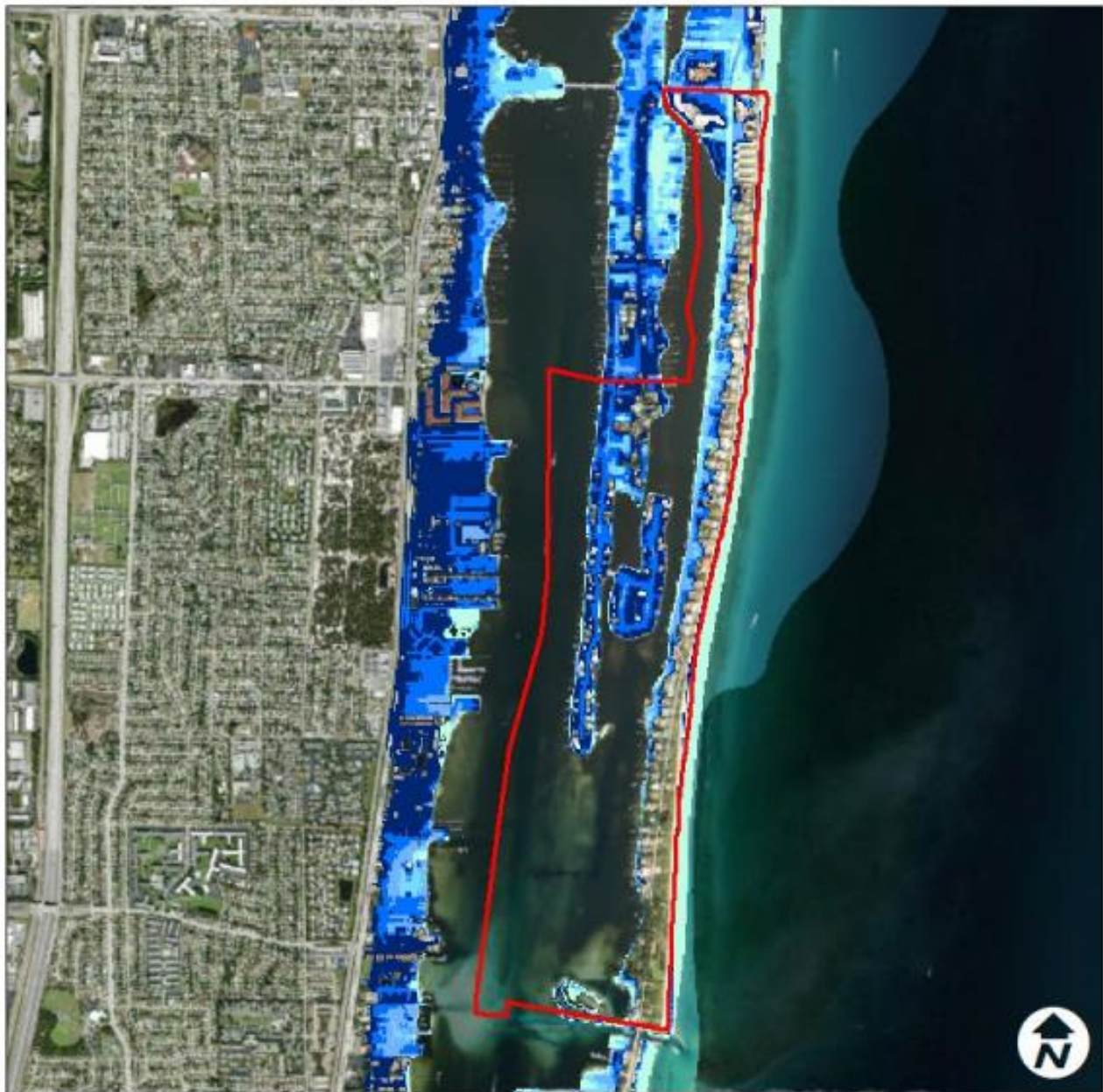
Data Source: National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management. NOAA Coastal Services Center Sea Level Rise Data (5/19/2022).











0 0.25 0.5 1 Miles

- Category 1 Hurricane
- Category 2 Hurricane
- Category 3 Hurricane
- Category 4 Hurricane
- Category 5 Hurricane
- Town Boundary

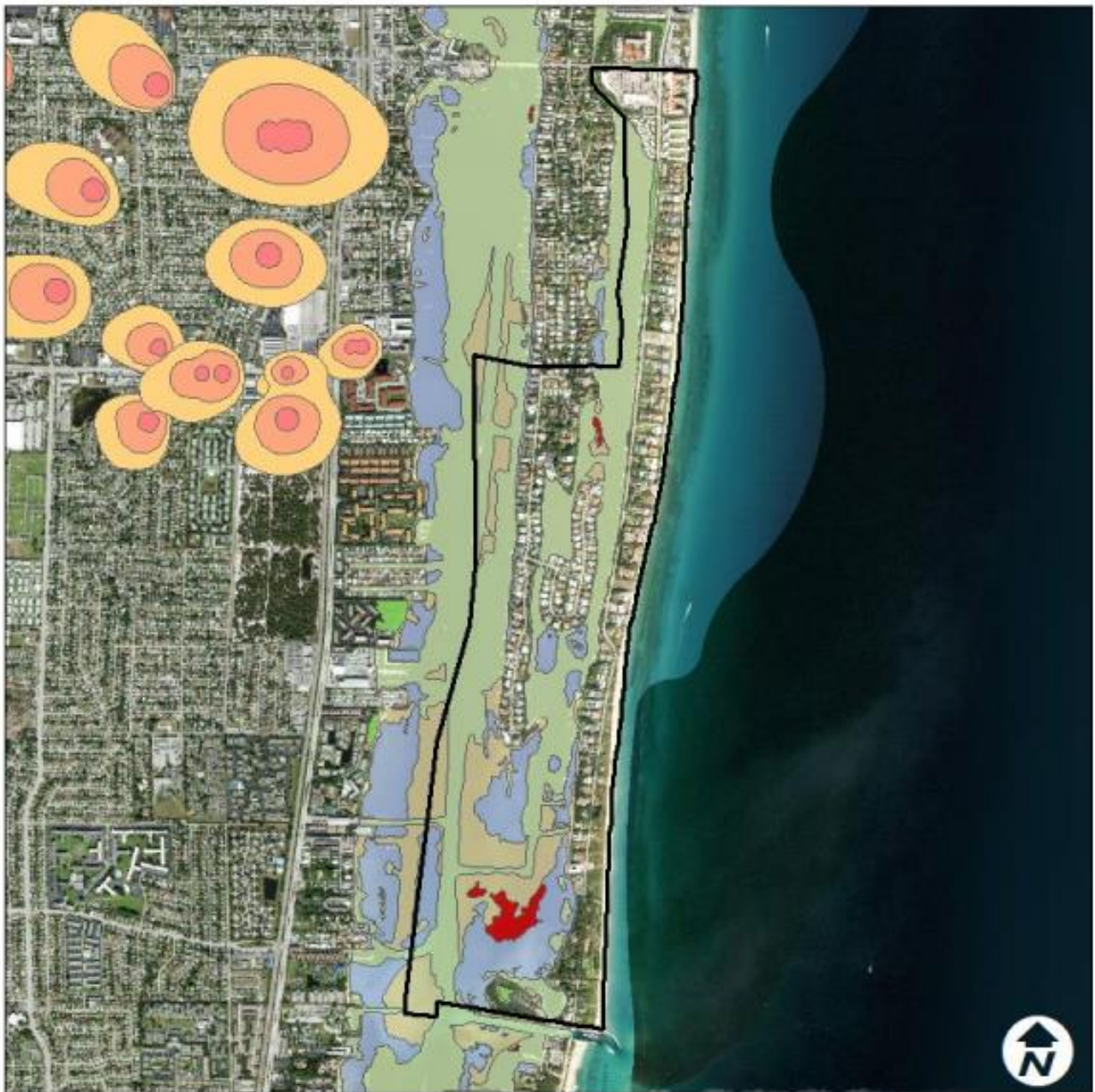
## Town of Manalapan Palm Beach County, Florida **Hurricane Surge**



**Map Prepared by NZ Consultants**

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Palm Beach County Open Data Portal, State of Florida Open Data Portal, FEMA



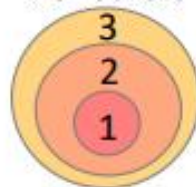


0 0.25 0.5 1 Miles

- Cordgrass (*Spartina* sp.)
- Mangrove Swamp
- Oyster Bars/Reef
- Seagrass, Continuous
- Seagrass, Patchy
- Tidal Flats
- Unvegetated Bottom
- Town Boundary

## Town of Manalapan Palm Beach County, Florida Coastal Zone & Conservation

Wellfield Zone



**Map Prepared by NZ Consultants**

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Palm Beach County Open Data Portal, State of Florida Open Data Portal, FEMA



## **PRIVATE PROPERTY RIGHTS ELEMENT**

**Prepared for:**

**The Town of Manalapan  
Palm Beach County, Florida**

**2022 Update**

## **SECTION 12**

### **PRIVATE PROPERTY RIGHTS ELEMENT**

#### **Goals, Objectives & Policies**

<u>Goal:</u>	<u>1.0.0</u>	<u>Ensure private property rights are considered in local decision- making to respect judicially acknowledge and constitutionally protected private property rights and with respect for people’s rights to participate in decisions that affect their lives and property.</u>
<u>Objective:</u>	<u>1.1.0</u>	<u>Private property rights shall be considered in local decision-making based upon the following policies.</u>
<u>Policy:</u>	<u>1.1.1</u>	<u>Property owners shall have the right to physically possess and control their interests in the property, including easements, leases, or mineral rights.</u>
<u>Policy:</u>	<u>1.1.2</u>	<u>Property owners shall have the right to use, maintain, develop, and improve their property for personal use or the use of any other person, subject to state law and local ordinances.</u>
<u>Policy:</u>	<u>1.1.3</u>	<u>Property owners shall have the right to privacy and to exclude others from the property to protect the owner’s possessions and property.</u>
<u>Policy:</u>	<u>1.1.4</u>	<u>Property owners shall have the right to dispose of their property through sale or gift.</u>
<u>Objective:</u>	<u>2.1.0</u>	<u>Decision-making will be transparent, reliable, and predictable so that all people may participate in decisions that affect their lives and property.</u>
<u>Policy:</u>	<u>2.1.1</u>	<u>All development applications, including comprehensive plan amendments, shall be made available for public review and an affected person/party shall be provided equal opportunity for participation of in all associated hearings.</u>



## **TOWN OF MANALAPAN AGENDA ITEM SUMMARY**

**Meeting Date:** September 25, 2023

**Agenda Item No.:** PH 2

**Agenda Item Name:** **Ordinance #390** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING TITLE XI: BUSINESS REGULATIONS. AT CHAPTER 110: BUSINESS TAX AND REGISTRATION. BY AMENDING SECTION 110.12 TO PROVIDE FOR A FIVE (5) PERCENT INCREASE TO THE BUSINESS TAX RATES FOR ALL THE TOWN'S EXISTING BUSINESS TAX CLASSIFICATIONS IN ACCORDANCE WITH STATE LAW; AS DEFINED BY TOWN CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 110. BUSINESS TAX AND REGISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. **(Second Reading)**

**ACTION REQUESTED:** Discussion ☒ Action ☒

### **BACKGROUND:**

Florida Statutes allows municipalities to increase their business tax rates by up to five (5) percent every other year. The Town of Manalapan has not increased its tax rates since 2007 for contractors and 2018 for businesses.

### **ATTACHMENT:**

- Ordinance #390



**ORDINANCE NO. 390**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING TITLE XI: BUSINESS REGULATIONS. AT CHAPTER 110: BUSINESS TAX AND REGISTRATION. BY AMENDING SECTION 110.12 TO PROVIDE FOR A FIVE (5) PERCENT INCREASE TO THE BUSINESS TAX RATES FOR ALL THE TOWN'S EXISTING BUSINESS TAX CLASSIFICATIONS IN ACCORDANCE WITH STATE LAW; AS DEFINED BY TOWN CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 110. BUSINESS TAX AND REGISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Sec. 205.0535, *Florida Statutes*, allows municipalities to increase their business tax rates by up to five (5) percent every other year after establishing an equity study commission and adopting a re-classification and revision ordinance; and

**WHEREAS**, the Town of Manalapan previously established its equity study commission and re-classified the rates charged for its business taxes by means of Ordinance; and

**WHEREAS**, the Town Commission has not increased its business tax rates since the year 2018, and now desires to increase the current business tax rates for existing classifications by five (5) percent in accordance with state law; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's business tax and registration code are in the best interests of the citizens of the Town of Manalapan.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, THAT:**

**Section 1:** Chapter 110: Business Tax and Registration. of the Code of Ordinances of the Town of Manalapan is hereby amended at Sec. 110.12 by providing for a five (5) percent increase to the business tax rates for all the Town's existing business tax classifications; providing that Sec. 110.12 shall hereafter read as follows:

**§ - 110.12 SCHEDULE OF BUSINESS TAXES.**

The amount of tax which shall be paid to the Town by each and every person, firm, association, corporation or business entity, engaged in or practicing such business, profession, or occupation within the jurisdiction of the Town shall be as set forth below:

(A) *Class "A"*.

(1) Professions: One hundred thirty-one dollars and twenty-seven cents (\$137.83) for each one thousand (1,000) square feet or portion thereof.

(2) Professions include, but are not limited to the following: medical, dental, legal, accounting, auditing, architectural, brokerage, engineering and surveying professions; interior decorators or designers; financial institutions; realtors; developers; and advertising, insurance and travel agents.

(B) *Class "B"*.

(1) Retail stores (with the exception of food and beverage outlets) and/or services establishments where no product is made, fabricated, assembled, repaired, serviced or prepared: One hundred forty-six dollars and seventy-four cents (\$154.07) for each one thousand (1,000) square feet or portion thereof.

(2) Such retail stores and/or service establishments include, but are not limited to the following: clothing, apparel and accessory shops; florists; beauty or barber shops, bakery outlets; newspaper, card or book stores; gift shops; physical fitness studios; and furniture and furnishing accessory stores.

(C) *Class "C"*.

(1) Retail stores and/or service establishments where a product is made, fabricated, assembled, repaired, serviced or prepared: One hundred eighty-three dollars and fifty-four cents (\$192.71) for each one thousand (1,000) square feet or portion thereof.

(2) Such retail stores and/or service establishments include, but are not limited to the following: restaurants, bars or lounges; dairies, meat markets, bakeries, food and beverage outlets; shoes, appliances and all other repair stores; dry cleaning plants or stores; jewelers or jewelry stores; printers; laundromats; photographers or photographic studios; and drug stores and/or pharmacies.

(D) *Class "D"*. Private Clubs: One hundred forty-six dollars and seventy-four cents (\$154.07).

(E) *Class "E"*. Hotels, motels and rental apartments or units: Two hundred twenty dollars and eighty-eight cents (\$231.92) for ten (10) or less separate rooms, apartments or units, plus six dollars and ninety-five cents (\$7.29) for each separate room, apartment or unit.



(F) *Class "F"*. All insurance companies writing policies within the Town and/or each individual professional (including but not limited to doctors, lawyers, accountants, engineers, personal trainers, real estate agents, insurance agents, cosmetologists, massage therapists and/or any other state licensed professional) working within a business that is required to pay a business tax to the Town in accordance with tax classifications "A" through "E": Forty-five dollars and eighty-four cents (\$48.13).

(G) *Class "G"*. Home office: no tax levied.

**§§ - 110.16—110.50 RESERVED.**

**Section 3:** Each and every other section and subsection of Chapter 110. Business Tax and Registration shall remain in full force and effect as previously adopted.

**Section 4:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 5:** Should any section or provision of this Ordinance or any portion thereof, any 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:** Specific authority is hereby granted to codify this Ordinance.

**Section 7:** This Ordinance shall take effect immediately upon adoption.

**FIRST READING this 25<sup>th</sup> day of July, 2023.**

**SECOND AND FINAL READING this 25th day of September 2023.**

**TOWN OF MANALAPAN**

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**Mayor Stewart Satter**

**ATTEST:**

**(SEAL)**

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**Erika Petersen, Town Clerk**





## **TOWN OF MANALAPAN AGENDA ITEM SUMMARY**

**Meeting Date:** September 25, 2023

**Agenda Item No.:** PH 3

**Agenda Item Name:** **Ordinance #391** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING TITLE V: PUBLIC WORKS. AT CHAPTER 51: WATER. BY AMENDING SECTION 51 .16. INSTALLATION REQUIREMENTS. TO PROVIDE FOR INSPECTION OF BACKFLOW PREVENTION DEVICES BY THE TOWN AND BY REQUIRING THE PROPERTY OWNER TO PAY FOR SAID INSPECTIONS THROUGH THE TOWN'S WATER BILLING PROCEDURES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 51. WATER. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. **(Second Reading)**

**ACTION REQUESTED:**

Discussion



Action



### **BACKGROUND:**

The Town of Manalapan previously adopted a backflow prevention manual and code language to meet State of Florida requirements. Annual backflow inspections were previously arranged by the property owner. This ordinance requires the Town to schedule the inspections and will bill the property owner directly through the utility billing.

### **ATTACHMENT:**

- Ordinance #391



**ORDINANCE NO. 391**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AMENDING TITLE V: PUBLIC WORKS. AT CHAPTER 51: WATER. BY AMENDING SECTION 51 .16. INSTALLATION REQUIREMENTS. TO PROVIDE FOR INSPECTION OF BACKFLOW PREVENTION DEVICES BY THE TOWN AND BY REQUIRING THE PROPERTY OWNER TO PAY FOR SAID INSPECTIONS THROUGH THE TOWN'S WATER BILLING PROCEDURES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 51. WATER. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town has previously adopted a backflow prevention manual and has previously adopted code to regulate backflow prevention devices as required by state law; and

**WHEREAS**, the Town now desires to provide for the inspection of all such backflow devices and to charge the consumer for such inspections through the Town's Water Billing Procedures; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's water utility code are in the best interests of the citizens of the Town of Manalapan.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, THAT:**

**Section 1:** Chapter 51: Water. of the Code of Ordinances of the Town of Manalapan is hereby amended at Sec. 51.16 installation requirements. to provide for inspection of backflow prevention devices by the town and by requiring the property owner to pay for said inspections through the Town's water billing procedures; providing that Sec. 51.16 shall hereafter read as follows:

**§ - 51.16 INSTALLATION REQUIREMENTS**

(A) All water meters shall be installed and all connections made only by the duly authorized agents and employees of the Town. Before a meter shall be installed by the Town, the applicant shall place a grade stake at the desired location of the

meter, which will accurately indicate the finish grade of the yard or lot, so that the meter may be set at the proper level.

(B) In accordance with F.S. §§ 403.850—403.864, known as the "Florida Safe Drinking Water Act" and Appendix D of the Standard Plumbing Code, the Town hereby adopts a Backflow-Prevention Manual, by reference, and made a part hereof as if fully set forth herein which may be amended from time to time by the Utility Department as state law or technological development may require. A copy of the town's Backflow-Prevention Manual will be kept on file at Town Hall.

(C) Backflow Prevention Devices.

(1) Backflow prevention devices are hereby required at all premises likely to have cross connections as described in the American Waterworks Association M-14 Backflow Prevention Manual, 1972 Edition, as amended by the Town. This manual sets forth potential cross connections between the consumer's water system and certain types of equipment, specialized installations, and water uses which afford opportunity for backflow into the public water system. All such facilities and systems as set forth in the manual shall have backflow prevention devices unless it is demonstrated to the satisfaction of the Town that no opportunity exists for backflow of water from the consumer's system into the public water supply of the Town. This requirement applies to commercial buildings, buildings over three (3) stories and new construction.

(2) In addition, backflow prevention devices shall be installed at the service connection on the consumer's side of the meter upon any premises where the nature and extent of the activities on the premises, or the materials used in connection with the activities or materials stored on the premises present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection does not exist at the time the backflow prevention device is to be installed. Decisions regarding replacement of backflow prevention devices shall be made by the Town in accordance with the guidelines set forth in the Backflow-Prevention Manual.

(D) The type of backflow prevention device to be installed shall depend on the degree of hazard which exists or may occur. A double check-valve assembly, atmospheric vacuum breaker, pressure vacuum breaker or reduced pressure backflow preventer shall meet or exceed any of the following standards and specialized installation methods:

(1) University of Southern California Foundation for Cross Connection Control and Hydraulic Research, Specifications of Backflow Prevention Devices No. 69-2, or the most current issue; or

(2) American Waterworks Association Standard C506-78 (Revision of C506-69).

(E) Types of backflow prevention devices and installation locations:

(1) Types of devices. An air gap separation or a reduced pressure principle backflow prevention device shall be installed where the water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contamination which would cause a health or water system hazard. In the case of a substance which may be objectionable but not hazardous to health, a double checkvalve assembly, air gap separation, atmospheric vacuum breaker, pressure vacuum breaker or a reduced pressure principle backflow prevention device shall be installed.

(2) Installation location. Backflow prevention devices shall be installed on the consumer's side of the water meter at the location designed by the Town. The device shall be located so as to be readily accessible for maintenance and testing, and where no part of the device will be submerged.

(3) Consumer's expense. Backflow prevention devices shall be installed by a certified backflow prevention device technician or licensed plumber at the consumer's expense. All installations will be completed in accordance with plans and specifications approved by the Town.

(4) Annual inspection required. Backflow prevention devices shall be inspected annually or more frequently as the degree of hazard mandates, and tested by a certified backflow prevention device technician. A nominal inspection and/or

reinspection fee shall be charged by the Town; the amount of which fee shall be set by resolution of the Town Commission.

(F) All cross connections, whether or not such cross connections are controlled by automatic devices such as checkvalves or by hand operated mechanisms such as gate valves or stop cocks are hereby prohibited from future installation and on existing installations. All cross connections shall be removed and approved backflow prevention devices installed.

(G) Inspections. Backflow prevention devices shall be inspected and tested as outlined in the Backflow-Prevention Manual by the Town or its duly authorized agents at the consumer's expense. Fees for inspection and testing shall be adopted and amended as necessary by resolution of the Town Commission. The consumer shall be billed for such services through the Town's water billing procedures and unpaid charges shall be treated as a lien pursuant to Sec. 51-51.

(H) Violations.

(1) Failure of the consumer to install, maintain, or permit the testing and inspection of backflow prevention devices by the Town as required in this chapter shall be grounds for termination of the water service to the premises by the Town. In the case of an immediate hazard to the public health, the water service may be terminated without notice to the consumer immediately although a hearing before the utilities superintendent shall be immediately scheduled upon the request of the consumer to determine whether the water service termination was just and appropriate. Customer's request to the utility department for hearing must be made in writing within five (5) days of termination or notice thereof. The Town may call upon the Chief of Police to assist in enforcing any of the provision of this chapter.

(2) The owner or general agent of a building or premises where a violation of any provisions of this chapter has been committed or still exists, or the lessee or tenant of the entire building or leased premises where such violation has been



committed or shall exist or the owner, general agent, lessee or tenant of any part of a building or premise in which such violation has been committed or shall exist, or the general agent of any other person who commits, takes part in, or assists in any such violation, or maintains any building or premises in which such violation shall exist, shall be guilty of violating this section; and shall be subject to termination of water supply and all applicable fees as set forth by resolution of the Town Commission.

**Cross reference—** Penalty, see Section 51.99

**Section 2:** Each and every other section and subsection of Chapter 51. Water. shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any 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 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon adoption.

**FIRST READING this 18th day of September 2023.**

**SECOND AND FINAL READING this 25th day of September 2023.**

**TOWN OF MANALAPAN**

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**Mayor Stewart Satter**

**ATTEST:**

**(SEAL)**

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**Erika Petersen, Town Clerk**