

ORDINANCE 399

AN ORDINANCE REGULATING LIGHTING FOR THE PROTECTION OF MARINE TURTLES AND AQUATIC SEA LIFE FOR THE BEACHES OF MEXICO BEACH, ENFORCEMENT PROCEDURES AND PENALTIES THEREOF.

I. PURPOSE AND INTENT

This ordinance is intended to protect hatchling marine turtles from the adverse effects of artificial lighting, provide overall improvement in nesting habitat degraded by light pollution, and increase successful nesting activity and production of hatchlings on the beaches of Mexico Beach, Florida.

II. DEFINITIONS.

(1) "Artificial light" or "artificial lighting" means the light emanating from any human-made device.

(2) "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

(3) "Bug" type bulb means any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.

(4) "Coastal construction activities" means any work or development in the CCCL in Mexico Beach, Florida.

(5) Coastal Construction Control Line (CCCL) means the portion of the coastal construction line established pursuant to the provisions of section 161.053 Florida Statutes that lies within Mexico Beach.

(6) "Cumulatively illuminated" means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

(7) "Directly illuminated" means illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to an observer on the beach.

(8) "Dune" means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

(9) "Frontal dune" means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

(10) "Hatchling" means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

(11) "Indirectly illuminated" means illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach.

(12) Low-pressure sodium luminaire (LPS) means an electric discharge lamp containing sodium, neon, and argon, that when illuminated appears amber-yellow.

(13) "Marine turtle" means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

(14) "Nest" means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

(15) "Nesting season" means the period from May 1 through October 31.

(16) "Nighttime" means the period between sunset and sunrise.

(17) "Person" means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(18) Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than twenty (24) inches off the ground.

(19) Shield means a non-reflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.

(20) "Tinted glass" means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45% or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

III. STANDARDS FOR NEW CONSTRUCTION ACTIVITIES.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) are adopted:

(1) Exterior artificial light fixtures shall be designed and positioned so that:

- (a) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

- (b) Areas seaward of the frontal dune are not directly or indirectly illuminated: and

- (c) Areas seaward of the frontal dune are not cumulatively illuminated.

(2) Exterior artificial light fixtures within direct line-of-sight of the beach will be permitted only if designed and installed as follows:

- (a) Completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e., 25 watts or less) "bug" type bulbs and

non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used if they are in compliance with subsection (1)(a), (b), and © above; and

(b) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures.

(3) Floodlights, uplights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.

(4) No lighting shall be allowed on dune walkovers.

(5) Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:

(a) Set on a base which raises the source of light no higher than 48 inches off the ground; and

(b) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.

(6) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures within line-of-sight of the beach.

(7) Use of appropriately shielded low-pressure sodium-vapor lamps and fixtures shall be required for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.

(8) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.

(9) Before granting any building permit, the Mexico Beach Planning and Building Department shall determine that all proposed development complies in all respects with the standards imposed in this section.

(10) Permits will not be required to install utility leased lighting, but all such lighting shall comply in all respects with the standards imposed in this ordinance.

(11) For any coastal construction completed after the effective date of this ordinance, the lighting shall not be changed without first obtaining a permit from the County. Such permits shall only be issued when the proposed lighting plan complies with this ordinance.

IV. STANDARDS FOR EXISTING LIGHTING.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the county hereby adopts all of the following standards for existing artificial lighting sources, including utility leased lighting, seaward of the CCCL:

(1) Existing artificial light fixtures shall be repositioned or modified so that:

(a) The point source of light or any reflective surface of the light

fixture is not directly visible from the beach;

(b) Areas seaward of the frontal dune are not directly or indirectly illuminated; and

(c) Areas seaward of the frontal dune are not cumulatively illuminated.

(2) The following measures may be taken to comply with this section:

(a) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;

(b) Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;

(c) Replace traditional light bulbs with yellow "bug" type bulbs not exceeding 25 watts;

(d) Replace non-directional fixtures with directional fixtures that point down and away from the beach;

(e) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

(f) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

(g) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;

(h) Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards;

(i) Disconnect utility leased lighting during the marine turtle nesting season.

(3) The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

(a) Apply window tint or film that meets the standards for tinted glass;

(b) Rearrange lamps and other moveable fixtures away from windows;

(c) Use window treatments (e.g. blinds, curtains) to shield interior lights from the beach; and

(d) Turn off unnecessary lights.

V. PUBLIC AWARENESS.

Any person submitting an application for coastal construction activities within the jurisdictional boundaries of Mexico Beach shall be informed of the

existence of and the requirements concerning artificial lighting and marine turtle protection by the Mexico Beach Planning and Building Department.

VI ENFORCEMENT AND PENALTIES

Upon notification by law enforcement authorities, the Mexico Beach Planning and Building Department shall give notice to any person who violates this ordinance by a certified letter to the property address listed by the Bay County Tax Collectors Office. The letter shall describe the violation and shall enclose a brochure provided by Department of Environmental Protection and a copy of the ordinance. Such persons shall immediately correct any noticed violation. Failure to correct any noticed violation shall be punishable in the same manner as a misdemeanor and punishable as provided by Section 125.69, Florida Statutes (1995). Each day of any such violation shall constitute a separate and distinct offense. The Department of Environmental Protection and the Florida Marine Patrol shall have authority to enforce the ordinance.

VII. INTERPRETATION

The provisions of this Ordinance shall be liberally construed in order to effectively carry out its purpose. Where any provision of this Ordinance refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

VIII. SEVERABILITY

If any section, subsection, sentence, clause or provision of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

IX. EFFECTIVE DATE

This ordinance shall take effect on April 2, 2002.

INTRODUCED at a Regular meeting of the City Council on September 11, 2001 and ADOPTED at a Regular meeting of the City Council on October 9, 2001

City Of Mexico Beach, Florida

BY: Cecil G. Jones
Kathy Kingland Mayor / Councilperson
Cecil Jones Mayor Pro Tem

Attest:

By: [Signature]

Approved as to form & legality

[Signature]
CITY ATTORNEY