

ORDINANCE NO. 99- 33

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A LIGHTING MANAGEMENT PLAN FOR THE PROTECTION OF NESTING MARINE TURTLES AND THEIR HATCHLINGS; PROVIDING DEFINITIONS; PROVIDING LIMITATIONS OF JURISDICTION EXCLUDING INCORPORATED MUNICIPALITIES AND CERTAIN STATE AND FEDERAL PROPERTIES; PROVIDING GUIDELINES FOR LIMITATION OF NEW AND EXISTING PRIVATE AND PUBLIC EXTERIOR LIGHTING TO MINIMIZE ADVERSE EFFECT ON MARINE TURTLES; PROVIDING GUIDELINES FOR LIMITATION OF INTERIOR LIGHTING TO MINIMIZE ADVERSE EFFECT ON MARINE TURTLES; PROVIDING FOR ACTION IN CERTAIN CASES OF CUMULATIVE BEACH ILLUMINATION; DEFINING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; DEFINING STANDARDS FOR BEACH ACCESS POINTS; PROVIDING FOR COMPLIANCE INSPECTIONS, PENALTIES AND ENFORCEMENT; PROVIDING FOR A FUNDED COMMUNITY EDUCATION EFFORT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Beaches of St. Johns County serve as a known nesting habitat for Marine Turtles described as threatened or endangered; and

WHEREAS, associated Artificial Lighting along the landward side of the Marine Turtle nesting sites may deter Marine Turtles from nesting and may threaten the survival of Hatchlings by causing disorientation; and

WHEREAS, the protection of nesting Marine Turtles and their Hatchlings is in the public interest and serves the public welfare; and

WHEREAS, the Department of Environmental Protection, pursuant to Section 161.163, Florida Statutes, has adopted by rule minimum guidelines for local government regulations that control beach-front lighting to protect nesting Marine Turtles and Hatchlings; and

WHEREAS, St. Johns County, pursuant to its Comprehensive Plan, provides that it is an objective of the County to protect Marine Turtles which nest on the sand beaches fronting the Atlantic Ocean.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida:

Section 1. Definitions. The following words and phrases shall have the meaning as defined in this Section:

- 1.1 **Artificial Light or Artificial Lighting:** The light emanating from any human-made device.
- 1.2 **Beach:** The zone of unconsolidated material facing the Atlantic Ocean 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), as is defined in Chapter 62B-33.002(4), Florida Administrative Code. At the Matanzas Inlet in St. Johns County, the Beach shall not extend landward of the centerline of the Matanzas Inlet Bridge; and at the St. Augustine Beach Inlet in St. Johns County, the Beach shall not extend landward of the extreme westward points of said inlet.
- 1.3 **Bug Light:** Any light that is marketed as being specifically treated in such a way so as to reduce the attraction of insects to the light.
- 1.4 **County:** St. Johns County, Florida.
- 1.5 **Cumulative Beach Illumination:** Artificial Light sources that, as a group illuminate any portion of the surface of the Beach.
- 1.6 **Direct Beach Illumination:** Illumination of the Beach, or any portion thereof, by Artificial Light or reflectors, in which the light source or reflector is visible from the surface of the Beach.
- 1.7 **Dune:** A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the Beach and deposited by any natural or artificial mechanism.
- 1.8 **Ground-level Barrier:** Any vegetation, natural feature or artificial structure rising from the ground which prevents Artificial Lighting from shining directly onto the Beach/Dune system.
- 1.9 **Hatchling(s):** Any species of Marine Turtle, within or outside of a nest, that has recently hatched from an egg.
- 1.10 **Indirect Beach Illumination:** Illumination of the Beach, or any portion thereof, by Artificial Light or reflectors, in which the light source or reflector is not visible from the surface of the Beach.

- 1.11 Interior Light Fixture: Any Light Fixture or Point Source of Light which is located within an enclosed structure.
- 1.12 Light Fixture: A stationary Artificial Light Source composed of lamp(s), reflector(s), globe(s), and other elements necessary to produce and direct light.
- 1.13 Low-profile Light Fixture: Any Light Fixture, set on a base, where the Point Source of Light is no higher than forty-eight (48) inches off the ground, and is designed in such a way that light is directed downward from a hooded light source.
- 1.14 Marine Turtle(s): Any specimen belonging to the species Caretta caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermochelys coriacea (leatherback turtle), Eretmochelys imbricata (hawksbill turtle), or any other Marine Turtle using St. Johns County Beaches as a nesting habitat.
- 1.15 Motorized Vehicle: Includes, but is not limited to, any self-propelled wheeled, tracked, or belted conveyance.
- 1.16 Nest: An area where Marine Turtle eggs have been naturally deposited or subsequently relocated.
- 1.17 Nesting Season: The period from May 1st through October 31st of each year.
- 1.18 New Construction: any horizontal or vertical building procedure requiring a County permit, issued after adoption of this Ordinance.
- 1.19 Night-time or Night: The period between sunset and sunrise as published in The St. Augustine Record newspaper.
- 1.20 Point Source of Light: The actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.
- 1.21 Pole Light: Any Light Fixture, set on a base or pole where the Point Source of Light is higher than forty-eight (48) inches off the ground.
- 1.22 Primary Dune: The first natural or man-made mound or bluff of sand which is located landward of the Beach and which has substantial vegetation, height, continuity and configuration.
- 1.23 Tinted Glass: 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 - 700 nanometers) and measured as the percentage of light that is transmitted through the glass.

- 1.24 **Window Tint or Film:** A material applied to the entire glass area of a window or door which attains a shading coefficient comparable to that prescribed for Tinted Glass.
- 1.25 **Window Treatment:** Any type of material that prevents or reduces the amount of interior light escaping outside, including, but not limited to, curtains, drapes, blinds, solar screens, non-reflective film and storm shutters.

Section 2. Jurisdiction: The provisions of this Ordinance shall apply to all areas of St. Johns County, Florida, except for (1) those areas within the incorporated municipalities of the County, and (2) lands which are owned by the State of Florida or the United States federal government and over which the State or the federal government have established direct environmental regulation relating to Marine Turtles.

Section 3. Standards for New Construction.

- 3.1 **Exterior Light Fixtures on New Construction** shall comply with the following requirements:
 - (a) Except as otherwise permitted herein, the light source or any reflective surface of a Light Fixture on New Construction must not be visible from any point on the surface of the Beach.
 - (b) All Light Fixtures shall be shielded, recessed, and/or louvered to avoid possible violation of Section 3.1(a).
 - (c) Light Fixtures shall be low mounted through the use of bollards, ground level Light Fixtures, or low wall mounts, none of which shall be greater than 48" from the ground.
 - (d) Light Fixtures proposed for the seaward side of the property must be shielded low pressure sodium lamps of 60 watts or less or Bug Light bulbs of other types with bulbs of 5 watts or less.
 - (e) Light Fixtures for purely decorative or accent purposes shall not be used on the seaward side of the property.
 - (f) High intensity Light Fixtures, such as that proposed for roadways, shall utilize shielded low pressure sodium lamps. The number of Light Fixtures shall be the minimum necessary for human safety and

shall be positioned and mounted in a manner such that the Point Source of Light or any reflective surface of the Light Fixture is not visible from any point on the Beach.

- (g) Only low intensity lighting (i.e., 40 watts or less) shall be utilized in parking areas that are visible from any point on the surface of the Beach. Such lighting shall be set on a base which raises the source of light no higher than 48" off the ground and shall be positioned and shielded such that the Point Source of Light or any reflective surface of the Light Fixture is not visible from any point on the surface of the Beach. The light emanating from such Light Fixtures may not Directly, Indirectly or Cumulatively Illuminate the surface of the Beach.
 - (h) Parking lots and roadways, including any paved or unpaved area upon which Motorized Vehicles will operate, shall be designed and positioned such that vehicular headlights do not cast light toward or onto the surface of the Beach. Hedges, native dune vegetation, and/or other Ground-level Barriers may be utilized to meet this objective.
 - (i) Notwithstanding other provisions of this Ordinance, during construction, temporary security lighting during the Marine Turtle Nesting Season (May 1- October 31) is strongly discouraged. Such security lights shall be shielded and under 4 foot Low-profile Light Fixtures. Low pressure sodium vapor lamps or low wattage yellow Bug Light bulbs shall be utilized for this purpose. Under no circumstances shall these lights Directly Illuminate any area of the surface of the Beach.
 - (j) It is strongly advised that Tinted Glass or Window Film shall be utilized on all windows and glass doors visible from any point on the surface of the Beach.
- 3.2 Prior to the issuance of a final County approval or Certificate of Occupancy for any New Construction within the Jurisdiction of this ordinance, compliance with the beach-front lighting standards set forth in this ordinance shall be approved as follows:
- (a) Prior to receiving a building permit for installation of any exterior Light Fixtures which are visible from the beach, the applicant must obtain approval by the Building Department that the exact type of exterior light fixtures to be used complies with this Ordinance.

- (b) Upon completion of New Construction activities the permit holder shall request a Building Department night survey of the site with all Light Fixtures turned on.
- (c) The Building Department shall complete such survey and prepare the inspection findings in writing identifying:
 - (1) The date and time of the inspection;
 - (2) The extent of compliance with the lighting standards;
 - (3) All areas of observed non-compliance, if any.
- (d) A copy of the inspecting findings will be delivered to the permit holder.

Section 4. Guidelines for existing development, including publicly owned lighting.

- 4.1 Permanent exterior Lighting Fixtures on existing structures installed prior to the effective date of this Ordinance and which create Direct, Indirect, or Cumulative Illumination of the surface of the Beach shall be considered as existing development and the regulations set forth in this Section shall be met to achieve the purpose of this Ordinance.
- 4.2 Within thirty (30) days of the effective date of this ordinance, all existing exterior artificial Light Fixtures associated with existing structures shall meet the following standards during Night hours from May 1 to October 31 of each year:
 - (a) No Point Source of Light or any reflective surface of the Light Fixture shall be visible from any point on the surface of the Beach.
 - (b) Illumination of any area of the surface of the Beach through Direct Illumination is prohibited.
 - (c) Light Fixtures which have Direct Illumination completely shielded from the beach and which have non-reflective interior surfaces shall be used in all cases, except that other Light Fixture types that have appropriate shields, louvers, or cut-off features may also be used if they comply with subsection 4.2(a) above.
- 4.3 Exterior Light Fixtures, associated with existing structures, that do not comply with criteria set forth in Subsection 4.2 above, shall be modified from

May 1 to October 31 each year with one or a combination of the options listed below as necessary to rectify situations not complying with Subsection 4.2 above:

- (a) Reposition the Light Fixture so the Point Source of Light or any reflective surface of the Light Fixture is no longer visible from the surface of the Beach.
- (b) Replace Light Fixtures having an exposed Point Source of Light with Light Fixtures containing recessed, shielded, and/or louvered Point Sources.
- (c) Replace traditional light bulbs with yellow Bug Light bulbs not exceeding 40 watts.
- (d) Replace non-directional Light Fixtures with directional Light Fixtures that point down and away from the Beach.
- (e) Replace Light Fixtures having transparent or translucent coverings with Light Fixtures having opaque shields covering an arc of at least 180 degrees and extending below the bottom edge of the Light Fixture so the Point Source of Light is no longer visible from the surface of the Beach.
- (f) Replace Pole Lights with low-profile, low-level Light Fixtures so that the Point Source of Light or any reflective surface of the Light Fixture. is not visible from the surface of the Beach.
- (g) Replace incandescent, fluorescent and high intensity lighting with the lowest wattage low-pressure sodium vapor lamps possible for the specific application.
- (h) Plant or improve vegetation buffers between the Light Fixtures and the Beach to screen light from the surface of the Beach.
- (i) Construct a Ground-level Barrier to shield the Light Fixtures from the Beach. Ground-level Barriers must not interfere with Marine Turtle nesting, or Hatchling emergence, or cause short or long term damage to the Beach/dune system; and/or,
- (j) Permanently remove or disable any Light Fixture which cannot be brought into compliance with these standards.

- 4.4 Security Lighting: Nothing in this Ordinance is intended to or shall limit or discourage the use of flood lights or spot lights of any color activated by motion of a person or vehicle on the property. Any such light shall provide illumination for a period not to exceed 5 minutes each time motion is detected by it.

Section 5. Interior Lighting.

- 5.1 One or more of the following measures shall be used as necessary to reduce Direct, Indirect and Cumulative Beach Illumination resulting from the Interior Light emanating from doors and windows within line-of-sight of the Beach from May 1 to October 31 each year during Night hours.
- (a) Apply Window Tint or Film that meets the standards for Tinted Glass.
 - (b) Rearrange lamps and other moveable Light Fixtures away from windows.
 - (c) Use Window Treatments to shield interior lights from the Beach and, during the Nesting Season, draw operable coverings each Night; and/or
 - (d) Turn off unnecessary lights.

Section 6. Cumulative Beach Illumination. Extensive development with many light sources scattered over a relatively large area, or intense lighting from sporting or similar facilities may result in Cumulative Beach Illumination. Whenever such a situation is determined to exist, the facts shall be reported to the Board of County Commissioners for determination of action as may be appropriate.

Section 7. Prohibition of Activities Disruptive to Marine Turtles.

- 7.1 To protect nesting Marine Turtles and their Hatchlings, the following activities are prohibited on the Beach at Night during the Nesting Season:
- (a) Campfires or bonfires.
 - (b) Any transient lighting, such as flashlights, torches, and gas lanterns, which purposely illuminates nesting Marine Turtles or Hatchlings so that it disrupts their behavior patterns. This prohibition does not apply to individuals with appropriate permits from federal and/or state agencies.

- 7.2 Horseback riding on the beach during the Nesting Season shall be permitted only seaward of the most recent high-tide line on the beach during times when such riding is allowed.

Section 8. Standards for Beach Access Points.

- 8.1 To increase general public awareness of the need for protecting Marine Turtles and to alert the public to possible penalties resulting from the molestation of Marine Turtles or the destruction of their Nests and eggs, the following standards shall apply:
- (a) Permanent Marine Turtle information signs shall be posted at all public and multi-family private Beach Access Points provided with Dune crossovers by the Persons or entities that control such Beach Access Points (the "Property Owner"). The signs shall be:
 - (1) Standardized by the County;
 - (2) Supplied by the County at cost to private owners requiring such signs;
 - (3) Installed so that they are conspicuous to persons accessing the Beach at that particular point.
 - (4) Maintained in perpetuity by the private owner(s) such that information printed on the signs remains legible and conspicuous to beach users; and
 - (b) Removal of Sea Turtle information signs by person(s) other than the applicable property owner or his agent is prohibited.
 - (c) Existing Beach Access Points must comply with conditions of this Section within six (6) months of the effective date of this Ordinance. New Beach Access Points constructed after the effective date of this Ordinance must comply with conditions of this Section prior to issuance of a Certificate of Occupancy or final building approval, as applicable.

Section 9. Compliance Inspections, Penalties and Enforcement.

- 9.1 Night-time lighting inspections from the Beach shall be conducted at the beginning of each Marine Turtle Nesting Season and at least monthly during the Nesting Season to determine compliance or violations of this Ordinance.

These inspections shall be performed by County Code Enforcement Officers or qualified persons appointed or contracted by the County Administrator. These inspections shall include both public and private properties within jurisdiction of this Ordinance.

- 9.2 The County shall identify Artificial Lighting areas not in compliance with this Ordinance, and issue written notice to property owners whose properties are not in compliance with this Ordinance. Such notification shall include (1) the nature of the noncompliance; and (2) recommendations for remedial actions to put the subject property into compliance.
- 9.3 The enforcement procedures and the fines, citations, liens and penalties authorized by Chapter 162, Florida Statutes, include but not limited to Parts I and II, as amended, and any other statute or County ordinance may be used to enforce the provisions of this ordinance.
- 9.4 Each day that an offense or violation of this ordinance continues shall be deemed a separate offense.

Section 10. Community Education Effort.

- 10.1 Each year this Ordinance is in effect, the County shall conduct a community education efforts to support the goal of protecting Marine Turtles against Artificial Light hazards.
- 10.2 The community education effort may include beach signage, printed materials and mailings, media advertising, and any other action deemed appropriate by the County.

Section 11. Fourth of July Enforcement Exception. Notwithstanding any other provision of this Ordinance, Section 4 shall not be in force from 5:00 am, on July 4 until 1:00 am. of July 5 of each year on the Atlantic Ocean Beaches of St. Johns County south of the north side of the Vilano Road access ramp to the St. Augustine Inlet.

Section 12. Conflicts. In the event this Ordinance conflicts with any other applicable regulations on this subject matter, the more restrictive shall apply.

Section 13. Severability. If any section, part of a sentence, paragraph, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative, or void, for any Person, property or circumstance, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

Section 14. Effective Date. This Ordinance shall take effect upon receipt by the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 27th day of April, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Clerk

EFFECTIVE DATE: 05-03-99

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

LINDA Y MURRAY who on oath says that she is
ACCOUNTING CLERK of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____
NOTICE OF PUBLIC HEARING (DISPLAY ADVERTISEMENT)

in the matter of ESTABLISHMENT OF ORDINANCE/REGULATIONS
AFFECTING THE USE OF LAND


in the _____ Court, was published in said newspaper in the
issues of _____

MONDAY, MARCH 29, 1999

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 29th day of MARCH, 1999,

by Linda Y Murray who is personally
known to me or who has produced PERSONALLY KNOWN as
(Type of Identification)
identification.

Zoe Ann Moss  Zoe Ann Moss
(Signature of Notary Public) MY COMMISSION # CC641814 EXPIRES August 22, 2001 BONDING THRU TROY FAIR INSURANCE, INC. (Seal)

ZOE ANN MOSS
(Print, Type or Stamp Commissioned Name of Notary Public)

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NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, April 13, 1999 at 1:30 p.m. and Tuesday, April 27, 1999 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida will hold public hearings to consider adoption of the following proposed ordinance:

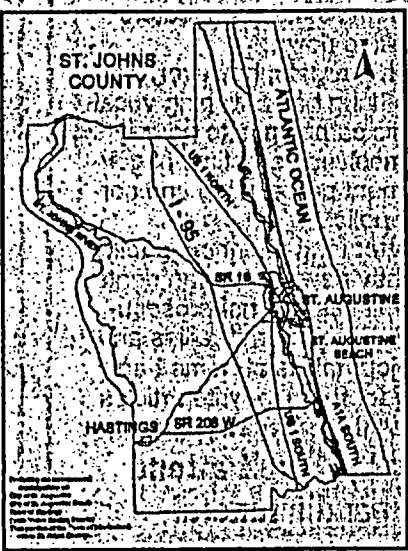
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The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the ordinance is subject to revision prior to the hearings or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 4 days prior to the date of the hearing.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk**



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared Linda Y. Murray
who on oath says that she is Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING (DISPLAY ADVERTISEMENT)

in the matter of **ESTABLISHMENT OF ORDINANCES/REGULATIONS
AFFECTING THE USE OF LAND**

in the Court, was published in said newspaper in the issues of
WEDNESDAY, APRIL 14, 1999

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 15TH day of APRIL, 1999,

by Linda Y. Murray who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss
MY COMMISSION # CC641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIN INS. CO. (Seal)

Zoe Ann Moss

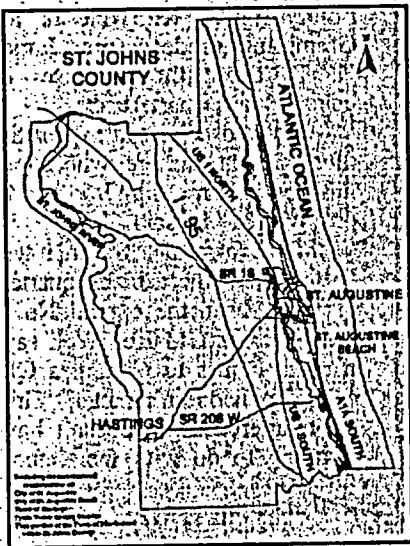
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