

**GOLDEN BEACH, FLORIDA
ORDINANCE NO. 426.97**

Amended 06/17/97
Revised 07/15/97

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; PROVIDING FOR THE PROTECTION OF NESTING FEMALE AND HATCHLING MARINE TURTLES; PROVIDING FOR THE ADOPTION, IMPLEMENTATION AND ENFORCEMENT OF THE GUIDELINES PROVIDED BY THE FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the beach along the Atlantic Ocean, within the boundaries of the Town of Golden Beach is an area utilized or likely to be utilized by marine turtles for nesting; and

WHEREAS, the Town desires to adopt the model lighting ordinance prepared by the Florida Department of Environmental Protection (Rule 62B-55.001 et seq., F.A.C.) as mandated by Section 161.163, F.S.;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Article III, "Lighting Regulations for Marine Turtle Protection" Chapter 58 Development Standards of the Town Code is hereby created to provide as follows:

**"ARTICLE III LIGHTING REGULATIONS FOR
MARINE TURTLE PROTECTION**

Sec. 58-40 Purpose and Intent.

The purpose and intent of the Article is to implement the Florida Department of Environmental Protection model lighting ordinance for marine turtle protection as authorized by Section 161.163, F.S., which requires the Department to designate coastal areas utilized, or likely to be utilized, by sea turtles for nesting, and to establish guidelines for local government regulations that control beachfront lighting to protect hatching sea turtles. This Article 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.

Sec. 58-41 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 activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.
- (5) "County" means Dade County.
- (6) "Cumulatively illuminated" means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.
- (7) "Department" means the Florida Department of Environmental Protection.
- (8) "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.
- (9) "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.
- (10) "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.
- (11) "Ground-level barrier" means any vegetation, natural

feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

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

(13) "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.

(14) "Local government" means Dade County, Town of Golden Beach and any community development district, or special taxing district within that Town.

(15) "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 coriaca* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys Kempi* (Kemp's ridley). For purposes of this article, marine turtle is synonymous with sea turtle.

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

(17) "Nesting season" means the period from May 1 through October 31 of each year for all counties in Florida except Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties where it means the period from March 1 through October 31 of each year.

(18) "Nighttime" means the locally effective time period between sunset and sunrise.

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

(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.

Sec. 58-42 Prohibition of Activities Disruptive to Marine Turtles.

The following activities involving direct illumination of portions of the beach are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles:

- (1) The operation of motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for marine turtle conservation or research.
- (2) The building of open fires.

Sec. 58-43 Standards for New Beachfront Lighting.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the Town of Golden Beach adopts all of the following standards for artificial light sources on all new coastal construction:

- (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 are considered appropriately designed if:
 - (a) Completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e.,

60 watts or less) bug type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with subsection (1)(a), (b), and (c) 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 for decorative and accent purposes that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, shall not be used.

(4) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are preferred.

(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) Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operated, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.

(7) Vehicular lighting, parking area lighting, and

roadways lighting shall be shielded from the beach through the use of ground-level barriers. 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.

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

(9) 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.

Sec. 58-44 Standards for Existing Beachfront Lighting.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the Town of Golden Beach adopts all of the following standards for existing artificial beachfront lighting sources:

(1) Existing artificial light fixtures shall be repositioned, modified, or removed 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 shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:

(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 60 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 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, florescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;

(h) Plan or improve vegetation buffers between the light source and the beach to screen light from the beach;

(i) Construct a ground level barrier to shield light sources 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;

(j) Permanently remove or permanently

disable any fixture which cannot be brought into compliance with the provisions of these standards.

Sec. 58-45 Enforcement and Penalties.

(1) Any violation of this Article is a violation of the Town Code, as provided in Code Sec. 1-16.

(2) In the alternative to paragraph (1) in this section, any violation of this Article is hereby established as a civil violation of the Town Code. A civil penalty of \$100.00 per violation is hereby imposed. A violation is defined as each property that conflicts with the provisions of this Article or an individual that violates section 58-42 of this Code.

(a) The owner of the property shall be responsible for payment of the civil penalty, except violators of section 58-42, who shall be personally responsible.

(b) Any alleged violator, upon being cited by a law enforcement officer for violations of this section may pay the civil penalty within 10 calendar days or request in writing a hearing before the Town Code Enforcement Board within the same 10 day period. If convicted the violator shall be fined the civil penalty, plus costs as provided by this code.

(c) Failure to pay a civil penalty shall be a separate violation of the Town Code, punishable as provided in Sec. 1-16 of the Town Code.

(3) Each calendar day shall constitute a separate violation if illegal conduct exists.

(4) In addition to the penalties contained in this section, a violation of this Article is hereby determined to be a nuisance subject to enforcement in a court of equity."

Section 2. Conflict That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability That the provisions of this Ordinance are declared to be

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severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Ordinance but they shall remain in effect, notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and be made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading. ***Enforcement shall begin April 15, 1998.***

The Motion to adopt the foregoing Ordinance on first reading was offered by VICE MAYOR CHIKOVSKY, seconded by COUNCIL MEMBER LOWRANCE and on roll call the following vote ensued:

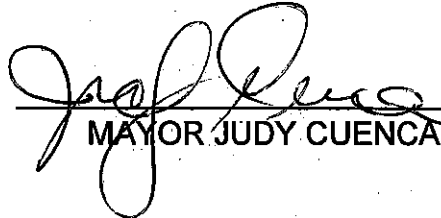
Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>AYE</u>
Councilman Fistel	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>

PASSED AND ADOPTED on first reading this 17TH day of JUNE, 1997.

The Motion to adopt the foregoing Ordinance on second reading was offered by COUNCIL MEMBER LOWRANCE, seconded by VICE MAYOR CHIKOVSKY and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>AYE</u>
Councilman Fistel	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>

PASSED AND ADOPTED on second reading this 15TH day of JULY, 1997.



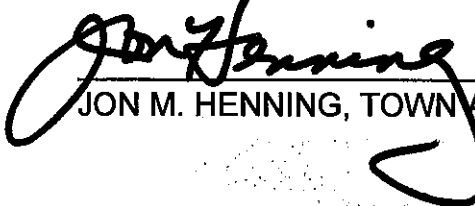
MAYOR JUDY CUENCA

ATTEST:



TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



JON M. HENNING, TOWN ATTORNEY