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ORDINANCE 88 - 28

AN ORDINANCE RELATING TO THE PROTECTION OF SEA TURTLES FOR THE UNINCORPORATED AREAS OF NASSAU COUNTY, FLORIDA, RESTRICTING OUTDOOR LIGHTING IN BEACH AREAS IN THE UNINCORPORATED AREAS; PROVIDING A PENALTY SECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the beaches of the unincorporated areas of Nassau County serve as prime nesting habitat for hundreds of sea turtles; and

WHEREAS, rapid coastal development threatens the survival of turtle hatchlings because the artificial light causes disorientation in young hatchlings; and

WHEREAS the sea turtle is an essential member of the food chain and has been identified as a threatened and endangered species; and

WHEREAS, the protection of sea turtle hatchlings is of significant public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, that:

SECTION 1. A section of the Code of Ordinances for Nassau County, Florida, is hereby created to read as follows:

SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section:

1. Artificial Light: Any source of light emanating from a manmade device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, or security lights. This shall not include vehicular lights, or flashlights.

2. Beach: That area of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form or to

the line of permanent vegetation (usually the effective limit of storm waves) or revetment as is defined in Chapter 1633-33, Florida Administrative Code.

3. Coastal Construction Control Line (CCCL): The Nassau County Coastal Construction Control Line as depicted on the State of Florida Department of Natural Resources, Division of Beaches and Shores maps.

4. Floodlight: Reflector type light fixture which is attached directly to a building and which is unshielded.

5. Low Profile Luminaire: light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

6. New Development: Shall include new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

7. Person: Any individual, firm, associate, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit or federal, state, county or municipal government.

8. Pole Lighting: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.

9. Solar Screen: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:

- (a). Have a shading coefficient of .45 or less, and
- (b). Carry a minimum five year warranty, and
- (c). Must have performance claims supported by approved testing procedures and documentation.

10. Tinted or Filmed Glass: Window glass which has been covered with window tint or film such that the material has:

- (a). A shading coefficient of .45 or less, and
- (b). A minimum five year warranty, and
- (c). Adhesive as an integral part, and
- (d). Performance claims which are supported by approved testing procedures and documentation.

11. Shading Coefficient: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.

12. Ground Level Barrier: Any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach dune system.

SECTION 2. Purpose. The Purpose of this Ordinance is to protect the threatened and endangered sea turtles which nest along the south beaches of Nassau County, Florida, by safeguarding the hatchlings from sources of artificial light.

SECTION 3. New Development. It is the policy of the Nassau County Board of County Commissioners that no artificial light illuminate any area of the unincorporated beaches of Nassau County, Florida. To meet this intent, building and electrical plans for construction of single family or multi-family dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers or other outdoor lighting for real property if lighting associated with such construction or development can be seen from the beach, shall be in compliance with the following:

1. Floodlight shall be prohibited. Wall mounted light fixtures shall be fitted with hoods so that no light illuminates the beach.

2. Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy-three (73) degrees on the seaward side of the pole. Outdoor lighting

shall be held to the minimum necessary for security and convenience.

3. Low profile luminaires shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach.

4. Dune crosswalks shall utilize low profile shielded luminaires.

5. Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.

6. To prevent interior lights from illuminating the beach, window treatment shall be required on all windows of single or multi-story structures, if those windows are within the line of sight of the beach and where no ground level barriers exist. Blackout draperies or shade screens are preferred. Alternatively, window tint may be applied to beach front windows. the turning out of all unnecessary interior lights during the nesting season is encouraged.

7. Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the beach.

SECTION 4. Exemptions for New Development. The provisions of Section 3 of this Ordinance shall not apply to any structure for which a building permit has been issued by the Nassau County Building Official, prior to the effective date of this Ordinance.

SECTION 5. Existing Development. It is the policy of the Nassau County Board of County Commissioners that no artificial light illuminate any area of the unincorporated beaches of Nassau County, Florida. To meet this intent, lighting of existing structures which can be seen from the beach shall be in

compliance with the following within six (6) months of the effective date of this ordinance.

1. Lights illuminating building or associated ground for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, during the period of May 1, to October 31, of each year.

2. (a) Beach access points, dunes crossovers, beach walkovers, piers, or any other structure on or seaward of the primary dune designed for pedestrian traffic shall use the minimum amount of light necessary to ensure safety.

(b) Pedestrian lighting shall be of low intensity and recessed or shielded so that the source of light is not directly visible from the beach.

3. (a) Security lighting shall be permitted throughout the night so long as low profile luminaires or effective alternatives are used and screened in such a way that those lights do not illuminate the beach.

(b) Fixtures for security purposes that contain high intensity lights shall be designed and/or positioned such that they do not cause direct illumination of areas seaward of the primary dune and the source of light is not directly visible from the beach.

4. Tinted or filmed glass shall be used in windows facing the ocean above the first floor of multi-story structures where no natural barriers exist in order that no light illuminate the beach. Shade screens or blanket draperies can be substituted for this requirement.

5. Existing artificial light sources shall be repositioned, modified, or replaced with alternatives so that the source of light is not directly visible from the beach and/or does not directly illuminate areas seaward of the primary dune. Techniques and/or materials used shall be consistent with

state-of-the-art standards supplied by the Florida Department of Natural Resources and the Raymond manual (Raymond Paul - Sea Turtle Hatchlings Disorientation and Beachfront Lighting: A Review of the Problem and Potential Solutions, Washington, D.C., Center for Environmental Education, 1984), which will be available for review at the Building and Zoning Department office.

SECTION 6. Publicly Owned Lighting. Street lights and lighting at parks and other publicly owned beach access areas shall be subject to the following:

1. Whenever possible, street lights shall be located so that the bulk of their illumination will travel away from the beach. The light shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.

2. Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period of May 1, to October 31, of each year.

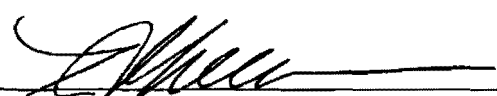
SECTION 7. Enforcement and Penalty. It is unlawful for any person to violate this Ordinance. A violation of any section of this Ordinance shall subject the violator to a penalty, upon conviction, of up to five hundred dollars (\$500.00) ~~and/or ten (10) days in the County Jail~~. The Board may further bring suit to restrain, enjoin, or otherwise prevent the violation of any section of this Ordinance and shall be entitled to reasonable attorney's fees when it prevails in the suit.

SECTION 8. Effective Date. This Ordinance shall take effect pursuant to law.

DATED this 23rd day of August, 1988.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
T. J. GREESON  
Its: Ex-Officio Clerk

  
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JOHN F. CLAXTON  
Its: Vice Chairman