

**ORDINANCE NO. 1210**

**AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW ARTICLE IX, CHAPTER 26, SATELLITE BEACH CITY CODE, TO BE ENTITLED "SEA TURTLE NESTING AND LIGHTING REGULATIONS"; PROVIDING INTENT; CREATING DEFINITIONS; ESTABLISHING SEA TURTLE LIGHTING DISTRICT BOUNDARIES; ESTABLISHING LIGHTING REGULATIONS WITHIN DISTRICT; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING DIVISION 3, ARTICLE II, CH. 66, SATELLITE BEACH CITY CODE; AMENDING BOARDS HANDBOOK REGARDING DUTIES OF BOARD OF ADJUSTMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE**

**WHEREAS**, the City of Satellite Beach recognizes that light pollution of beaches is a serious threat to sea turtles and other species inhabiting its beaches; and

**WHEREAS**, the City of Satellite Beach recognizes that nesting adult and hatchling sea turtles are negatively affected by light pollution created by artificial light visible from any portion of the beach; and

**WHEREAS**, the City of Satellite Beach recognizes that sea turtles are protected by federal and state law; and

**WHEREAS**, the City of Satellite Beach recognizes that both its economy and the quality of life of its residents are enriched by a healthy sea turtle population; and

**WHEREAS**, the City of Satellite Beach desires to minimize the detrimental effect on nesting sea turtle populations, and other listed sensitive wildlife by implementing a system of rules and regulations that reduces the amount of artificial light intentionally or unintentionally visible from beaches.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, as follows:**

Section 1. The foregoing recitations are true and correct and by this reference incorporated herein.

Section 2. A new Article IX to Ch. 26, Satellite Beach City Code, is created to read as follows:

**CHAPTER 26 – ENVIRONMENT****Article IX. Sea Turtle Nesting and Lighting Regulations****Division 1. Purpose; Definitions****Sec.26-160.- Purpose and Objectives**

The purpose of this Ordinance is to protect endangered and threatened nesting and hatchling sea turtles, which nest and emerge along the Atlantic Ocean beaches in the City of Satellite Beach, Florida, by safeguarding the nesting female sea turtles from the adverse effects of artificial light, and by protecting adult and hatchling sea turtles from injury and harassment on the beaches within the Sea Turtle Lighting District identified herein. The objective of this Ordinance is to provide appropriate design and implementation of coastal lighting systems to ensure that artificial light does not interfere with sea turtle nesting and hatchling events while at the same time protecting public safety. In order to further this objective, this Ordinance includes provisions designed to educate residents and beach users in the City of Satellite Beach of the benefits of appropriate coastal lighting and provides for regular inspections to ensure compliance with acceptable lighting standards.

**Sec.26-161 - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the city manager or designee who is responsible for administering this article.

*Artificial light or lighting* means light emanating from any manmade device, and includes, but is not limited to, the point source of the light, any directional light emanating from the source of the light, the penumbra of the light or any indirect or secondary light, lighting or reflected light caused or created by the artificial light

*Beach* means 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.

*Beach access point* means any way over the dune across a permitted dune crossover used by the general public; or, with respect to private property, by the owners or with the owner's permission, for the purpose of gaining access to the beach.

*Certified Wildlife Lighting* means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process.

*City* means the City of Satellite Beach.

*Coastal construction* means carrying out any activity within *Sea Turtle Lighting District* to modify or improve site conditions including, but not limited to, building, clearing, filling excavation, beach/dune preservation, stabilization or restoration projects, mechanical beach cleaning, grading or planting of vegetation, or the making of any material change in the size or use of any structure or the appearance of site conditions, or the presence of equipment or material upon such sites.

*Department* means the Florida Department of Environmental Protection.

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

*Existing coastal construction* means a building, structure or other use (including, but not limited to pools, parking lots, landscaping) for which a building permit has been issued prior to the adoption of this Ordinance.

*Fireworks* means and includes any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes but is not limited to firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, and any tablets or other devices containing any explosive substance. "Fireworks" does not include any item listed in § 791.01(4)(c), Florida Statutes.

*Floodlight* means a reflector-type light fixture that may be attached directly to a building, other structure, or freestanding, and is unshielded.

*Foot-candle* means the English unit for measuring luminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

*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.

*Fully Shielded* means a light fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

*Hatchling* means any species of sea turtle, within or outside of a nest, which has recently hatched from an egg.

*Lamp* means a manmade device emanating light, including but not limited to incandescent, tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon, high-pressure sodium and low-pressure sodium.

*Light emitting diode/LED* means miniature lamps that emit pure red or amber light that does not vary in color over the life of the lamp. These lamps may be used in multiples to form strips of small lamps within a light fixture.

*Light fixture* means the structural mechanism which, or within which, the point source of light is attached.

*Low-profile lighting* means a light fixture which places the source of light no higher than 48 inches off the ground and which is designed in such a way that light is directed downward from a hooded light source.

*Long Wavelength* means a lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

*Motorized vehicle* means, but is not limited to, any self propelled, wheeled, tracked or belted conveyance.

*Nest* means an area where sea turtle eggs have been naturally deposited or subsequently relocated by any means.

*Nesting Season* for the City of Satellite Beach means the sea turtle nesting period which is from March 1 through October 31 of each year.

*New coastal construction means* new construction and remodeling of building, structure or other use (including, but not limited to pools, parking lots, landscaping) existing on the date of adoption of this Ordinance, when such remodeling includes the alteration of exterior lighting.

*Nighttime* means the locally effective time between sunset and sunrise.

*Permit holder* means any qualifies individual, group, or organization possessing a current and valid permit from Florida Fish and Wildlife Conservation Commission to conduct activities related to sea turtle conservation and recovery.

*Person* means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit of federal, state, county, or municipal government.

*Photometrics* means charts, which are normally provided with lighting sales literature, that describe the characteristics of the illumination cast by the lamps discussed in that literature.

*Point source of light* means the actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

*Pole lamp* means any light fixture set on a base of a pole where the artificial light is higher than 48 inches above the ground.

*Primary dune* means the first natural or manmade or buff of sand which is located landward of the beach that has sufficient vegetation, height, continuity, and configuration to offer protective value to the beach environment.

*Sea turtle* means any turtle, including all life stages from egg to adult, of the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricate* (hawksbill), and *Lepidochelys kemp* (Kemp's Ridley). For purposes of this article, "sea turtle" is synonymous with "marine turtle".

*Sea turtle nesting habitat* means all sandy beaches adjoining the waters of the Atlantic Ocean in the City, and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

*Sea turtle protection plan (STPP)* means a detailed plan implemented in conjunction with a coastal construction project, which details measures for protecting nesting sea turtles, nests, hatchlings, and their habitat from adverse impacts related to such construction.

*Temporary lighting* means non-permanent artificial lighting associated with a special event, work zone lighting, handheld lighting devices, mounted lighting, or any other light emitting source.

*Tinted or filmed glass* means any glass treated or modified in any way to achieve an industry- approved, inside-to-outside light transmittance value of 45 percent 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.

*Window treatment* means 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 and storm shutters.

## **Division 2. Sea Turtle Lighting District**

### **Sec.26-162 - Applicability**

(a) An overlay district, known as the *Sea Turtle Lighting District*, is hereby established within the City of Satellite Beach.

(b) The *Sea Turtle Lighting District* shall include all properties within the City that may produce artificial light visible from any portion of the beach, regardless of whether those properties are beachfront properties. A map depicting the *Sea Turtle Lighting District* is attached hereto as Exhibit A.

(c) The provisions of this Ordinance apply to new and existing artificial lights visible from the beach from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, and swimming pools, as well as public parks and recreational areas and all other activities within the *Sea Turtle Lighting District*, during nesting season.

(d) The provisions of this Ordinance are not intended to prevent the use of any design, materials or methods of installation or operation not specifically proscribed herein, provided any such alternative has been approved. The City may approve any such proposed alternate provided it:

- (i) Provides at least approximate equivalence to the applicable specific requirements of this Ordinance, and;
- (ii) Is otherwise satisfactory or complies with the intent of this Ordinance, and;

- (iii) Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets that intent of this Ordinance. This subsection shall not have the effect of waiving the lumen caps specified in this Ordinance; and
- (iv) Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut off, and fully shielded fixtures.

### **Sec.26-163 -Exemptions**

- (a) Under this Chapter, bona fide research or patrol vehicles may operate at night with no more artificial lighting than reasonably necessary for safe operation on the City beaches; provided, however, the operators of such vehicles are authorized permittees of the state Department of Environmental Protection, are law enforcement officers, or are emergency service personnel. This exemption includes, but is not limited to, fire, medical, and public works employees and volunteers authorized by the State, County, and City.
- (b) Temporary lighting utilized by public service agencies for emergency repairs may occur.
- (c) Administrative exemptions may be granted, subject to the following:
  - (i) It is the policy of the City to minimize artificial light visible on the beaches. However, the city recognizes that the protection of sea turtles must be balanced with health, safety and welfare interests of persons which may warrant more light or additional beach activity along some beaches. In recognition of the need to balance the interests of the sea turtles with interests of public safety, the Administrator shall have the authority to exempt any artificial lighting or activities affected by this Ordinance from any or all sections of this Ordinance upon written application.
  - (ii) In reaching a decision on a written application for exemption, the Administrator shall consider the following:
    - (1) There will be no significant adverse effect upon the surrounding lands and waters.
    - (2) There will be no significant adverse effect upon the environmental quality of the area.
    - (3) The public safety will be adversely affected to a significant degree should the exemption not be granted.
    - (4) The exemption, if granted, is the minimum exemption that will make possible reasonable protection of both the sea turtles and the public safety concerns.
  - (iii) Application for exemption under this subsection shall be made in writing on a form provided by the Administrator and shall include the following:

- (1) A plan which shall depict the site, location of all buildings or structures on the site and location of all lighting on the site.
  - (2) The nature of the exemption requested.
  - (3) Written reasons why the exemption should be approved.
  - (4) Any additional necessary or appropriate items which the Administrator may require.
- (iv) If the Administrator denies the exemption, the applicant may file an appeal of the Administrator's written decision with the city council.

### **Sec.26-164 -Annual Public Notice**

Prior to the commencement of every sea turtle nesting season, the City of Satellite Beach shall provide education and outreach to affected persons within the *Sea Turtle Lighting District* of the provisions contained in the Ordinance.

### **Division 3. Lighting Regulations**

#### **Sec.26-165 – General.**

- (a) The following standards for artificial lighting are intended to help minimize the harmful effects of light pollution in sea turtle nesting areas. The use of Certified Wildlife Lighting will provide the highest level of protection for nesting sea turtles and their hatchlings. Certified Wildlife Lighting refers to lighting fixtures and bulbs reviewed and approved through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process. Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines must be installed and maintained according to the approved conditions of use to achieve the light pollution reduction objectives of this Ordinance.
- (b) New construction refers to all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use. The most protective lighting standards apply to new construction visible from the beach.
- (c) Existing artificial lighting refers to lighting fixtures, sources and systems operating prior to the effective date of this Ordinance. Existing lights and light sources that are visible from the beach shall be replaced or modified to conform to standards given in Section 26-166. To bring existing lighting systems into compliance with this Ordinance, standards for new coastal construction shall be applied when permits are sought for new structures or the alteration, improvement, enlargement, replacement or installation of new lighting systems.

**Section 26-166 – Exterior and Interior Lighting Affixed to New Structures, New Construction and Improvements to Existing Structures.**

- (a) All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
- (b) New coastal construction occurring seaward of the primary dune during any portion of the sea turtle nesting season shall be conducted during daylight hours only.
- (c) Any person who anticipates beginning or continuing new coastal construction during any portion of the sea turtle nesting season shall contact the Department for instructions and procedures for preparing and implementing a Sea Turtle Protection Plan (STPP). If required by the state, the STPP must be approved by the Department and implemented by a qualified permit holder at least 60 days prior to construction or March 1, whichever is earlier. The STPP plan shall remain in effect until October 31 or the end of construction, whichever is earlier. A copy of the approved STPP, or a letter from FDEP stating that no approval is required, shall be provided to the City prior to commencement of construction.
- (d) At the time building and electrical plans are submitted for permit review, appropriate photometrics of the proposed artificial lighting used shall be provided to the City by the applicant. Photometrics shall include horizontal isolux charts and spectral distribution charts if appropriate.
- (e) Facility design and site plans shall incorporate, as appropriate, the use of hedges, native dune vegetation, and/or other physical barriers (e.g., privacy fences, walls, etc.) to shield artificial lighting from the beach.
- (f) During sea turtle nesting season temporary security lights at construction sites in areas zoned multi-family residential or commercial shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Artificial light from the security lights shall not spread beyond the boundary of the property being developed, and in no case shall such lights be visible from any area of the beach.
- (g) Both publicly owned and privately owned exterior lighting fixtures shall be designed/ positioned such that the point source of light or any reflective surface of the light fixture is not directly visible to from the beach. Appropriate techniques for reducing artificial lighting include but are not limited to, fitting lights with hoods or shields, screening artificial light with vegetation or other devices, directing light away from beach area, utilizing low-profile lighting and lowering the light intensity of the lamps.

- (h) Artificial lights or lighting shall not be visible from the beach during the sea turtle nesting season.
- (i) 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 hooded and shielded lights off except when approached and that switch hooded and shielded lights on for the minimum duration possible are preferred. Outside lighting shall be the minimum necessary for safety and security.
- (j) Parking lots where vehicle headlights may cast light onto the beach so as to be in violation of this article shall be screened to eliminate light on the beach.
- (k) Only low-intensity recessed or louvered lighting, or other appropriate low-intensity lighting, shall be used at any beach access point on or seaward of the primary dune. This lighting shall be used only if necessary for safety and shall meet the same criteria for other types of exterior lights as set forth in subsection (a)(1) of this section.
- (l) Tinted or filmed glass and/or window treatments shall be installed on all windows and glass doors of single or multi-story structures within line-of-sight of the beach with an inside to outside light transmission value of 45 percent or less.
- (m) Floodlights are prohibited for all land uses in the Sea Turtle Lighting District, and artificial lighting for on dune crossovers are prohibited for single-family uses in the District.
- (n) Upon completion of coastal construction activities, or the end of the sea turtle nesting season, whichever comes first, daily logs, monitoring results, and all similar records maintained pursuant to the Department-approved *Sea Turtle Protection Plan* shall be provided to the City by the permit holder responsible for implementing and conducting the *Sea Turtle Protection Plan*.
- (o) Any person applying for a certificate of occupancy or final building approval involving the installation of exterior light fixtures must submit to the City a signed, written report from a certified electrical engineer attesting that all applicable exterior lighting complies with standards set forth in this Ordinance. Failure to meet lighting standards contained in this Ordinance shall be cause for denial of a certificate of occupancy or final building approval. This requirement applies to construction of single-family or multifamily dwellings, commercial or other structures, parking lots, swimming pools, dune crossovers, and other outdoor lighting for real property. Issuance of a certificate of occupancy or final building approval shall not relieve persons from complying with all other applicable conditions set out in this division or from mitigating against subsequent negative impacts to sea turtles, their nests, or eggs resulting from the approved construction.

- (p) Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

**Section 26-167-Lighting standards for existing development, including publicly owned lighting.**

It is the policy of the city that existing coastal construction including publicly owned beachfront property, comply with all lighting provisions of this section. To accomplish this policy, the following criteria shall apply to all publicly owned and privately owned artificial lighting within the City. To meet this intent, artificial lighting on any existing structure, as well as parking lots, swimming pools, dune crossovers or other improvement, shall not be visible from the beach, and must comply with the following:

- (a) Existing artificial light fixtures shall be repositioned, modified, replaced, or removed so that the point source of light or any reflective surface of the light fixture, as well as any other artificial light associated therewith, is not visible from the beach; lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements. Bollard lights are not to exceed 42 inches in height and other low-level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines.
- (b) Exterior artificial lighting associated with existing structures that does not comply with criteria of this section shall be modified with one or a combination of the options listed below:
- (i) Permanently remove the fixture;
  - (ii) Disconnect the point source of light;
  - (iii) Reposition the fixture so artificial light is no longer visible from the beach;
  - (iv) Replace fixtures having exposed point sources with fixtures containing recessed point sources;
  - (v) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
  - (vi) Replace fixtures having transparent or translucent coverings with fixtures having opaque coverings;
  - (vii) Affix an external shield covering 270 degrees and extend 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;
  - (viii) Replace pole lamps with low-profile luminaries;
  - (ix) Plant or improve vegetation buffers between the artificial light source and the beach to screen light from the beach;
  - (x) Construct a structural barrier to shield the artificial light source from the beach;

- (xi) In consultation with the Department, replace high-intensity pole lamps or parking lot lights with properly shielded lights; and/or
  - (xii) Replace lights with Certified Wildlife Lighting, amber light emitting diode/LED lights, or lights that are not long wavelength, with the lowest wattage line wavelength light source or lamp available for the application.
- (c) Options to eliminate interior light emanating from doors and windows within direct line-of-sight of the beach include but are not limited to the following:
- (i) Apply window tint or film.
  - (ii) Rearrange lamps and other moveable fixtures away from windows.
  - (iii) Televisions and other illuminated screens shall be shielded and positioned such that they are not visible from the beach.
  - (iv) Apply window treatments and, during the nesting season, draw these coverings each night so no artificial light is visible from the beach.
  - (v) Turn off all unnecessary lights.
- (d) Permanent modifications to existing lights not conforming to standards set forth in this section are preferred. Temporary modifications used to bring lights into compliance with this section must remain in effect throughout the entire sea turtle nesting season each year.
- (e) Streetlights and artificial lighting at parks and other publicly owned beach access areas located within the City shall be designed, positioned, shielded, or otherwise modified so they are not visible from the beach.
- (f) Artificial lights on dune crosswalks shall be extinguished between 9:00 p.m. and 7:00 a.m. from March 1 to October 31 of each year and must be modified to conform to the requirements for new development in accordance with this section.
- (g) Security and emergency exit lighting shall follow the same requirements stated in this section. If high intensity lighting is necessary, low pressure sodium vapor luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaced illuminated by such sources are not visible from the beach.
- (h) All rental properties that are leased for less than 6 months must display an informational sign on a wall near any window or doors that are visible from the ocean, or a sticker on the door that opens to the balcony or patio, that prominently states the following: "March 1<sup>st</sup>-October 31<sup>st</sup>, Lights out between 9pm and 7am for sea turtles. Close the shades!" as provided by the City. Additionally, such rental properties must provide educational brochures in the units, as provided by the City.

**Section 26-168 -- Publicly owned lighting.**

- (a) Streetlights and lighting at parks and other publicly owned beach access areas the Sea Turtle Lighting District shall be subject to the following:
- (i) All new and replaced lamps shall not be visible from the beach.
  - (ii) Artificial lighting above the levels established by applicable State agencies shall be turned off from 9:00 p.m. until 7:00 a.m. every day during the period of March 1 to October 31 of each year. Automatic timers may be used to provide consistent compliance.

**Section 26-169 -- Prohibition of activities disruptive to sea turtles, unlawful to kill, molest, or injure sea turtles**

To protect sea turtles and hatchlings, the following activities are prohibited on or seaward of the primary dune during sea turtle nesting season:

- (a) Campfires or bonfires visible from the beach are prohibited within the Sea Turtle Lighting District from 9:00 p.m. until 7:00 a.m. during the period of May 1 to October 31 of each year.
- (b) The operation of motorized vehicles, except for emergency or law enforcement personnel to include, but not be limited to fire, medical, and public works employees and volunteers authorized by the State, County, and City, and such other persons having authorization or a permit to engage in sea turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission.
- (c) The use of fireworks, except highway flares, ship distress signals, smoke candles, and other emergency signal devices. This includes educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.

**Section 26-170 - Requirements for Sea Turtle lighting education and awareness**

To increase the general public awareness of the need for protecting sea turtles and to alert the public to possible penalties resulting from molestation of sea turtles or the destruction of their nests and eggs, the City shall provide education signage at all public beach accesses.

**Section 26-171 -- Beach/dune preservation, stabilization, or restoration.**

Permitted coastal construction activities occurring seaward of the primary dune during any portion of the sea turtle nesting season shall be conducted during daylight hours only. Restored and stabilized dunes shall be vegetated with authorized native, salt-

tolerant plants suited to the beach/dune environment and irrigated by hand watering methods only in a manner which does not broadcast water seaward of the toe of the primary dune.

#### **Division 4. Compliance and Enforcement Procedures**

##### **Section 26-172 -Beach Lighting Inspector**

- (a) Periodic nighttime lighting inspections shall be performed from the beach by the *Beach Lighting Inspector* to determine the extent of compliance with this Chapter. Inspections shall include both public and private properties within jurisdictional boundaries.
- (b) The *Beach Lighting Inspector* shall have all the necessary resources to effectively carry out the responsibilities of:
  - (i) Inspecting the entire beach within the Sea Turtle Lighting District regularly during sea turtle nesting season to determine the extent of compliance with this Ordinance.
  - (ii) In the event the Beach Lighting Inspector finds a violation at a particular public or private property, a notice of violation or citation may be issued. Follow up inspections shall continue until the artificial lighting has been brought into compliance with this Ordinance.
  - (iii) *Beach Lighting Inspector* responsibilities may also include preparation of reports, issuance of non-compliance notices and/or citations, outreach and education, supporting administrative actions before a special magistrate, or attending building permit pre-application and post construction conferences.
- (c) It shall be unlawful for any person to interfere with, or in any manner hinder the *Beach Lighting Inspector*, or any of their assistants, while in the discharge of their duties under the terms of this Ordinance.
- (d) It shall be unlawful for any person to knowingly conceal or disable any lighting on a property before it has been inspected by the *beach lighting inspector*.

##### **Section 26-173 -- Notice of Violation/Citations**

- (a) Upon finding any violation of this Ordinance, the *beach lighting inspector* shall deliver a written notice of the violation of this Ordinance or citation to the property owner and/or tenant and direct said owner and/or tenant to promptly remove or remediate the non-compliant lighting.
- (b) The time allowed for removing or remediating the proscribed lighting shall be stated in the notice and should the property owner and/or tenant neglect or refuse to remove or remediate the non-complying lighting within the specified

time stated in the notice, the offending property owner and/or tenant shall commit a violation of this Ordinance and be penalized as provided in Section 26-173.

- (c) Any person substantially aggrieved by any decision of the *Beach Lighting Inspector* or the *Building Official* made in administration of this Ordinance has the right of appeal to the Board of Adjustment (BOA).

#### **Section 26-174 -- Penalties**

- (a) Any person who violates any provision of this Ordinance and fails to resolve such violation within the time provided in the notice provided in Section 26-173, shall be subject to a fine up to \$50 per day per violation for each violation, and \$100 per day per violation for any repeat violations. All fines incurred as a result of violation of this Ordinance shall continue to accrue until such violation(s) is/are cured.
- (b) The City shall have the right to file and record a lien on any property on which any violation exists, with the amount of the lien being equal to the total amount of fines accrued at the time such lien is recorded. Any such lien may be amended to increase the amount of the lien to include any additional fines accruing subsequent to the recording of the any lien or amended lien.

#### **Section 26-175 -- Sea Turtle Fund**

- (a) A *Sea Turtle Fund* is hereby established by the City.
- (b) All funds collected as a result of the issuance of fines under Section 26-174 shall be deposited in a *Sea Turtle Fund* to be established by the City. The funds in this Fund shall be used for:
- (i) Assistance to property owners for the procurement of light systems, equipment and materials that comply with this Ordinance and reduce the amount of artificial lighting.
  - (ii) Educational materials to inform the public on the threats of artificial lighting to sea turtles, including but not limited to signs, door knockers, pamphlets, stickers, public service announcements, and other awareness campaigns.
  - (iii) Equipment, materials, and other resources supporting compliance, assistance and enforcement by the *Beach Lighting Inspector*.
  - (iv) Other reasonable efforts to protect sea turtle populations within the City, including but not limited to research and conservation projects.
- (c) The City may contribute funding from other sources into the *Sea Turtle Fund* for uses consistent with the purposes set forth above.

**SECTION 3.** Division 3, Article II, Chapter 66, Satellite Beach City Code is repealed.

**SECTION 4.** The City’s Board Handbook, Page 4-3, “Duties” of the Board of Adjustment are amended to read:

Duties. The Board of Adjustment (BOA) is a quasi-judicial board which has the following duties:

**Administrative Reviews.** Hear and decide appeals from (i) any decision by the Building Official regarding any portion of City Code Chapter 30 (Land Development Regulations (LDRs) or (ii) from any decision of the Beach Lighting Inspector or the Building Official enforcing Article IX, Chapter 26, City Code (Sea Turtle Nesting and Lighting Regulations).

**SECTION 5. SEVERABILITY CLAUSE.** In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

**SECTION 6. REPEAL OF INCONSISTENT PROVISIONS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption.

**SECTION 8.** This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 8<sup>th</sup> day of September, 2021, and adopted on the second and final reading at the regular meeting of the City Council on the 22<sup>nd</sup> day of September, 2021.

  
\_\_\_\_\_  
STEVEN L. OSMER, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
GWEN PEIRCE, CITY CLERK



# Exhibit A: Marine Turtle Nesting and Lighting Standards, "Sea Turtle District"

## LEGEND



Satellite Beach City Boundary



Proposed Sea Turtle District



A1A: West side of Right-of-Way (RoW)

Exhibit A, referenced in Ordinance No ####, Sec.26-160.4.- Definitions, "Jurisdictional Boundary." This map is NOT to scale and serves as a quick reference.

Exhibit A depicts the "Sea Turtle District," areas and properties where exterior lighting restrictions are included between the Atlantic Ocean and 500 feet west of the west edge of the A1A Right-of-Way within the corporate limits of the city. For properties located partially within the jurisdictional boundary, the requirements of this division shall apply to the entire property.

