

ORDINANCE NO. C-03-9

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE CREATING ARTICLE III OF CHAPTER 6, SEA TURTLES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROTECTION OF SEA TURTLES; PROVIDING FOR THE RESTRICTION OF ARTIFICIAL LIGHTING TO BEACH LIGHTING ACTIVITIES ON THE BEACH AND EXCEPTIONS THERETO; PROVIDING A PURPOSE AND PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR LIGHTING FOR NEW AND EXISTING DEVELOPMENT AND PROVIDING A PENALTY; PROVIDING FOR MONITORING.

WHEREAS, the beaches of the City of Fort Lauderdale serve as a primary nesting habitat for endangered species of sea turtles; and

WHEREAS, artificial light from development threatens the survival of turtle hatchlings because of disorientation; and

WHEREAS, sea turtles are a valuable member of the natural community in the State of Florida and City of Fort Lauderdale; and

WHEREAS, this Ordinance is necessary to protect the natural reproductive cycle of the sea turtle during the nesting and hatching season which begins March 1 and ends October 31 of each year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article III of Chapter 6, Sea Turtles, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Article III. Sea Turtles

Section 6-45. Beach Area Artificial Lighting Restrictions.

Section 6-45.1. Purpose. The purpose of this Ordinance is to reduce the impacts of artificial coastal lighting on threatened and endangered sea turtles that nest on the beaches of Fort Lauderdale by restricting artificial lighting that

disorients turtles hatchlings, causing them to crawl toward land rather than toward the ocean. The restrictions and constraints of this ordinance shall be effective within the incorporated areas of Fort Lauderdale and apply to any coastal lighting activity that has the potential to adversely impact sea turtles within city limits.

Section 6-45.2. Definitions. For purposes of this section, the following definitions shall apply:

- (A) Artificial light: Any point source of light emanating from a device made by humans, including but not limited to incandescent mercury vapor, metal halide, sodium lamps, flashlights, spotlights, streetlights, vehicular lights, construction lights, security lights, bonfires, or any light emanating from any reflective surface of the device.
- (B) Beach: That area of unconsolidated material that extends landward from the mean low-water line of the Atlantic Ocean, to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation.
- (C) Bug type bulb: 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.
- (D) Coastal construction activities: any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.
- (E) Cumulatively illuminated: Illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.
- (F) Directly illuminated: Illuminated as a result of glowing elements, lamps, globes, or reflectors of an artificial light source which is visible to an observer

on the beach.

- (G) Dune: A mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.
- (H) Filmed glass: Window glass that has been covered with a film such that the material has a shading coefficient of 45% or less, adhesive as an integral part, and has performance claims that are supported by approved testing procedures and documentation.
- (I) Floodlight: A reflector-type light fixture that is attached directly to a building and is unshielded.
- (J) Frontal dune: The first natural or artificial mound or bluff of sand that is located landward of the beach and that has sufficient vegetation, height, continuity and configuration to offer protective value.
- (K) Ground-level barrier: Any vegetation, natural feature or artificial structure rising from the ground that prevents beachfront lighting from shining directly onto the beach-dune system.
- (L) Hatchling: Any species of marine turtle, within or outside of a nest that has recently hatched from an egg.
- (M) Indirectly Illuminated: Illuminated as a result of glowing elements, lamps, globes, or reflectors of an artificial light source that is not visible to an observer on the beach.
- (N) Low-Profile Luminaire: A light fixture set on a base that raises the source of light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.
- (O) Marine Turtle: Any marine-dwelling reptile of the

families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as a nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kemp*i (Kemp's ridley). For purposes of this section, marine turtle is synonymous with sea turtle.

- (P) Nest: An area where marine turtle eggs have been naturally deposited or subsequently relocated.
- (Q) Nesting Season: The period from March 1 through October 31 of each year.
- (R) New Development: New construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.
- (S) Nighttime: The time period between sunset and sunrise within incorporated Fort Lauderdale.
- (T) Person: individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
- (U) Pole lighting: light fixture set on a base or pole that raises the source of the light higher than forty-eight (48) inches off the ground.
- (V) Solar Screens: Screens that are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed on the outside of the glass and must have a shading coefficient of 45% or less and have performance claims supported by approved testing procedures and documentation.
- (W) Tinted glass: Any glass treated to achieve an

industry-approved inside-to-outside light transmittal 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.

Section 6-45.3. Prohibited 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 hatchlings:

- (A) The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for marine turtle conservation, research or beach maintenance.
- (B) The building of campfires or bonfires.

Section 6.45-4. Exceptions for Special Events. Special events at the beach that may have lighting needs shall be permitted during nesting season when granted a Special Permit by the Department of State Government with authority to grant such Special Permits.

Section 6.45-5. Lighting Standards for New Development. It is the policy of the City of Fort Lauderdale that no artificial light shall illuminate any area of the incorporated beaches of Fort Lauderdale, Florida. To meet this intent, building and electrical plans for construction of single-family, townhouse and multi-family dwellings, time share dwellings, hotels, motels, commercial, community facility and other structures, including electrical plans associated with parking lots, parking structures, 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:

- (A) Exterior artificial light fixtures shall be designed and positioned so that the point source of light or any reflective surface of the light fixture is not directly visible from the beach; areas seaward of the frontal dune are not directly or indirectly illuminated; and areas seaward of the dune are not cumulatively illuminated.
- (B) Exterior artificial light fixtures within direct line-of-sight of the beach are considered appropriately designed if they are completely shielded downlight only fixtures, or recessed fixtures having low wattage (i.e., 'bug' type bulbs of 50 watts or less) and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers or cut-off features may also be used if in compliance with the requirements of subsection (4)(a) of this Section.
- (C) All fixtures shall be mounted as low in elevation as possible through use of low-mounted wall fixtures, wall fixtures fitted with hoods so that no light is directly visible from the beach or illuminates the beach, low bollards and ground-level fixtures.
- (D) Floodlights, upward-oriented lights, spotlights or search lights for decorative and accent purposes, or used as security lights, are prohibited if they would be directly visible from the beach, or would indirectly or cumulatively illuminate the beach.
- (E) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve the safety and security function in compliance with the provisions of Crime Prevention through Environmental Design (CPTED). It is preferred that motion detectors are employed to keep lights off except when approached, and that such motion detectors switch lights on for the minimum duration possible.

- (F) Pole lights, if used, shall be shielded in such a manner that light will be contained primarily within the area that is landward of the pole, and light shall not be directly visible from the beach.
- (G) Lights on balconies and catwalks facing the ocean shall be limited to: low profile luminaries positioned so that no light illuminates or is visible from the beach; wall mounted fixtures fitted with hoods with non-reflective interiors so that no light illuminates the beach or overhead lighting containing bug-type bulbs or other bulbs with 50 watts or less and non-reflective interior surfaces.
- (H) Tinted glass shall be installed on all windows and glass doors of single and multi-story structures facing or within line-of-sight of the beach. Shade screens can be substituted for this requirement.
- (I) Parking areas and structures shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach. Parking area and parking structure lighting shall be shielded from the beach through the use of shields that direct light away from the beach, and ground-level barriers designed in conformance to the CPTED principals. Such ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence and shall not cause short or long-term damage to the beach/dune system. Entrances and exits to parking structures shall not face the ocean. Surfaces of parking areas shall not contain ground glass or other reflexive material.
- (J) Lighting provided for any outdoor recreational feature on the beach (such as tennis court, swimming pool, etc.) shall be shielded to prevent light from directly or indirectly illuminating the beach.
- (K) Dune crosswalks, if lighted, shall utilize low profile

shielded luminaries.

- (L) No roof top advertising sign that is illuminated in any fashion shall be permitted.
- (M) Temporary security lights at construction sites shall not mounted more than fifteen (15) feet above the ground. Illumination from the lights shall be the minimum necessary to assure security, shall not spread beyond the boundary of the property being developed, and in no case shall such lights illuminate the beach.

Section 6-45.6. Lighting Standards for New Development that has already been permitted. The provisions of subsection (4) of this Ordinance shall not apply to any structure for which the City of Fort Lauderdale Building Department has issued a building permit prior to the effective date of this ordinance. Said structures shall be governed by the provisions of subsection (6) of this Ordinance.

Section 6-45.7. Lighting Standards for Existing Development. It is the policy of the City of Fort Lauderdale that no artificial light shall illuminate any area of the incorporated beaches of Fort Lauderdale, Florida. To meet this intent, lighting of existing

structures that can be seen from the beach shall be in compliance with the following:

- (A) Within six (6) months of the effective date of this ordinance: internal lamps and other lighting sources in rooms in single and multi-story structures with windows or glass doors facing the ocean shall be relocated so that no lighting shall be seen from the beach at nighttime during nesting season. Lights illuminating dune crosswalks of any areas westward of the dune line shall be turned off at nighttime during nesting season. Lights illuminating any buildings or associated grounds for decorative or recreational

purposes shall be shielded or screened such that they are not visible from the beach at nighttime during nesting season, or shall be turned off if shielding or screening cannot be installed within the six month period.

- (B) Within one (1) year of the effective date of this ordinance: window treatments shall be installed in windows and glass doors in rooms in single and multi-story structures with windows or glass doors facing the beach so that lights are not visible from the beach, or filming in compliance with this Ordinance shall be installed on the exterior of all such windows and glass doors, so that internal lights are not visible from the beach. Shade screens can be substituted for this requirement. Existing security lighting shall be screened in such a way that those lights do not illuminate the beach. Existing wall and overhead lighting on balconies and catwalks shall be fitted with screens or hoods that minimize backlighting and reduce their visibility from the beach. Installation of any new security lighting and lighting on balconies and catwalks shall comply with subsection (4) of this Ordinance.
- (C) Commercial signage facing the ocean or in the line-of-sight of the beach shall not be illuminated during nighttime hours of nesting season within eighteen (18) months of the effective date of this ordinance.

Section 6.45-8. Publicly owned lighting. Street lights, existing lighting at parks, publicly owned parking facilities and publicly owned walkways shall be subject to the following:

- (A) Streetlights. Newly installed street lights shall either be located so that the bulk of illumination will travel away from the beach, and shielding is used

to prevent light from illuminating the beach, or shall be low profile luminaries. Existing streetlights shall be equipped with shields that minimize backlighting shall not illuminate the beach and shall reduce visibility from the beach.

- (B) Lighting at parks, publicly owned parking facilities and publicly owned walkways shall be shield or shaded during nighttime hours of nesting season so that such lighting does not illuminate the beach and visibility is reduced from the beach. Such shielding or shading shall not create a CPTED problem or safety hazard for pedestrians.

Section 6-45.9. Penalty. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute an offense. When it has been determined that a violation has occurred, notice of the violation and an opportunity for a hearing shall be served on the person or persons responsible. Upon refusal, failure or neglect of the person or persons served with a notice of violation to cure the violation, and when the violator or the violator's representatives do not appear at the hearing granted pursuant to this Code or as otherwise provided by Law, or when an order finding a violation is entered against the violator, the enforcing agency shall notify the violator, in writing, that an external lighting source causing the violation may be removed by the City within ten (10) business days thereafter, or that a fine may be assessed against the violator, with said fine to begin to be assessed within ten (10) business days thereafter, and to be continuously assessed until the conclusion of nesting season or until the violation is corrected. Costs associated with the removal by the City of external lighting sources causing violations shall be recovered from the person or persons causing the violation, and, if not recovered from the person or persons, shall be placed as a lien against the property and reimbursed to the City at time of sale of the property.

SECTION 2. Monitoring. The City of Fort Lauderdale shall provide an annual report to the State Agency responsible for enforcing laws and regulations regarding protection of Marine Turtles, commencing 18 months after the effective date of this ordinance.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect sixty (60) days from the date of final passage.

PASSED FIRST READING this the 4th day of February, 2003.

PASSED SECOND READING this the 18th day of February, 2003.

Mayor
JIM NAUGLE

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ATTEST:

City Clerk
LUCY KISELA

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