

ORDINANCE NO. 2025-1498

AN ORDINANCE AMENDING CHAPTER 30 OF THE
CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA
TO ADD A NEW ARTICLE XII ENTITLED "WILDLIFE FRIENDLY LIGHTING"
TO ESTABLISH OUTDOOR LIGHTING STANDARDS FOR THE
PROTECTION OF WILDLIFE IN THE BEACH OVERLAY DISTRICT

FINDINGS:

1. The City of Orange Beach, Alabama, is a coastal community with an extensive shoreline on the Gulf of America.
2. The City of Orange Beach beaches provide marine nesting locations for sea turtles and other coastal wildlife.
3. The City of Orange Beach recognizes that artificial lighting is a serious threat to and has negative effects on many species including amphibians, birds, mammals, insects, and plants. In Orange Beach, species including but not limited to the Perdido Key Beach Mouse, the Alabama Beach Mouse, Least Terns, Black Skimmers, Piping Plovers, and the Gulf Coast Solitary Bee and are protected by Federal and State law.
4. The City of Orange Beach recognizes specifically that nesting adult and hatchling sea turtles are negatively affected by artificial light visible as defined herein.
5. The City of Orange Beach recognizes that both its economy and the quality of life of its residents are enriched by a healthy sea turtle population as well as a healthy ecosystem of wildlife.
6. The City of Orange Beach desires to minimize the detrimental impact of artificial lighting on sea turtles and other listed sensitive wildlife by implementing policies that reduce the amount of artificial light impacting the delicate ecosystem held within the City of Orange Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Chapter 30 of the City of Orange Beach Code of Ordinances is hereby amended to add a new Article XII entitled "Wildlife Friendly Lighting" which shall read in its entirety as follows:

ARTICLE XII. - WILDLIFE FRIENDLY LIGHTING

DIVISION 1. - GENERALLY

Sec. 30-310. - Purpose and objectives.

The purpose of this article is to protect nesting and hatchling sea turtles on the beaches in the City of Orange Beach by ensuring that their nesting habitat is not degraded by artificial light as well as minimize impacts on protected species listed herein

Sec. 30-311. - Definitions.

For purposes of this Ordinance the following definitions shall apply:

Artificial light means the light emanating from any human-made device.

Beach means the area between the Coastal Construction Line and the waters of the Gulf of America.

Cumulatively visible means visibility as a result of numerous artificial light sources that as a group are directly or indirectly visible to an observer standing anywhere within any wildlife habitat.

Directly visible means visibility of the glowing elements, lamps, globes, or reflectors of an artificial light source by an observer standing anywhere within any wildlife habitat.

Foot-candle means the English unit for measuring illuminance; 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.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90° as determined by photometric test or certified by the manufacturer.

Fully shielded means a lighting 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 as defined herein. Any structural part of the light fixture providing this shielding must be permanently affixed.

Indirectly visible means visibility of reflected light as a result of glowing elements, lamps, globes, or reflectors of an artificial light source which is visible to an observer standing in any wildlife habitat without the light source being directly visible as defined herein.

Long wavelength means a luminaire emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers. Lamps that meet the definition of Long Wavelength through the use of filters, gels, or lenses are not recommended. Narrowband long wavelength lights appear amber, orange, or red in color and not contain shorter spectrums of light.

Sea turtle nesting season means the nesting period for sea turtles is from May 1 through October 31 of each year.

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

Non-egress lighting means lighting that is not being used to light a distinct path or meet minimum requirements for emergency egress, including but not limited to decorative lights (e.g. Christmas lights, strobe lights, string lights, etc.), balcony lights, landscape lights, and uplights.

Outdoor area means any portion of a property that could have an artificial light source either attached or not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting, etc.

Sea turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kempi*).

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

Temporary lighting means any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

Beach Overlay District means the Beach Overlay District lying to the north and south of Highway 182 from the Florida state line to the Gulf Shores/City of Orange Beach city limit as defined in the City Zoning Ordinance.

Coastal Construction Line (CCL) means the portion of the coastal construction line established pursuant to the provisions of Division 8 of the ADEM Administrative Code that lies within the Orange Beach City Limits and Police Jurisdiction.

Sec. 30-312–30-320. - Reserved.

DIVISION 2. - APPLICABILITY

Sec. 30-321. - Beach overlay district.

The provisions of this article apply to all buildings and related infrastructure, including landscaping, as well as all other activities within the Beach Overlay District as defined herein.

Sec.30-322. - Annual public notice.

At least thirty days prior to the commencement of every sea turtle nesting season, the City of Orange Beach may post or provide written notice of the provisions contained in this Ordinance in public places within the City of Orange Beach and to properties within the Beach Overlay District.

Sec. 30-322-330. - Reserved.

DIVISION 3. - LIGHTING PROVISIONS

Sec. 30-331. - Exterior lighting affixed to structures.

- (a) All lighting affixed to the exterior of permanent structures 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) All non-egress lighting affixed to the exterior of permanent structures shall not be directly, indirectly, or cumulatively visible as defined herein.
- (c) Lighting at egress points shall be limited to the minimum number of fixtures and an average of one foot-candle necessary to meet federal, state, and local safety requirements.
- (d) Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible as defined herein. Window film, tinting, light screens, shades or curtains shall be used to block visibility of interior lights directly visible as defined herein. Light screens shall be used on open or enclosed staircases of a building or for parking garages to limit visibility of lights.
- (e) All glass windows, walls, and doors shall utilize glass with an inside to outside light transmittance value of 45% or less.
- (f) Emergency lights shall be on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

Sec. 30-332. - Outdoor areas.

- (a) All lighting of outdoor areas 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) All pathway lighting shall utilize low level fixtures that do not exceed 42 inches in height.
- (c) All non-egress outdoor lighting shall not be directly, indirectly, or cumulatively visible as defined herein.
- (d) Internally or externally lighted signs shall not be located on the seaward or shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible as defined herein.
- (e) Ponds and fountains on the seaward or shore-perpendicular sides of any structures shall not include or produce light that is directly, indirectly, or cumulatively visible as defined herein.

- (f) Fire pits shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible as defined herein.
- (g) Televisions shall not be directly, indirectly, or cumulatively visible as defined herein after 9pm during sea turtle nesting season.
- (h) Temporary lighting shall not be directly, indirectly, or cumulatively visible as defined herein after 9pm.

Sec. 30-333. - Parking areas and roadways.

- (a) All lighting of parking areas and roadways shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law, but in no event shall pole height be greater than twelve feet (12') above ground.
- (b) Parking area and roadway lighting shall be shielded and not directly visible as defined herein via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible as defined herein. Parking lot lighting that is within line of sight of the beach shall be low intensity lighting 55 watts or less.
- (c) Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
- (d) Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this section.

Sec. 30-334. - Pool areas.

- (a) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
- (b) Lighting of the pool water surfaces, and the pool wet deck surfaces shall comply with the minimum light levels set forth in the International Pool and Spa Code as adopted by the City of Orange Beach and as revised in Section 42-4(i) of the Code of Ordinances of City of Orange Beach.
- (c) All other above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in Sections 30-331, 30-332, and 30-333.
- (d) Underwater lighting of pools or spa light shall:
 - (1) Be mounted horizontally in the wall; and
 - (2) Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach or other habitat.

Sec. 30-335. - Pier structures.

- (a) Lighting of pier structures projecting over the beach or over water shall be long wavelength, downward-directed, and fully shielded.
- (b) Lighting of pier structures projecting over the beach, or over water, shall be mounted no higher than 42 inches above the deck surface. These shall be directed onto the deck surface only, preventing light pollution or light spillage beyond the walking surface.

- (c) Lighting of pier structures projecting over the beach or over water shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety but shall not be above minimum levels.

Sec. 30-336. - Dune walkovers and beach access points.

No lights shall be permitted on dune walkovers, elevated walkovers or beach access points.

Sec. 30-337. - Special events, motor vehicles, and temporary lighting.

- (a) All special events or construction taking place on or adjacent to the beach shall require a permit from the Coastal Resources Department.
- (b) Lighting associated with a special event that may directly, indirectly, or cumulatively be visible as defined herein shall not be authorized after 9pm during sea turtle nesting season.
- (c) The operation of motorized vehicles shall be prohibited on the beach unless otherwise specifically authorized for official purposes by the City of Orange Beach.
- (d) All temporary construction lighting shall be:
 - (1) Turned off during nighttime in sea turtle nesting season, or if temporary lighting is deemed necessary during sea turtle nesting season it shall only be allowed from 6:00am to 9:00pm, must be restricted to the minimal amount necessary, and shall incorporate all other requirements of this ordinance not inconsistent herewith;
 - (2) Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture; and
 - (3) Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.

Sec. 30-338–30-350. - Reserved.

DIVISION 4. - COMPLIANCE AND ENFORCE PROCEDURES

Sec. 30-351. - Inspections.

- (a) The City's Coastal Resources Director or his/her designee will be responsible for inspecting lighting within the Beach Overlay District.
- (b) The Coastal Resources Director or designee shall have the necessary training and technical knowledge to enable them to effectively carry out the duties required herein.
- (c) The Coastal Resources Director or his/her designee shall be responsible for:
 - (1) Inspecting the Beach Overlay District within the jurisdictional boundaries of the City of Orange Beach to determine the extent of compliance with this article; and
 - (2) In the event of the finding of a violation at a particular public or private property, conducting further inspections of the property. (At any time, beginning on the night after the deadline date given on the written notice of violation. These follow-up inspections shall continue until the lighting has been brought into compliance with this article.)
- (d) It shall be unlawful for any person to interfere with, or in any manner hinder the Beach Lighting Inspector, or any of their designees, while in the discharge of their duties under the terms of this article.
- (e) It shall be unlawful for any person to knowingly conceal any potential violations or any lighting on a property before it has been inspected by the Coastal Resources Director or his/her designee.

Sec. 30-352. - Notice of violation.

- (a) Upon finding any violation of this Ordinance, the Coastal Resources Director or his/her designee shall deliver a written notice of the violation of this Ordinance to the property owner and direct said owner to promptly remove or cure any violation hereof.
- (b) The time allowed for achieving ordinance compliance shall be stated in the notice. Continued violation beyond the specified time in the notice shall constitute a violation of this article and be penalized as provided in Section 30-353 of this article.

Sec. 30-353. - Penalties.

Any person who is found guilty of a violation of any provision of this article shall be subject to penalties for violation of a City Ordinance as set out in Section 1-7 of the Code of Ordinances for the City of Orange Beach. Each item constituting violation shall constitute a separate violation of this article and each day the violation continues shall constitute a separate violation.

Sec. 30-354–30-360. - Reserved.

DIVISION 5. - OTHER CLAUSES

Sec. 30-361. - Conflict with other ordinances.

Deviations from this article shall be subject to the ordinance variance procedures as established by this City. The recommendations of the United State Fish and Wildlife Service as well as any alleged hardship shall be considered in the grant or denial of a variance.

Sec. 30-362. - Severability.

If any section, subsection or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision hereof and such holding shall not affect the validity of the remaining portions thereof.

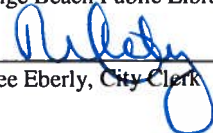
- 2. That all ordinances or parts of Ordinances in conflict are, to the extent of such conflict, repealed; and
- 3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 18th DAY OF FEBRUARY, 2025.



Renee Eberly
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2025-1498 was posted on 02/21/2025 in the following three (3) public places:
Orange Beach City Hall _____
Orange Beach Post Office _____
Orange Beach Public Library _____



Renee Eberly, City Clerk

