

ORDINANCE NO. 2015-1

Lighting Ordinance for Marine Turtle Protection of Franklin County, Florida

I. PURPOSE AND INTENT

This ordinance 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 on the beaches of Franklin County, Florida.

II. 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. Coastal construction activities means any work or development on any barrier island or Alligator Point in Franklin County, Florida.
4. Coastal Construction Control Line (CCCL) means the portion of the Coastal construction line established pursuant to the provisions of section 161.053 Florida Statutes that lies within Franklin County.
5. Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.
6. Directly illuminated means illuminated as a result of glowing elements(s), lamp(s), globes(s), or reflector(s) of an artificial light source which is visible to an observer on the beach.
7. 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.
8. 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.
9. Hatchling means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.
10. 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.
11. Long Wave Length means a luminaire emitting light wavelength of 560 nanometers or greater. This includes red, orange or amber LEDs
12. Low-pressure sodium luminaire (LPS) means an electric discharge lamp containing sodium, neon, and argon, that when illuminated appears amber-yellow.
13. 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 coriacea*

- (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kemp* (Kemp's ridley). For purposes of the rule, marine turtle is synonymous with sea turtle.
14. Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.
 15. Nesting season means the period from May 1 through October 31.
 16. Nighttime means the period between sunset and sunrise.
 17. Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
 18. Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than twenty four (24) inches off the ground.
 19. Shield means a non-reflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.
 20. Tinted glass means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 15% 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.

III. STANDARDS FOR NEW CONSTRUCTION ACTIVITIES.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) are adopted:

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 will be permitted only if designed and installed as follows:
 - a. Completely shielded downlight only fixtures or recessed fixtures having Long wave length bulbs as defined in section II. Other fixtures that have appropriate shields, louvers, or cutoff 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 that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.
4. No lighting shall be allowed on dune walkovers.

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 surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.
6. Tinted glass shall be installed on all windows and glass doors of the single or multi-story structures within line-of-sight of the beach.
7. Use of appropriately shielded low-pressure sodium-vapor lamps and fixtures shall be required for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.
8. 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.
9. Before granting any building permit, the Franklin County Planning and Building Department shall determine that all proposed development complies in all respects with the standards imposed in this section.
10. Permits will not be required to install utility leased lighting, but all such lighting shall comply in all respects with the standards imposed in this ordinance, with the exception that appropriately shielded high-pressure sodium lights may be installed for utility leased lighting until 2002 or until the utility provider offers low-pressure sodium lighting, whichever events occur earlier.
11. For any coastal construction completed after the effective date of this ordinance, the lighting shall not be changed without first obtaining a permit from the County. Such permits shall only be issued when the proposed lighting plan complies with this ordinance.

IV. STANDARDS FOR EXISTING LIGHTING AND WINDOW TINT.

In order to provide the highest level of protection for nesting marine turtle and their hatchlings, the county hereby adopts all of the following standards for existing artificial lighting sources, including utility leased lighting, seaward of the CCCL:

1. Existing artificial light fixtures shall be repositioned or modified 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 may be taken to comply with this section:
- 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 the fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - c. Replace traditional light bulbs with long wave length bulbs as defined in section II.
 - 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 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;
 - 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, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;
 - h. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards;
 - i. Disconnect utility leased lighting during the marine turtle nesting season.
 - j. Disconnect decorative seasonal lighting during the turtle nesting season.
3. The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
- a. Apply window tint or film that meets the standards for tinted glass; however, windows tinted to the 45% transmittance standards of Franklin County Ordinance 98-11 prior to the updated 15% transmittance standards included herein shall be grandfathered and are not required to comply with the tinting requirement of this ordinance. All grandfathered windows shall lose their grandfathered status when such window is damaged in excess of 50% of its value or is replaced. Windows which lose their grandfathered status shall be replaced with windows which comply with the tinting standards of this ordinance.
 - b. Rearrange lamps and other moveable fixtures away from windows;
 - c. Use window treatments (e.g., blinds, curtain) to shield interior lights from the beach; and

d. Turn off unnecessary lights.

V. PUBLIC AWARENESS

Any person submitting an application for coastal construction activities within the jurisdictional boundaries of Franklin County shall be informed of the existence of and the requirements concerning artificial lighting and marine turtle protection by the Franklin County Planning and Building Department.

VI. ENFORCEMENT AND PENALTIES

Upon notification by law enforcement authorities, the Franklin County Planning and Building Department shall give notice to any person who violates this ordinance by a letter to the property address listed by the Franklin County Tax Collector's Office. The letter shall describe the violation and shall enclose a copy of the ordinance. Such person shall immediately correct any noticed violation. Failure to immediately correct any noticed violation shall be punishable in the same manner as a misdemeanor and punishable as provided by Section 125.69, Florida Statutes. Each day of any such violation shall constitute a separate and distinct offense. The Department of Environmental Protection, the Fish and Wildlife Commission and any other sworn law enforcement officer shall have the authority to enforce the ordinance.

VII. INTERPRETATION

The provisions of this Ordinance shall be liberally construed in order to effectively carry out its purpose. Where any provision of this Ordinance refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

VIII. SEVERABILITY

If any section, subsection, sentence, clause or provision of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be effected.

IX. EFFECTIVE DATE

This ordinance shall take effect as provided by law.

X. Any ordinance inconsistent with, or in violation of, this ordinance, is hereby repealed, but only to the strictly limited extent necessary to make such other ordinance consistent with, and not in violation of, this ordinance.

Duly adopted by the Board of County Commissioners of Franklin County, Florida, this 7th day of April, 2015.

FRANKLIN COUNTY BOARD OF
COUNTY COMMISSIONERS

By: William Massey
William Massey, Its Chairman

Attest:

Marcia M. Johnson
Marcia M. Johnson, Clerk

Approved as to form and legal content

Thomas M. Shuler
Thomas M. Shuler, County Attorney