

Draft 5/24/96

ORDINANCE NO. 96- 36

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A VOLUNTARY LIGHTING MANAGEMENT PLAN FOR THE PROTECTION OF NESTING MARINE TURTLES AND THEIR HATCHLINGS; PROVIDING DEFINITIONS; PROVIDING LIMITATIONS OF JURISDICTION EXCLUDING INCORPORATED MUNICIPALITIES AND CERTAIN STATE AND FEDERAL PROPERTIES; PROVIDING GUIDELINES FOR LIMITATION OF EXISTING PRIVATE AND PUBLIC EXTERIOR LIGHTING TO MINIMIZE ADVERSE EFFECT ON MARINE TURTLES; PROVIDING GUIDELINES FOR LIMITATION OF INTERIOR LIGHTING TO MINIMIZE ADVERSE EFFECT ON MARINE TURTLES; PROVIDING FOR COMPLIANCE; PROVIDING FOR A FUNDED COMMUNITY EDUCATION EFFORT; PROVIDING A FOURTH OF JULY ENFORCEMENT EXCEPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; A PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Beaches of St. Johns County serve as a known nesting habitat for Marine Turtles described as threatened or endangered; and

WHEREAS, associated Artificial Lighting along the landward side of the Marine Turtle nesting sites may deter Marine Turtles from nesting and may threaten the survival of Hatchlings by causing disorientation; and

WHEREAS, the protection of nesting Marine Turtles and their Hatchlings is in the public interest and serves the public welfare; and

WHEREAS, St. Johns County, pursuant to its Comprehensive Plan, provides that it is an objective of the County to protect Marine Turtles which nest on the sand beaches fronting the Atlantic Ocean; and

WHEREAS, the Board of County Commissioners of St. Johns County believes that an ordinance setting out voluntary compliance beach lighting regulations will sufficiently protect Marine Turtle habitat and the rights of the public to use the beaches of St. Johns County in terms of Artificial Lighting concerns.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida:

Section 1 - Definitions.

The following words and phrases shall have the meaning as defined in this Section:

- 1.1 "Artificial Light" or "Artificial Lighting": The light emanating from any human-made device.
- 1.2 Beach: The zone of unconsolidated material facing the Atlantic Ocean 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), as is defined in Chapter 62B-33.002(4), Florida Administrative Code. At the Matanzas Inlet in St. Johns County, the Beach shall not extend landward of the centerline of the Matanzas Inlet Bridge; and at the St. Augustine Beach Inlet in St. Johns County, the Beach shall not extend landward of the extreme westward points of said inlet.
- 1.3 Bug Light: Any light that is marketed as being specifically treated in such a way so as to reduce the attraction of insects to the light.
- 1.4 County: St. Johns County, Florida.
- 1.5 Cumulative Beach Illumination: Artificial Light sources that, as a group, illuminate any portion of the surface of the Beach, and the Illumination is sufficiently strong to cast a shadow on the surface of the Beach on a moon-less night.
- 1.6 Direct Beach Illumination: Illumination of the Beach, or any portion thereof, by Artificial Light or reflectors, in which the light source or reflector is visible from the surface of the Beach and the Illumination is sufficiently strong to cast a shadow on the surface of the Beach on a moon-less night.
- 1.7 Dune: A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the Beach and deposited by any natural or artificial mechanism.
- 1.8 Ground-level Barrier: Any vegetation, natural feature or artificial structure rising from the ground which prevents Artificial Lighting from shining directly onto the Beach/Dune system.
- 1.9 Hatchling(s): Any species of Marine Turtle, within or outside of a nest, that has recently hatched from an egg.
- 1.10 Illumination: Brightening as a result of Artificial Light.

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- 1.11 **Indirect Beach Illumination:** Illumination of the Beach, or any portion thereof, by Artificial Light or reflectors, in which the light source or reflector is not visible from the surface of the Beach, but the Illumination is sufficient to cast a shadow on the surface of the Beach on a moon-less night.
- 1.12 **Interior Lighting:** Any light fixture or Point Source of Light which is located within an enclosed structure.
- 1.13 **Lighting Fixture:** An Artificial Light Source composed of lamp(s), reflector(s), globe(s), and other elements necessary to produce and direct light.
- 1.14 **Low-profile Light Fixture:** Any Light Fixture, set on a base, where the Point Source of Light is no higher than forty-eight (48) inches off the ground, and is designed in such a way that light is directed downward from a hooded light source.
- 1.15 **Marine Turtle(s):** Any specimen belonging to the species Caretta caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermodochelys coriacea (leatherback turtle), Eretmochelys imbricata (hawksbill turtle), or any other Marine Turtle using St. Johns County Beaches as a nesting habitat.
- 1.16 **Nest:** An area where Marine Turtle eggs have been naturally deposited or subsequently relocated.
- 1.17 **Nesting Season:** The period from June 1st through September 30th of each year.
- 1.18 **Nighttime or Night:** The period between 8:00 p.m. and 5:00 a.m.
- 1.19 **Point Source of Light:** The actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.
- 1.20 **Pole Light:** Any Light Fixture, set on a base or pole where the Point Source of Light is higher than forty-eight (48) inches off the ground.
- 1.21 **Primary Dune:** The first natural or man-made mound or bluff of sand which is located landward of the Beach and which has substantial vegetation, height, continuity and configuration.
- 1.22 **Tinted Glass:** Any glass treated to achieve an industry approved inside to outside light transmittance value of 45% or less. Such Transmittance is limited to the visible spectrum (400 - 700 nanometers) and measured as the percentage of light that is transmitted through the glass.

- 1.23 Window Treatment: 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, non-reflective film and storm shutters.

Section 2. Jurisdiction: The provisions of this Ordinance shall apply to all areas of St. Johns County, Florida, except for (1) those areas within the incorporated municipalities of the County, and (2) lands which are owned by the State of Florida or the United States federal government and over which the State or the federal government have established direct environmental regulation relating to Marine Turtles.

Section 3. Guidelines for Existing Development, Including Publicly Owned Lighting.

- 3.1 Lighting Fixtures resulting from development prior to the effective date of this Ordinance and which create Direct, Indirect, or Cumulative Beach Illumination shall be considered as existing development and the regulations set forth in this Section should be complied with to achieve the purpose of this Ordinance.
- 3.2 From June 1 to September 30 of each year, all existing exterior Artificial Light sources associated with existing development should meet the following standards during Night hours:
- A. No Point Source of Light or any reflective surface of the Light Fixture should be visible from any point on the surface of the Beach.
 - B. Illumination of any area of the surface of the Beach, either through Direct Illumination, Indirect Illumination, or Cumulative Illumination is discouraged.
- 3.3 Exterior Light Fixtures, associated with existing structures, that do not comply with criteria set forth in Subsection 3.2 above, should be modified from June 1 to September 30 each year with one or a combination of the options listed below as necessary to rectify situations not complying with Subsection 3.2 above:
- A. Reposition the Light Fixture so the Point Source of Light or any reflective surface of the Light Fixture is no longer visible from the surface of the Beach.
 - B. Replace Light Fixtures having an exposed Point Source of Light with Light Fixtures containing recessed, shielded, and/or louvered Point Sources.
 - C. Replace traditional light bulbs with yellow Bug Light bulbs not exceeding 60 watts.
 - D. Replace non-directional Light Fixtures with directional Light Fixtures that

point down and away from the Beach.

- E. Replace Light Fixtures having transparent or translucent coverings with Light Fixtures having opaque shields covering an arc of at least 180 degrees and extending below the bottom edge of the Light Fixture so the Point Source of Light is no longer visible from the surface of the Beach.
- F. Replace Pole Lights with low-profile, low-level Light Fixtures so that the Point Source of Light or any reflective surface of the Light Fixture is not visible from the surface of the Beach.
- G. Replace incandescent, fluorescent and high intensity lighting with the lowest wattage low-pressure sodium vapor lamps possible for the specific application.
- H. Plant or improve vegetation buffers between the Light Fixtures and the Beach to screen light from the surface of the Beach.
- I. Construct a Ground-level Barrier to shield the Light Fixtures from the Beach. Ground-level Barriers must not interfere with Marine Turtle nesting, or Hatching emergence, or cause short or long term damage to the Beach/dune system; and/or
- J. Temporarily remove or disable any Light Fixture which cannot be brought into compliance with these standards.

3.4 Security Lighting

Nothing in this Ordinance is intended to limit or discourage the use of flood lights or spot lights of any color which are controlled by detection devices specifically designed to indicate the presence or motion of a person or vehicle on the property. Any such light should provide illumination for a period not to exceed 5 minutes each time motion is detected by it. Security Light Fixtures described by this section should not be positioned seaward of the landward toe of the primary dune (or its equivalent) but may be visible from the surface of the Beach.

- 3.5 The above stated guidelines shall not be applied to motor vehicles operating on the beach.

Section 4. Interior Lighting.

- 4.1 One or more of the following measures should be used as necessary to eliminate

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Direct, Indirect and Cumulative Beach Illumination resulting from the Interior Light emanating from doors and windows within line-of-sight of the Beach from June 1 to September 30 each year during Night hours.

- A. Rearrange lamps and other moveable Light Fixtures away from windows.
- B. Use Window Treatments to shield interior lights from the Beach and, during the Nesting Season, draw operable coverings each Night; and/or,
- C. Turn off unnecessary light.

Section 5. Compliance.

- A. Night-time lighting inspections from the Beach shall be conducted at the beginning of each Marine Turtle Nesting Season and at least monthly during the Nesting Season to determine compliance or violations of this Ordinance. These inspections shall be performed by County Code Enforcement Officers or qualified persons appointed or contracted by the County. These inspections shall include both public and private properties within jurisdiction of this Ordinance.
- B. The County shall identify Artificial Lighting problem areas, and notify by letter, property owners whose properties are not in compliance with this Ordinance. Such notification shall include (1) the nature of the noncompliance; and (2) recommendations for remedial actions to put the subject property into compliance.

Section 6. Community Education Effort.

- A. Each year this Ordinance is in effect, the County shall conduct a community education effort to support the goal of protecting Marine Turtles against Artificial Light hazards.
- B. The community education effort shall include beach signage, printed materials and mailings, media advertising, and any other action deemed appropriate by the County.
- C. The funding for the Community Education Effort shall be \$20,000 for each of the three years this Ordinance is in effect.

Section 7. Fourth of July Enforcement Exception.

Notwithstanding any other provision of this Ordinance, Sections 3 and 4 shall not be in force from 5:00 a.m. on July 4 until 1:00 a.m. of July 5 of each year on the Atlantic Ocean Beaches of St. Johns County south of the north side of the Vilano Road access ramp to the St. Augustine Inlet.

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Section 8. Conflicts.

In the event this Ordinance conflicts with any other applicable regulations on this subject matter, the more restrictive shall apply.

Section 9. Severability.

If any section, part of a sentence, paragraph, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative, or void, for any Person, property or circumstance, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

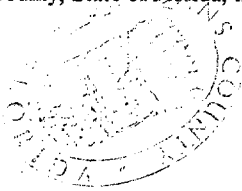
Section 10. Repeal.

This Ordinance shall automatically be repealed on October 1, 1999.

Section 11. Effective Date.

This Ordinance shall take effect upon receipt by the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 11 day of June, 1996.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ronald Jordan
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel
Clerk

Effective date: June 18, 1996

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

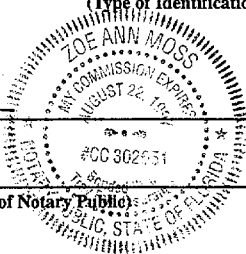
Before the undersigned authority personally appeared _____
 _____ Julia Meeks _____ who on oath says that she is
 _____ Accounting Clerk _____ of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida:
 that the attached copy of advertisement, being a _____
 _____ Notice of Public Hearing _____
 in the matter of _____ June 11, 1996 @1:30pm _____

 in the _____ Court, was published in said newspaper in the
 issues of _____ May 30, 1996 _____

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 30th day of May, 1996,
 by Julia Meeks _____ who is personally
 known to me or who has produced _____ personally known _____ as
 identification. (Type of Identification)

Zoe Ann Moss _____ (Signature of Notary Public)
 Zoe Ann Moss (Seal)
 (Print, Type or Stamp Commissioned Name of Notary Public)



NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
 NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, June 11, 1996, at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance:
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING VOLUNTARY LIGHTING MANAGEMENT PLAN FOR THE PROTECTION OF NESTING MARINE TURTLES AND THEIR HATCHLINGS, PROVIDING DEFINITIONS, PROVIDING LIMITATIONS OF JURISDICTION EXCLUDING INCORPORATED MUNICIPALITIES AND CERTAIN STATE AND FEDERAL PROPERTIES, PROVIDING GUIDELINES FOR LIMITATION OF EXISTING PRIVATE AND PUBLIC EXTERIOR LIGHTING TO MINIMIZE ADVERSE EFFECT ON MARINE TURTLES, PROVIDING GUIDELINES FOR LIMITATION OF INTERIOR LIGHTING TO MINIMIZE ADVERSE EFFECT ON MARINE TURTLES, PROVIDING FOR COMPLIANCE PROVIDING FOR A FUNDED COMMUNITY EDUCATION EFFORT, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL, PROVIDING AN EFFECTIVE DATE.
 The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.
 All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.
 If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings should contact ADA Coordinator, at (904) 823-2301 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32093. For hearing impaired individuals: Telecommunication Device for the Deaf

(TDD): 823-2301 or Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the date of the hearing.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 CARL "BUD" MARKEL, ITS CLERK
 By Patricia DeGrande, Deputy Clerk
 L260 May 30, 1996

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Sandra B. Northam
Secretary of State

DIVISION OF ELECTIONS

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Carl Markel
CLERK, COUNTY COMMISSION

June 18, 1996

HISTORIC PRESERVATION BOARDS

Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County Preservation Board

RINGLING MUSEUM OF ART

Honorable Carl Markel
Clerk to Board of County Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated June 14, 1996 and certified copy each of St. Johns County Ordinance Nos. 96-36, 96-37, and 96-38, which were filed in this office on June 18, 1996.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

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BUREAU OF ADMINISTRATIVE CODE

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FAX: (904) 488-7868 • WWW Address <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us