

Sec. 6-8. - Sea Turtle Protection.

- (a) *Title and citation.* This section shall be known and may be cited as the “City of Jacksonville Beach Sea Turtle Protection Regulations.”
- (b) *Purpose.* The purpose of this section is to protect the threatened and endangered sea turtles that may nest along the beaches of Jacksonville Beach, Florida, by safeguarding sea turtles and hatchlings from sources of artificial light, and adult and hatchling sea turtles from injury or harassment.
- (c) *Definitions.* For purposes of this article, the following terms shall have the meanings as set forth within this section:

Artificial light or *artificial lighting* means the light emanating from any human-made device.

Beach means the zone 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, usually the effective limit of storm waves.

City means the City of Jacksonville Beach, a municipal corporation of the State of Florida.

Coastal construction activities means any work or activity that is likely to have a physical effect on existing coastal conditions or natural shore and inlet processes or having any portion of work or activity located seaward of the coastal construction control line established by the Florida Department of Environmental Protection.

Coastal construction control line means that portion of the beach and coastal barrier dunes as established pursuant to the provisions of section 161.053, Florida Statutes that lies within the City.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

Cumulatively visible means light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.

Department means the Florida Department of Environmental Protection.

Directly visible means the line of sight visibility of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source by an observer standing on the beach.

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.

Existing development means any building or structure for which a building permit has been issued prior to the adoption of this section.

FWC Certified Wildlife Lighting means lamps/light bulbs that produce only long wavelength light (560 nm or longer and absent wavelengths below 560 nm, or as amended by FDEP, FWC, U.S. Fish and Wildlife Service (“FWS”) or appropriate agency) without the use of filters, gels, or lenses, and have been reviewed through the wildlife lighting certification process and approved by FWC for marine turtle lighting use, or similar bulbs that meet the same lighting standards for marine turtle lighting use.

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.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground, which prevents artificial lighting from being directly or indirectly visible.

Hatchling(s) means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

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.

Indirectly visible means visible as a result of an artificial light (e.g., bulb, lamp, or glaring element) on structures, buildings, or landscaping visible to an observer standing on the beach.

Long wavelength lighting means light bulbs that produce light that measures five hundred sixty (560) nanometers or greater and absent wavelengths below five hundred sixty (560) nanometers on a spectroscope, which include low-pressure sodium (LPS), true red, orange, or amber light-emitting diode (LED), or other lighting sources that produce light that measures greater than five hundred sixty (560) nanometers and absent wavelengths below five hundred sixty (560) nanometers.

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 imbricate* (hawksbill), and *Lepidochelys kempi* (Kemp’s ridley). For purposes of this section, marine turtle is synonymous with sea turtle.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 through October 31 of each year.

New development or construction means new construction of a structure, and remodeling, renovation or development of existing structures when such work includes new, replacement or alteration of exterior lighting or any exterior window, glass, glass door, or glazing.

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

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Point source means the bulb, lamp or glowing elements of a fixture from which light is emitted.

Sea turtle protection area means the City Beach area located between the north City limits boundary with Neptune Beach at 20th Avenue North, also known as Seagate Avenue, and the south City limits boundary with St. Johns County, at the intersection of Duval Drive and Ponte Vedra Boulevard. The east boundary shall be the Atlantic Ocean, and the west boundary shall be a measured distance of 500 feet inland from the nearest point of the mean high water mark of the Atlantic Ocean.

Shielded means a light fixture which is constructed in a manner that the point source is not directly visible from the beach.

Tinted glass means any glass treated to achieve an industry-approved, inside-to outside light transmittance value of fifteen (15) percent or less. Such transmittance is limited to the visible spectrum (four hundred [400] to seven hundred [700] nanometers) and is measured as the percentage of light that is transmitted through the glass.

- (d) *Prohibition of activities on the beach disruptive to marine turtles.* The following activities are prohibited on the beach at nighttime during the nesting season:
- (1) The operation of all motorized vehicles, except emergency and law enforcement vehicles, those permitted to be on the beach for marine turtle conservation or research, or those permitted to be on the beach by the City Manager.
 - (2) The building of campfires or bonfires.
 - (3) Use of flashlights and illuminated lanterns during nesting season.
- (e) *Lighting standards for new development or construction.* New development or construction plans for work to be done in the sea turtle protection area that are submitted to the City shall include certification that the plans comply with this article prior to issuance of a permit. New development or construction which has secured a coastal construction control line permit or joint coastal permit from the Department of Environmental Protection which includes a lighting review for marine turtle protection will be deemed to have complied with the provisions of this article. In addition to the requirements of the Florida Building Code and other regulating entities, the following lighting standards shall be required for all new development, construction and building plans for construction of single-family or multifamily dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers and other outdoor lighting for real property if there is lighting associated with such construction or development on real

property having any portion located seaward of the coastal construction control line established by the Department, or if there are any light sources or any reflective surfaces of the light fixture illuminated by such sources that will be visible from the beach within the sea turtle protection area, such lighting shall be in compliance with the following:

- (1) Outdoor lighting shall be FWC Certified Wildlife Lighting approved lamps, bulbs, and fixtures held to the minimum necessary for security and safety. Exterior artificial light fixtures 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 detectors that keep lights off except when approached and that switch lights off within five (5) minutes are required. Floodlights and landscape or accent lights that will be visible from the beach are prohibited. Floodlights, up-lights or spotlights designed for decorative and accent purposes that are directly, indirectly or cumulatively visible from the beach shall not be used.
- (2) Exterior artificial light fixtures shall be designed and positioned so that the point source of light or any reflective surface from a light fixture is not directly visible from the beach or frontal dune. Exterior artificial light fixtures within line-of-sight of the beach or frontal dune shall be designed as follows:
 - a. Completely shielded downlight only fixtures or recessed fixtures having low wattage, long wavelength light sources with non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with this paragraph; and
 - b. All fixtures shall be mounted as low in elevation as possible through the use of low-mounted wall fixtures, low bollards, and/or ground-level fixtures.
- (3) All lighting, including wall-mounted fixtures, pole lighting, lights on balconies, and any other types of lighting not specifically referenced by this section, shall be low intensity, long wavelength, and shall be fitted with FWC Certified Wildlife Lighting approved lamps, bulbs and fixtures so that the light sources or the reflective surfaces of any light fixtures illuminated by such sources are not directly or indirectly visible from the beach.
- (4) Low profile luminaries shall be used in parking lots, and such lighting shall be fitted with long wavelength light sources and with FWC Certified Wildlife Lighting approved lamps, bulbs and fixtures positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from being directly or indirectly visible from the beach.
- (5) Dune crosswalks shall utilize long wavelength, low profile shielded luminaries directed and positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not directly, indirectly, or

cumulatively visible from the beach. Dune crossover lighting shall be limited to the area landward of the primary dune.

- (6) If high intensity lighting is necessary, long wavelength light-emitting diode (LED) luminaries shall be used and fitted with FWC Certified Wildlife Lighting approved lamps and fixtures positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach.
 - (7) Plates of tinted glass are required for windows and glass doors that are visible from the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of fifteen percent (15%) or less. Such transmittance shall be limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
 - (8) Temporary lighting at construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the requirements of this section and shall not be mounted more than fifteen (15) feet above the ground. Light sources or any reflective surfaces of any light fixtures illuminated by such sources are not directly, indirectly, or cumulatively visible from the beach.
 - (9) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system. Only long wavelength 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 forty-eight (48) inches above the ground; and
 - b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface from the light fixture is not directly or indirectly visible.
- (f) *Pool decks, pool facilities, swimming pools, spas and outdoor areas:*
- (1) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded by FWC Certified Wildlife Lighting approved lamps and fixtures.
 - (2) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.
 - (3) 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 part (e) of this section.
 - (4) Underwater lighting of pools or spa light shall:
 - a. Be mounted horizontally in the wall;

- b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach; and
 - c. Shall comply with minimum light with minimum light levels set forth in applicable federal and state laws designed to protect public safety.
- (5) Fire pits shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach.
- (g) *Lighting standards for existing development.* Existing development improvement plans that are submitted to the City shall include certification that the plans comply with this article prior to issuance of a permit. Existing development which has secured a coastal construction control line permit or joint coastal permit from the Department of Environmental Protection which includes a lighting review for marine turtle protection will be deemed to have complied with the provisions of this article. In order to provide protection for nesting marine turtles and their hatchlings during marine turtle nesting season while maintaining lighting standards necessary for public safety and security, the following standards are adopted for artificial light sources on all existing developments and existing structures that are visible from the beach, and shall be in compliance with the following within six (6) months of the effective date of the ordinance.
- (1) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting so that the point source of light or any reflective surface of a light fixture is not directly visible from the beach:
- a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly, or cumulatively visible from the beach.
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields.
 - c. Replace non-directional fixtures with directional fixtures that point down and away from the beach.
 - d. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least one hundred eighty (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.
 - e. 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.
 - f. Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage long wavelength light sources for the specific application.
 - g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach.
 - h. Construct a ground-level barrier to shield light sources from the beach when possible. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short-or long-term damage to the beach/dune system.

- i. Permanently remove or permanently disable any hood or fixture which cannot be brought into compliance with the provisions of these standards.
 - j. Existing artificial light fixtures shall be repositioned, modified, redesigned, or removed so that: (a) The point source of light or any reflective surface of the light fixture is not directly visible from the beach or frontal dune; (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) Lights illuminating dune crosswalks shall be turned off after 9:00 p.m. between May 1 and October 1 of each year, or must be modified to conform to the requirements for new development in accordance with paragraph (e) of this section.
- (3) Security and emergency exit lighting shall follow the same requirements stated in paragraph (g)(1) above. If high intensity lighting is necessary for security and emergency exit lighting, low-pressure sodium vapor or long wavelength LED luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Floodlights and spotlights activated by motion sensors within line of sight of the beach shall be fitted with long wavelength light sources and FWC Certified Wildlife Lighting approved lamps, bulbs, and fixtures
- (4) The following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors or windows within line of sight of the beach, where lights currently illuminate the beach:
- a. In windows facing and perpendicular to the Atlantic Ocean, tinted window treatments are required for windows that are visible from the beach so that indoor lights do not illuminate the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of fifteen percent (15%) or less. Such transmittance shall be limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
 - b. Rearrange lamps and other movable fixtures away from windows.
 - c. Use window treatments to shield interior lights from the beach and, during May 1 through October 1 nesting season, draw the operable window coverings; and
 - d. Turn off unnecessary lights.
- (h) *Publicly owned lighting.* All publicly owned lighting with light sources that are visible from the beach shall be shielded, shaded or positioned so that the point source of artificial light is not visible from the beach and do not directly, indirectly or cumulatively illuminate the beach, or they shall be extinguished between sunset and sunrise during marine turtle nesting season.

- (1) Publicly owned lights in public parking lots and the SeaWalk Pavilion shall be shielded, shaded, or shall not be utilized from 11:00 p.m. until 7:00 a.m. The impacts of public lighting on the nesting activities shall be minimized.
 - (2) Streetlights are not subject to the terms of this section. However, it is the intent of the City that streetlights shall be shielded, shaded, located or positioned so that they do not illuminate any portion of the beach.
 - (3) Exempted from the terms of this section are official traffic control devices and official traffic control signals.
- (i) *Unlawful to kill, molest, or injure sea turtles, hatchlings or nests.* It shall be unlawful for any person to kill, molest, or cause direct or indirect injury to any species of sea turtles or hatchlings in the sea turtle protection area, on Jacksonville Beach or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a sea turtle, turtle nest, or egg(s). The City will cooperate with the appropriate state and federal agencies in prosecuting violations of state and federal laws and all laws relating to this section.
 - (j) *Penalties for violation; enforcement; other remedies.* Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a misdemeanor. Any person or firm who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned, or both, as provided by law. Each day such violation continues shall constitute a separate offense. Each sea turtle killed, injured, or molested shall constitute a separate violation. Any person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided or as provided by law. The City, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, and code enforcement actions, to enforce the provisions of this section. The City may also issue a stop work order on any construction or development found to be in violation of any provisions contained herein. The Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission shall also have authority to enforce the provisions contained herein.
- (1) Any violation of this section and correction of same, may be handled by the City Code Enforcement Department or City Attorney's Office, and prosecuted by the Special Magistrate pursuant to the standards and procedures set forth in the City Code of Ordinances Section 34-638.