

ORDINANCE NO. L-79

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REMOVING ARTICLE IV, PROTECTION OF SEA TURTLES, SECTION 4-61, LIGHTING ON BEACH, FROM CHAPTER 4 OF THE CODE OF ORDINANCES; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ESTABLISHING ARTICLE XIV, PROTECTION OF SEA TURTLES, SECTION 5-375, LIGHTING ON BEACH; AMENDING ARTICLE I, PARKS & RECREATION, SECTION 12-9, FIRES, COOKING & DISPOSAL OF GARBAGE, BY CREATING SECTION 12-9(e), PROHIBITING CAMPFIRES SEAWARD OF THE PRIMARY DUNE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA:

Section 1. Article IV, Protection of Sea Turtles, Section 4-61, Lighting on Beach, is hereby removed from Chapter 4 of the Code of Ordinances of the City of Fort Pierce.

Section 2. Article XIV, Protection of Sea Turtles, Section 5-375, Lighting on Beach, is hereby established in Chapter 5 of the Code of Ordinances of the City of Fort Pierce, which shall hereinafter read as follows:

ARTICLE XIV - PROTECTION OF SEA TURTLES

Sec. 5-375. Lighting on beach.

(a) Purpose. This section is intended to provide for the protection of sea turtles and sea turtle hatchlings. It is found and determined that light which is visible from any point standing on the beach has the potential of disorienting sea turtles and preventing them from reaching the sea. The standards set forth in this section are to be interpreted liberally to provide for the adequate protection of such sea turtles and are effective during the sea turtle nesting and hatching season from March first through October 31.

(b) Regulations; standards. The following regulations and standards shall apply to beach front lighting within the city limits:

- (1) Existing exterior artificial light fixtures shall be mounted as low as feasibly possible, shielded or replaced with alternative fixtures and lamps so that the source of light is not directly visible from the beach and does not directly or indirectly illuminate areas seaward of the primary dune. Traditional light bulbs should be replaced with alternate light sources including, but not limited to, low pressure sodium lamps, true amber or red LED lights, or low wattage fluorescent bulbs (seven (7) watts or less).
- (2) For structures built prior to 2008, existing interior lights shall be shielded by window tint, shades and/or blinds that fully eliminate visible light on all windows and glass doors visible from any point on a nesting beach, including any side of the structure. Such blinds or shades shall be drawn after dark to completely cover windows visible from the beach. If the owner of such structure is found guilty of a repeat violation of this section, the enforcing authority may require that window tinting be installed.
- (3) Site/building plans for new construction shall incorporate exterior and interior lighting designs that are fully compliant with standards for existing lighting. Building plans must include tinted glass or window film for all windows and glass doors visible from any point on a nesting beach, including the sides of the structure. Tinting/film must meet a transmittance value of forty-five (45) percent or less (amount of light visible from inside to outside).
- (4) Lighting standards shall apply to all newly installed or replacement exterior and interior light fixtures, both public and private, in direct line-of-sight of the beach.

Section 3. Article I, Parks & Recreation, Section 12-9, Fires, cooking and disposal of garbage, is hereby amended by creating Section 12-9(e), which shall hereinafter read as follows:

(e) For the protection of sea turtles and sea turtle hatchlings, campfires shall be prohibited seaward of the primary dune.

Section 4. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. Severability.

The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective Date

The effective date of this Ordinance shall be immediately upon its passage by the City Commission.

