

**ORDINANCE NO. L-09**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 4, ARTICLE IV, **PROTECTION OF SEA TURTLES**, SECTION 4-61 (LIGHTING ON BEACH); IDENTIFYING APPROPRIATE OUTDOOR LIGHT SOURCES; REQUIRING SHIELDING OF INTERIOR LIGHTING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND AMENDING EFFECTIVE DATES.

**WHEREAS**, Sea Turtles are threatened and endangered species protected by the State Marine Turtle Protection Act (Fla. SS 370.12) and by the Federal Endangered Species Act of 1973 (16U.F.C. 1531 et seq.); and

**WHEREAS**, artificial light sources have a negative effect on sea turtle hatchlings causing disorientation; and

**WHEREAS**, beachfront lighting has been documented to negatively affect nesting turtles, resulting in reduced or abnormal nesting activity; and

**WHEREAS**, new and existing development must take necessary and appropriate steps to minimize sources of artificial light;

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida:

**SECTION 1A.** Section 4-61(a) of Chapter 4, Article IV of the Code of Ordinances, is and the same shall be amended so that such Section shall read thereafter as follows:

(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 seaward of the primary dune line has the ~~effect-potential~~ of disorienting hatchlings 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 ~~hatchlings~~ sea turtles and are effective during the sea turtle nesting and hatching season from ~~May~~ March first through October ~~thirtieth~~ thirty-first.

**SECTION 1B.** Section 4-61(b) of Chapter 4, Article IV of the Code of Ordinances, is and the same shall be amended so that such Section shall read thereafter as follows:

(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 ~~repositioned~~ mounted as low as feasibly possible, shielded or replaced with ~~modern~~ alternatives 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 (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) ~~(2)~~ 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 45% or less (amount of light visible from inside to outside).
- (4) ~~(3)~~ Lighting standards shall apply to all newly installed or replacement exterior and interior light fixtures, both public and private, exterior light fixtures in direct line-of-sight of the beach.
- (5) ~~(4)~~ Campfires shall be prohibited seaward of the primary dune from the first day of ~~May~~ March through the last day of October.

**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 3.** 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 4.** This ordinance is and the same shall become effective immediately upon final passage hereof.