ORDINANCE NO. O-2011-07

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION," TO ESTABLISH REGULATIONS FOR THE CONTROL OF BEACHFRONT LIGHTING DURING SEA TURTLE NESTING AND HATCHING SEASON; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, the beaches of the City of Hollywood serve as a nesting habitat for threatened and endangered species of sea turtles; and

WHEREAS, artificial light from development threatens the survival of turtle nesting and hatchling marine turtles because of disorientation; and

WHEREAS, sea turtles are valuable members of the natural community in the State of Florida and the City of Hollywood; and

WHEREAS, the protection of nesting and hatching sea turtles is of significant public interest; and

WHEREAS, Policy 9.03.03 of the Broward County Land Use Plan, of the County’s Comprehensive Plan, requires each coastal municipality to pass and adopt an ordinance establishing regulations that effectively control Beachfront lighting during sea turtle nesting and hatching season; and

WHEREAS, it is the intent of the City of Hollywood to balance the enforcement of a turtle lighting ordinance with the need to provide a safe environment for visitors, residents, and businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 108, entitled "Lighting Requirements for Marine Turtle Protection," of the Code of Ordinances is hereby created to read as follows:

(Coding: Words in struckthrough are deletions from existing law; words underscored are additions).
TITLE IX: GENERAL REGULATIONS

CHAPTER 108. LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION

§108.01 Purpose and Intent. The purpose of this Chapter is to reduce the impacts of artificial coastal lighting on nesting marine turtles or hatchlings. This law is intended to provide overall improvements in nesting habitat degraded by light pollution, increase successful production of hatchlings and increase the number of marine turtles without jeopardizing public safety or the security of persons or property. It is not intended that the criteria stated herein should be applied to motor vehicles.

§108.02 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings as ascribed to them in this section, except where the context clearly indicates a different meaning:

Artificial Light or Artificial Lighting. Any point source of light emanating from a device including, but not limited to, fluorescent, incandescent, mercury vapor, metal halide, sodium lamps, flashlights, spotlights, streetlights, construction lights, security lights, or any light emanating from any reflective surface of the device.

Beach. That area of unconsolidated material that extends landward from the mean low-water line of the Atlantic Ocean to the place where there is a marked change in material of physical form, i.e. berm or Dune, or to the line of permanent vegetation.

Broadwalk. The City-owned paved area immediately landward of the beach between Sherman Street and Jefferson Street.

Bug Type Bulb. Any lamp that is tinted yellow in order to attenuate its emission of short-wavelength visible light and thus reduce its attractiveness to insects.

Coastal Construction Activities. Any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Cut-off Angle. The angle between a vertical line through a luminaire and the first line of sight at which the glowing elements of the luminaire are no longer visible.
**Department.** The Florida Department of Environmental Protection.

**Dual Light Technology.** The use of two light sources within one fixture whereby lighting technology automatically converts between the light sources to turtle friendly lighting during Nesting Season through the use of an industry approved astronomical clock.

**Dune.** A mound or ridge of loose sediments, usually of sand-sized, lying landward of the Beach and deposited by any natural or artificial means.

**Existing Development.** Any development for which a certificate of occupancy or certificate of completion has been issued or for development activity for which a building permit has been issued and work has been substantially completed at the time of the effective date of this Chapter.

**Filmed Glass.** A material applied to the entire glass area of a door or window which achieves an industry-approved shading coefficient, inside to outside, light transmittance value of 45% or less (shading coefficient of 45% 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 comparable to that prescribed for Tinted Glass.

**Floodlight.** Reflector-type light fixtures which are attached directly to a building or post and which are unshielded.

**Frontal Dune.** 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.

**FWC.** The Florida Fish and Wildlife Conservation Commission or successor agency.

**Ground-Level Barrier.** Any vegetation, natural feature or artificial structure rising above the ground, which prevents beachfront lighting from shining directly onto the Beach and/or beach dune-system.

**Hatchling.** An individual organism of any species of Marine Turtle, within or outside of a nest, that has recently hatched from an egg.

**Hollywood Beach Historic Overlay District.** That portion of the City immediately east of Surf Road including the Broadwalk and bound by Sherman and Jefferson Streets, as more specifically described in Section 5.6. D.7.a of the City's Zoning and Land Development Regulations.
**Illuminated, Cumulatively.** Illuminated by numerous Artificial Light sources that as a group directly or indirectly illuminate any portion of the Beach.

**Illuminated, Directly.** Illuminated as a result of glowing element(s), gas(s), flame(s), lamp(s), globe(s), and/or reflector(s) of an Artificial Light source that is visible to an observer standing on the Beach.

**Illuminated, Indirectly.** Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an Artificial Light source which is not directly visible to an observer on the Beach including light reflected off a structure.

**Light Emitting Diode (LED).** Miniature lamps that emit pure red or amber light, or have RGB color changing technology or Dual Light Technology.

**Line-of-Sight.** A straight, unobstructed line of direct vision.

**Low-Pressure Sodium (LPS) Luminaire.** An electric discharge lamp, containing sodium, neon and argon that when illuminated appears amber-yellow.

**Low-Profile Luminaire.** A light fixture set on a base which raises the source of light no higher than 48 inches off the ground and designed in such a way that light is directed downward from a shielded/directional light source.

**Low Wattage.** Low wattage shall be considered as 50 watts or less.

**Marine Turtle.** Any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the Beach as a nesting habitat, including the species: Caretta caretta (loggerhead), Chelonia mydas (green), Dermochelys coriacea (leatherback), Eretmochelys imbricata (hawksbill), and Lepidochelys kempi (Kemp’s ridley). For purposes of this Chapter, Marine Turtle is synonymous with sea turtle.

**Nest.** An area where Marine Turtle eggs have been naturally deposited or subsequently relocated.

**Nesting Season.** The period from March 1 through October 31 of each year.

**New Development.** The result of new construction, or of the remodeling, renovation, redevelopment, repair or replacement of an existing structure when the remodeling includes the alteration of exterior lights as set forth in Section 108.05 herein.
**Nighttime.** The time period between sunset and sunrise.

**Person.** Any individual, firm, association, joint venture, partnership, estate, trust, corporation, group, state office, or unit of federal state, county or municipal government, and all other associations and combinations, whether public or private.

**Point Source of Light.** The actual light source such as bulb, fluorescent tube, lamp etc. from which light emanates.

**Pole Lighting.** Light fixtures set on a base or pole that raises the source of the light more than 48" above the ground.

**RGB Technology.** The utilization of red, green and blue (RGB) LED lights to control the blending and diffusion of different colors and allow light movement and color changing technology. During Nesting Season, March 1st through October 31st, the use of these lights would be restricted to those lights whose wavelength produces a light of 560 mm (nanometers) or longer.

**Shield.** A non-reflective opaque hood, or other covering or device, which prevents the light fixture and luminaire from producing Direct or Indirect Illumination visible to an observer standing on the Beach.

**Tinted Glass.** Glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less (shading coefficient of 45% or less) and complying with Section 2411 of the Florida Building Code as amended from time to time. 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.

**True Neon.** A lamp containing neon gas that emits pure red light. Not to be confused with tubular fluorescent lamps, which may appear in various colors.

§ 108.03 **Prohibited Activities Disruptive to Marine Turtles.** Those activities which are enumerated as permitted activities in Chapter 99 of Hollywood's Code of Ordinances that involve direct illumination of the Beach at Nighttime are prohibited during Nesting Season.

§108.04 **Exemptions for Special Events.** Special Events authorized by Chapter 102 of the Code of Ordinances or approved by the City Commission that are held on or adjacent to the Beach and have lighting needs may be authorized during Nesting Season when a permit from the Florida Department of Environmental Protection has been issued and all activities conducted in accordance with the permit and associated Florida Administrative Code Rule requirements.
§108.05 Lighting Standards for New Development. It is the intent of the City that no Artificial Light shall illuminate the Beach during Nesting Season. The following applies to lighting that Directly Illuminates the Beach and impacts turtle nesting or hatchlings. To meet this intent, all public and private properties and uses involving new construction shall comply with the following:

(A) Controlled use, design and positioning of lights.

(1) Exterior Artificial Light fixtures shall be designed and positioned so that the point source of light or any reflective surface of the light fixture is not directly visible from the Beach, the areas seaward of the Frontal Dune are not Directly or Indirectly Illuminated, and the areas seaward of the Frontal Dune are not Cumulatively Illuminated.

(2) Exterior Artificial Light fixtures within direct line-of-sight of the Beach are considered appropriately designed if:

(a) The fixtures are downlight or recessed fixtures that are completely shielded from the Beach side and have Low Wattage amber or red, LED, LPS, Bug Type Bulb, or True Neon Light and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or full cut-off features may also be used if they are in compliance with subsection (A)(1); and

(b) All fixtures are mounted as low in elevation as possible, without compromising public safety through the use of low-mounted wall fixtures, low bollards, and ground level fixtures.

(3) The use of lighting for decorative, accent, or recreational purposes during Nesting Season, such as lighting emanating from spotlights or floodlights, is prohibited if the light would be directly visible from the Beach or would Directly, Indirectly or Cumulatively Illuminate the Beach.

(4) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional roles. The use of motion detector switches that keep lights off except when approached and that switch lights on for a period not to exceed five (5) minutes each time motion is detected is preferred.

(5) Lighting for parking areas, pool decks and roadways shall be shielded from the Beach through the use of bollards and height appropriate light fixtures (not exceeding 12 feet above the ground) that have shields, louvers or full cut-off features and are in compliance with Section 108.05(A)(1) herein.
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 Directly or Indirectly Illuminating the Beach.

Lights on balconies and catwalks facing the ocean shall be limited to: Low Profile Luminaries positioned so that no light source is visible from the Beach; wall mounted fixtures fitted with directional shields with nonreflective interiors so that no light source illuminates the Beach; or overhead fixtures fitted with internal black baffles or light diffusing louvers. All lighting shall be downward directed, shielded and utilize Low Wattage lights within non-reflective interior surfaces.

Interior Lighting. Tinted Glass or film shall be installed on all windows and glass doors of single and multi-story structures on the east facing and shore perpendicular sides of the structures.

Temporary Construction Lighting. Temporary lighting of construction sites during the Marine Turtle Nesting Season shall be restricted to the minimal amount necessary to assure security, shall not spread beyond the boundary of the property being developed, and in no case shall such lights illuminate the Beach.

§108.06 Lighting Standards for Existing Development. It is the intent of the City that, during Marine Turtle Nesting Season, no Artificial Light shall illuminate any area of the incorporated Beach of the City during night hours. The lighting of existing structures or associated grounds or facilities that can be seen by direct Line-of-Sight from the Beach shall be brought into compliance with the following requirements no later than, March 2, 2015 unless otherwise noted or excepted.

Existing light fixtures not in compliance with the standards set forth in §108.05(A) shall be repositioned, modified, or replaced through one or more of the following means such that the point source of light or any reflective surface of the light fixture is not visible from the Beach and is not Directly, Indirectly or Cumulatively Illuminated:

(1) Fixtures shall be repositioned so that the point source of light or any reflective surface of the light fixture is no longer visible from the Beach.

(2) Traditional light bulbs shall be replaced with Low Wattage bulbs.
(3) Fixtures having transparent or translucent coverings shall be replaced with fixtures having opaque shields covering an arc great enough so that the source of light is not visible from the north, east, and south sides of the fixture and extending an appropriate distance below the bottom edge of the fixtures on the seaward side of the light source.

(4) Pole Lamps shall be replaced as appropriate 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. If lighting must be positioned on a pole for parking or security applications, it must be cast downward and the point of light source or any reflective surface must not be visible from the Beach or Indirectly or Cumulatively Illuminate the Beach.

(5) Replace fixtures having exposed light source with fixtures containing recessed light sources or shields;

(6) Replace non-directional fixtures with directional fixtures that point down and away from the Beach.

(B) Lights illuminating buildings or associated grounds, for decorative or recreational purposes, shall be positioned so light is cast downward and shielded or screened so that the light sources are not visible from the Beach, or turned off between sunset to sunrise, during the Marine Turtle Nesting Season.

(C) Permanently remove or disable any fixture that cannot be brought into compliance with the provisions of this Chapter.

(D) Properties that abut the Beach or face the Beach which have illuminated signage either facing the Beach or in the line-of-sight of the Beach, including building identification signs, shall be shielded or repositioned pursuant to Section 108.06(A)(1) through (7).

(E) Interior Lighting: One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within the Line-of-Sight of the Beach:

(1) Apply window tint or film that meets the standards in the definition of Filmed or Tinted Glass on windows on the north, south and east elevations;

(2) Rearrange lamps and other moveable fixtures away from windows;

(3) Use window treatments (e.g. blinds, curtains) to shield interior lights from the Beach; and/or
(4) Turn off unnecessary lights between sunrise and sunset, during the Marine Turtle Nesting Season.

(F) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional roles. The use of motion detector switches that keep lights off except when approached and that switch lights on for a period not to exceed five minutes is preferred.

(G) To the extent lights are determined by the City to be necessary for public safety purposes, including but not limited to, street lights, park lights, publicly owned facility lights and walkway lights, and such lights are Shielded or shaded then they will be exempt from the provisions of this Chapter.

(H) Beginning March 2011, property owners shall be required to implement measures not involving any capital expenditures to the extent possible so that public safety is not compromised. These measures include switching off exterior lights that illuminate the Beach and closing existing draperies to shield interior lights during the Marine Turtle Nesting Season.

(I) **Exception.** The provisions of this subsection shall not apply to any structure or property within the Broadwalk or Hollywood Beach Historic Overlay District as these areas are governed by the provisions of §108.07 herein.

(J) Upon passage of this Ordinance and the enforcement of the lighting standards set forth above for existing development, any lighting installed pursuant to this section shall be deemed acceptable and in compliance.

§108.07 Lighting along the Hollywood Beach Broadwalk and within the Hollywood Beach Historic Overlay District.

(A) New development along the Hollywood Beach Broadwalk and within the Hollywood Beach Historic Overlay District will comply with the standards set forth in Section 108.05 herein.

(B) To the extent it is possible without compromise to life and/or public safety, existing buildings located along the Hollywood Beach Broadwalk and within the Hollywood Beach Historic Overlay District are required to meet the standards set forth in Section 108.06 herein.
§108.08 EXCEPTIONS.

(A) To the extent that the standards and requirements set forth in this Chapter conflict with life safety codes or other federal, state or local laws having safety provisions, the provisions of this Chapter shall not supersede those specific life safety provisions.

(B) The provisions of this subsection shall not apply to any structure or activity for which a building permit has been issued by the City’s Department of Planning and Development Services prior to the effective date of this Ordinance. Said structures and activities shall be governed by the provisions of §108.06 herein. If the structure or activity for which a building permit has been issued consists of the replacement of existing glazing, visible by the Line of Sight from the Beach, then the replacement glazing shall achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum and is measured as the percentage of light that is transmitted through the glass.

(C) New or Existing Development which has secured a permit from the Department that includes an approved lighting plan for Marine Turtle protection will be deemed to be exempt from the provisions of this Chapter provided all lights are in compliance with the lighting plan.

(D) During a period where a state or local emergency has been declared, enforcement of this Chapter will be suspended in accordance with all emergency authorizations.

§108.09 PENALTY. Any private property owner, occupant, developer, entity, contractor or other person who violates this Chapter may be punished in accordance with Section 10.99 of the Code of Ordinances. In addition, violations of this section may be enforced through the Special Magistrate process as set forth in Chapter 36 of the Code of Ordinances, restrained by injunction, or abated by any other means provided by law.
AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION," TO ESTABLISH REGULATIONS FOR THE CONTROL OF BEACHFRONT LIGHTING DURING SEA TURTLE NESTING AND HATCHING SEASON.

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised __Feb 18__, 2011.

PASSED on first reading this __2__ day of __Feb__, 2011.

PASSED AND ADOPTED on second reading this __2__ day of __March__, 2011.

PETER BOBER, MAYOR

ATTEST: 

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY for the use & reliance of the City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY

3/3/11 pac
NOTICE IS HEREBY GIVEN in accordance with Section 166.041 Florida Statutes that the City Commission of the City of Hollywood, Florida, at a Regular City Commission Meeting, on Wednesday, March 2, 2011, in the City Commission Chambers, Room 219, General Joseph W. Watson Circle, Hollywood, Florida, proposes to consider on second and final reading the following proposed ordinance(s):

Proposed Ordinance - PO-2011-03 beginning at: 1:15 PM, or as soon thereafter as same can be heard:
AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION," TO ESTABLISH REGULATIONS FOR THE CONTROL OF BEACHFRONT LIGHTING DURING SEA TURTLE NESTING AND HATCHING SEASON; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

The proposed ordinance(s) may be inspected by the public in the Office of the City Clerk, Room 221, General Joseph W. Watson Circle, Hollywood, Florida, between the hours of 8:00 AM and 4:45 PM on any regular working day. Interested parties may appear at the aforesaid time and place and be heard with respect to the proposed ordinance(s).

NOTE: Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility 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. Please call 954-921-3211 for any questions regarding the above matter.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Office of the City Manager five business days in advance at 954-921-3201 (voice). If an individual is hearing or speech impaired, please call 800-955-8771 (V-TDD).

Dated this 18th day of February, 2011.

Patricia A. Cerny, MMC
City Clerk
Hollywood, FL

THE SUN SENTINEL/LEGAL AD
PUBLISH: FRIDAY, February 18, 2011
FURNISH PROOF OF PUBLICATION h:\cityclk\ads\legalad\PO-2011-03