

**ORDINANCE NO. 04-23**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 10. ANIMALS., ARTICLE III. SEA TURTLE PROTECTION., BY REPEALING THIS ARTICLE IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE III. SEA TURTLE PROTECTION. WITH FINDINGS OF FACT, DEFINITIONS, REGULATIONS, AND ENFORCEMENT PROVISIONS THAT ARE CONSISTENT WITH THE STATE OF FLORIDA MODEL SEA TURTLE PROTECTION ORDINANCE AND THE PALM BEACH COUNTY SEA TURTLE PROTECTION ORDINANCE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 10. ANIMALS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village of Tequesta Code of Ordinances contains outdated regulations regarding sea turtle protection; and

**WHEREAS**, the Village Council of the Village of Tequesta, having received the request of Palm Beach County and the recommendation of Village staff, now desires to update the Village's sea turtle protection ordinance consistent with the State of Florida model sea turtle protection ordinance and the Palm Beach County sea turtle protection ordinance; and

**WHEREAS**, the Village Council has determined that the code revisions contained in this ordinance will be in the best interests of the citizens of the Village of Tequesta, and will promote the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**Section 1:** Chapter 10. Animals. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article III. Sea Turtle Protection. By repealing this article in its entirety and adopting a new Article III. Sea Turtle Protection. with findings of fact, definitions, regulations, and enforcement provisions that are consistent with the State of Florida model sea turtle protection ordinance and the Palm Beach County sea turtle protection ordinance; providing that Chapter 10, Article III. Sea Turtle Protection. shall hereafter read as follows:

**CHAPTER 10. ANIMALS**  
**ARTICLE III. Sea Turtle Protection**

**Sec. 10-61. – Title.**

This Article may be referred to as the Village of Tequesta Sea Turtle Protection Ordinance.

**Sec. 10-62. – Definitions.**

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

**Artificial Light** 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.

**Beach Access Point** means any path through or over the dune used by the general public, or, with respect to private property, by the owners or with the owner's permission for the purpose of gaining access to the beach.

**Beachfront Lighting** means all lighting within the Sea Turtle Lighting R-3 District.

**Certified Wildlife Lighting** means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at:

<https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

**Coastal Construction** means the carrying out of any activity within the Sea Turtle Lighting R-3 District to modify or improve site conditions, including, but not limited to, building, clearing, filling, excavation, grading, or planting of vegetation, or the making of any change in the size or use of any structure or the appearance of site conditions, or the placement of equipment or material upon such sites.

**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 of Environmental Resource Management (ERM)** means the Palm Beach County department of environmental resource management or applicable municipal

entity.

**Directly Visible** occurs when glowing elements, lamps, globes, or reflectors of an artificial light source can be seen by an observer standing anywhere on the beach.

**Dune** means a mound or ridge of loose sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

**Dune Profile** means the cross-sectional configuration of the dune.

**Foot-Candle** means the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

**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.

**Full Cutoff** means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

**Fully Shielded** means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

**Ground-level Barrier** means any natural or artificial structure rising above the ground, which prevents beachfront lighting from shining directly onto the beach-dune system.

**Hatchling** means any specimen of sea turtle, within or outside of a nest, which has recently hatched from an egg.

**Indirectly Visible** means light reflected from glowing elements, lamps, globes, or reflectors of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.

**Long Wavelength** means a lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

**Nest** means the area in and around a place in which sea turtle eggs are naturally deposited or relocated beneath the sediments of the beach-dune system.

**Nighttime**: the locally effective time period between sunset and sunrise.

**Non-egress Lighting** means exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony lights, landscape lights, and up lights.

**Outdoor Area** means any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting, etc.

**Permitted Agent of the State** means any qualified individual, group or organization possessing a permit from the state department of environmental protection to conduct activities related to sea turtle protection and conservation.

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

**Sea Turtle Lighting R-3 District** means all properties within the Village of Tequesta that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach regardless of whether those properties are beachfront properties.

**Sea Turtle** means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*). For the purposes of this Article, the term sea turtle is synonymous with marine turtle.

**Sea Turtle Nesting Habitat** means all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

**STPP** means the sea turtle protection plan.

**Temporary Lighting** means any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

**Tinted glass** means glass treated to achieve an industry-approved, inside-to-outside light

transmittance value of 45% or less and limited to the visible spectrum.

**Section 10-63. - Findings of fact.**

- (a)** The Village of Tequesta recognizes that light pollution from artificial sources onto adjacent beaches can be a serious threat to sea turtles and other species inhabiting its beaches.
- (b)** The Village of Tequesta further recognizes that nesting adult sea turtles, and hatchling sea turtles which rely on natural lighting can be negatively affected and confused by light pollution from artificial sources adjacent to the beach.
- (c)** The Village of Tequesta further recognizes that sea turtles are protected by federal and state law.
- (d)** The Village of Tequesta recognizes that both its economy and the quality of life of its residents are enriched by a healthy sea turtle population.
- (e)** The Village of Tequesta desires to help protect nesting sea turtles, and other sensitive wildlife by implementing a system of rules and regulations as set forth in this Article.

**Sec 10-64. - Purpose and objectives.**

The purpose of this Article is to reduce the hazards impacting sea turtles from uncontrolled construction activity, and to protect nesting and hatchling sea turtles on the beaches in the Village of Tequesta by ensuring that their nesting habitat is not degraded by artificial light. The objective of the Article is for the appropriate design and implementation of coastal lighting systems to ensure that light pollution does not interfere with sea turtle nesting and hatching events while at the same time protecting public safety. In order to further the objective of full implementation, this Article also includes provisions designed to educate residents and beach users in the Village of Tequesta on the benefits of appropriate coastal lighting and provides for regular inspections to ensure compliance with the acceptable lighting standards.

**SECTION 10-65. – Applicability.**

- (a)** The Sea Turtle Lighting R-3 District shall include all properties within the Village of

Tequesta R-3 district.

- (b)** The provisions of this Article apply to new and existing artificial lighting visible from the beach emanating from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, as well as public parks and recreational areas and all other activities within the Sea Turtle Lighting R-3 District.
- (c)** The provisions of this Article are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved by the Building Official. The Building Official may approve any such proposed alternate provided it:

  - 1. Provides at least approximate equivalence to the applicable specific requirements of this Article, and;
  - 2. Is otherwise satisfactory or complies with the intent of this Article, and;
  - 3. Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets the intent of the Article without waiving the lumen caps specified in this Article; and.
  - 4. Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut- off, and fully shielded fixtures.
- (d)** Any person substantially aggrieved by any decision of the Beach Lighting Inspector or the Building Official made in administration of this Article may appeal such decision to the Village Council. Any such appeal must be made in writing to the Building Official no later than 30 days from the date of the decision being appealed.

**Sec. 10-66. - Annual public notice.**

At least thirty days prior to the commencement of every sea turtle nesting season, the Village of Tequesta shall provide notice to affected persons within the Sea Turtle Lighting R-3 District of the provisions contained in this Article.

**Sec. 10-67. – Lighting**

**(a) General.**

- 1. The following standards for artificial light sources are intended to help minimize

harmful effects of light pollution in sea turtle nesting areas. The use of Certified Wildlife Lighting will provide the highest level of protection for nesting sea turtles and their hatchlings. Certified Wildlife Lighting refers to lighting fixtures and bulbs reviewed and approved through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at:

<https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, must be installed and maintained according to the approved conditions of use to achieve the light pollution reduction objectives of this Article.

2. New construction refers to all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use. The most protective lighting standards apply to new construction visible from the beach.
3. Existing artificial lighting refers to lighting fixtures, sources and systems operating prior to the effective date of this Article. Existing lights and light sources that are visible from the beach shall be replaced or modified to conform to standards given in section 10-67(a)1. above. In order to bring existing lighting systems into future compliance with this Article, standards for new coastal construction shall be applied when permits are issued for new structures or the alteration, movement, enlargement, replacement or installation of new lighting systems on existing structures.

**(b) Standards for existing beachfront lighting.**

1. *Adjustment to essential lighting.* As required by Sec. 10-67(a)3. above, existing artificial light sources shall be repositioned, modified or replaced with modern alternatives so that the source of light is not directly visible from the beach and/or does not directly illuminate areas seaward of the dune. Techniques and/or materials used shall be consistent with Sec. 10-67(a)1. above.
2. *Reduction of indirect lighting on beach.* The installation of ground-level barriers is encouraged to reduce the amount of indirect lighting striking the beach-dune

system.

3. Lighting for pedestrian traffic. Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure seaward of the dune designed for pedestrian traffic shall be shielded such that they are not directly visible from the beach as required by Sec. 10-67(a)3. above.
4. Use of window treatments. As required by Sec. 10-67(a)3. above, and to prevent interior lights from illuminating the beach, window treatment shall be required on all windows of single- and multi-story structures within the Sea Turtle Lighting R-3 District. Blackout draperies or shade screens are preferred. Alternatively, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is encouraged.
5. Special lighting restrictions during nesting season. Effective immediately, continuously throughout each nesting season (March 1 through October 31), external light sources illuminating areas seaward of the dune shall be turned off each night between the hours of 11:00 p.m. and 7:00 a.m.
6. Enforcement and implementation of mitigative measures. In areas where compliance with the lighting conditions of this article are not evidenced, noncompliant property owners shall be required to implement appropriate protective measures, developed in consultation with the Building Official, to mitigate against potential negative impacts to sea turtles. Mitigative measures shall be implemented, and applicable penalties and fines may be assessed. Any mitigation program implemented as a result of noncompliance with the lighting conditions of this Article shall remain in effect until such time that acceptable beachfront lighting is achieved.

**(c) Exterior and interior lighting affixed to new structures, new construction and improvements to existing structures.**

1. All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
2. As an exception to the above, non-egress lighting may be affixed to the

landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.

3. Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.
4. Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
5. All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.
6. Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

**(d) Outdoor areas.**

1. All lighting of outdoor areas shall be long wavelength, downward directed, fully cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
2. Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low-level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
3. As an exception to section 10-67(c)1. above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or

cumulatively visible from any portion of the beach.

4. Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
5. Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
6. Fire pits located on the seaward and shore-perpendicular sides of any structure 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. Bonfires and bonfire pits are prohibited within sea turtle nesting habitat during sea turtle nesting season. Campfires shall be prohibited on or seaward of the dune during sea turtle nesting season.
7. Televisions or other illuminated screens shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.

**(e) Parking areas and roadways.**

1. All lighting of parking areas and roadways shall be long wavelength, downward directed, fully cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.
2. Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.
3. The lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
4. Lighting of parking areas and roadways shall consist of either:
  - a. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or

- b. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or
  - c. Pole-Mounted Lights, if required, shall adhere to the restrictions located in section 10-67(e)5. below.
5. Pole-mounted lights shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:
    - a. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach,
    - b. Mounted at the minimum height required to meet the minimum light level requirement, and
    - c. Downward directed onto non-reflective surfaces.
  6. Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this section.

**(f) Pool areas.**

1. Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
2. The 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 section 1. and section 2. of this section.
4. Underwater lighting of pools or spa light shall:
  - a. Be mounted horizontally in the wall; and
  - b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and
  - c. Shall comply with minimum light levels set forth in applicable federal and

state laws designed to protect public safety.

**(g) Beach access points and dune walkovers.**

1. Lighting of beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward directed, fully cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.
2. Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

**(h) Existing exterior and interior lighting.**

1. As required by Sec. 10-67(a)3. above, the following measures shall be implemented in order to reduce or eliminate the negative effects of existing exterior artificial lighting:
  - a. Reposition, modify or remove existing lighting 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 fully shielded fixtures;
  - c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;
  - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
  - e. Provide shields for fixtures visible from the beach and not practical to immediately be replaced. Beachside shields are to cover 270 degrees and extend 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;
  - f. 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:

- 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 landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations pursuant to Sec. 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system:
  - i. Permanently remove or permanently disable any fixture, which cannot be brought into compliance with the provisions of these standards.
2. As required by Sec. 10-67(a)3. above, one or more of the following measures should be taken to minimize interior light emanating from doors and windows within line-of-sight of the beach:
- a. Apply window tint or film that meets the light transmittance standards for tinted glass:
  - b. Rearrange lamps and other moveable fixtures away from windows:
  - c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

**Sec. 10-68. - Special events, motor vehicles, and temporary lighting.**

- (a) Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.
- (b) The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for sea turtle conservation in accordance with Sec. 379.2431(1), Florida Statutes, or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season.
- (c) Horseback riding shall be prohibited on the beach at nighttime during sea turtle nesting season.

- (d) Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.
- (e) All other temporary construction lighting shall be:
1. Inclusive of all the standards of this section, including using fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
  2. Turned off during nighttime in sea turtle nesting season, or if authorized by the Beach Lighting Inspector during sea turtle nesting season, shall only be allowed from 6:00 am to 9:00 pm, must be restricted to the minimal amount necessary, and shall incorporate all the standards of this section, and
  3. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
  4. Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.
- (f) Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

**Sec. 10-69. – Sea turtle protection plan.**

**(a) Lighting plan required.**

1. A sea turtle protection plan (STPP) shall be required for all new building construction, new glass window and/or glass door replacement on existing buildings, and new artificial lighting proposed within the Sea Turtle Lighting R-3 district.
2. The STPP shall be submitted to ERM and must be approved by ERM prior to the issuance of a Certificate of Occupancy by the Building Official.

**(b) Application and approval process.**

1. Applications shall be made on a form approved by ERM. ERM may make use of forms already in use by the State of Florida and/or Federal agencies.

2. ERM may attach conditions to any STPP approval where such conditions are deemed reasonably necessary to protect sea turtles.
3. Any application received that is substantially the same as a previous application that has been denied by ERM shall also be denied without further processing.
4. Any site or Property Owner that is subject to or recipient of a notice of violation or notice of noncompliance that remains unresolved shall not be issued an ERM STPP approval.
5. STPP approval shall not be issued until any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM. Such information may include, but is not limited to:
  - a. A completed application form;
  - b. An explanation of the necessity and purpose of the proposed lighting;
  - c. Photographs of existing conditions which may include aerial photographs;
  - d. Plans showing profile and plan views depicting all light fixture locations, the elevations of proposed and existing structures, proposed and existing vegetation, beach/dune profiles, and pertinent topographic information; and,
  - e. Electrical, building, and landscape plans shall be submitted illustrating all exterior lights and windows within jurisdictional boundaries. Light and window tinting information shall include:
    - i. The location, number, wattage, elevation, orientation, light fixture cut sheets, photometric illustrations, and all type(s) of proposed artificial light sources.
    - ii. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination that is visible from the beach.
    - iii. Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance (see definition of tinted glass).
6. When an application is made for a STPP approval in common areas of a multi-family residential site in the Sea Turtle Lighting R-3 district (i.e.,

- condominiums, apartments, townhouses, villas, etc.), the representative association, or all of the homeowners as a group, shall be the Applicant. ERM shall not process an application made by one unit owner in a multi-family setting where the work is proposed on lands designated as, or can reasonably be considered to be, common areas.
7. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within thirty (30) days of receipt of such additional information, ERM may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information.
  8. If ERM does not make a request for additional information within 30 days of receipt of an application or requested information, the application shall be deemed complete upon receipt.
  9. If an Applicant fails to respond to an ERM request for an application fee, or any additional information, within sixty (60) days, the application may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information.
  10. Upon receipt of a completed application and fee, ERM shall have 90 days to take final action unless the Applicant agrees in writing to a time extension or waiver of this requirement. Final agency action shall be approval of a STPP, denial of a STPP, or conditional approval of STPP. Failure by ERM to take final action within 90 days shall result in the authorization of the proposed work with standard limiting conditions.
  11. Any application containing false information may be denied, and any STPP approval granted based upon false information may be revoked.
  12. ERM STPP approvals may be issued with a duration period that is reasonably necessary to complete the project not to exceed five years.
  13. Any substantial modification to a complete application, or a STPP approval, shall require an amended application form and an additional application fee and shall restart all time periods of this section.
- (c) Inspection required.** Prior to the issuance of a Certificate of Occupancy (CO) by

the Building Official, each facility shall be inspected for compliance as follows:

1. Upon completion of the construction activities, a State of Florida registered architect, landscape architect, environmental professional, or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on to the highest illumination levels.
2. The inspector shall prepare and report the inspection finding in writing to ERM, identifying:
  - a. The date and time of initial inspection; and
  - b. The extent of compliance with this Chapter and the approved STPP; and
  - c. All areas of potential and observed noncompliance with this Chapter; and
  - d. Any action(s) taken to remedy observed noncompliance and date remedy will be implemented, if applicable; and
  - e. The date(s) and time(s) of remedial inspection(s), if applicable.
3. The inspector shall sign and seal the inspection report which includes a certification that:
  - a. The beachfront lighting has been constructed in accordance with this Chapter; and
  - b. The inspector observed the project area at night with all lights operating; and
  - c. The beachfront lighting does not cause direct or indirect illumination that is visible from the beach at the time of the night inspection; and
  - d. The beachfront light sources within the jurisdictional boundaries are not directly or indirectly visible from the beach at the time of the night inspection.

#### **Sec. 10-70. - Compliance and enforcement.**

##### **(a) Beach Lighting Inspector.**

1. A position, known as the Village of Tequesta Beach Lighting Inspector is hereby established.
2. It shall be the duty of the Village Manager to hire the Beach Lighting Inspector and any necessary assistants to the Beach Lighting Inspector. The Beach Lighting Inspector shall have the necessary training, technical knowledge, and resources to enable them to effectively carry out the duties of this position. The

Beach Lighting Inspector may access resources provided by other local, state or federal agencies such as the Sample Beach Lighting Survey Worksheet, training, and other information available from the Florida Fish and Wildlife Conservation Commission.

3. The Beach Lighting Inspector shall be responsible for:
  - a. Inspecting the entire beach within the Sea Turtle Lighting R-3 District regularly during sea turtle nesting season to determine the extent of compliance with this Article.
  - b. In the event of the finding of a violation at a particular public or private property, conducting further inspections at the property at any time beginning on the night after the deadline date given on the written notice of violation. These follow-up inspections shall continue until the lighting has been brought into compliance with this Article.
  - c. Beach Lighting Inspector responsibilities may also include preparation of reports, issuance of non-compliance notices, outreach and education, supporting administrative actions before a special magistrate, or attending building permit pre-application and pre-construction conferences.
4. It shall be unlawful for any person to interfere with, or in any manner hinder the Beach Lighting Inspector, or any of their assistants, while in the discharge of their duties under the terms of this Article.
5. It shall be unlawful for any person to knowingly conceal or disable any lighting on a property before it has been inspected by the Beach Lighting Inspector.

**(b) Notice of Violation.**

1. Upon finding any violation of this Article, the Beach Lighting Inspector shall deliver a written notice of the violation of this Article to the property owner and direct said owner to promptly remove or remediate lighting not in compliance with this Article.
2. The time allowed for making the repairs shall be reasonable under the circumstances, and shall be stated in the notice. Should the responsible party neglect or refuse to remove or remediate non-compliance within the specified time stated in the notice, the party so offending shall commit a violation of this

Article and be penalized as provided in section 10-70(c) of this Article.

**(c) Special Magistrate.** Consistent with law and this Article, the code enforcement special magistrate shall have jurisdiction to enforce this Article within the Village of Tequesta corporate limits per Village Code Sec. 10-2, and Sec. 1-14 or by any other lawful means.

**(d) Sea Turtle Fund.**

1. A Sea Turtle Fund is hereby established within the Village of Tequesta.
2. All funds collected as a result of the assessment of fines under this section shall be deposited in the Sea Turtle Fund. The funds in this account shall be used for:
  - a. Assistance to property owners for the procurement of light systems equipment and materials that comply with this Article and reduce the amount of artificial beach lighting.
  - b. Educational materials to inform the general public on the threats of artificial lighting to sea turtles, including but not limited to signs, door knockers, pamphlets, stickers, public service announcements, and other awareness campaigns, and
  - c. Equipment, materials and other resources supporting compliance assistance and enforcement by the Beach Lighting Inspector.
  - d. Other reasonable efforts to protect the sea turtle population within the Village of Tequesta including, but not limited to, research and conservation projects.
3. The Village of Tequesta may contribute funding from other sources into the Sea Turtle Fund for uses consistent with the purposes set forth above.

**Section 2:** Each and every other Section and Subsection of Chapter 10. Animals. shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon passage.