

Secs. 72-145—72-160. - Reserved.

ARTICLE V. - COASTAL LIGHTING STANDARDS

Footnotes:

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Editor's note— Ord. No. 18-04, § 3, adopted June 5, 2018, amended art. V in its entirety to read as herein set out.

Former art. V, §§ 72-161—72-164, pertained to lighting standards for properties abutting public beaches and or along the Gulf of Mexico, and derived from Ord. No. 99-12, 11-9-99.

Sec. 72-161. - Purpose.

This article is intended to ensure that both interior and exterior lighting from all properties cannot be seen from Treasure Island's gulf beaches. Artificial light that can be seen from the city's beaches may deter adult female marine turtles from nesting or disorient marine turtle hatchlings as they return to the Gulf, during the period from May 1 through October 31 each year.

The provisions of this article apply to the city.

(Ord. No. 18-04, § 2, 6-5-18)

Sec. 72-162. - Definition of terms.

For the purpose of this article, certain words and terms used herein shall be defined as follows:

Artificial light: Any source of interior or exterior light other than the sun or the moon.

Decorative lighting: Non-essential accent lighting, such as up-lighting, for landscaping or structures.

Direct light: Any artificial light with a source that is directly visible to the observer.

Exterior light: Any artificial light source outside or on the exterior of a structure or building.

Hatchling: Any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

Indirect light: Any artificial light with a source that is not directly visible to the observer. This may be described as the glow observed from an artificial light.

Interior light: Any light source inside of a structure or building.

Light source: The source of illumination; any device serving as a source of visible light including but not limited to light bulbs, light diodes, electronic screens or flames.

Marine turtle: 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 (loggerhead), Chelonia mydas (green), Dermochelys coriacea (leatherback), Eretmochelys imbricata (hawksbill), and Lepidochelys kemp (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Nest: An area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting and hatching season: The period from May 1 through October 31 of each year.

Lighting erected on publicly owned or leased facilities: Lights or traffic control devices located on property owned or leased by a public entity such as the state, county or city.

(Ord. No. 18-04, § 2, 6-5-18)

Sec. 72-163. - Standards for lighting.

- (a) *Standards for new, existing, interior, and exterior lighting.* No direct or indirect artificial lighting or other lighting may be seen from the beach during nesting and hatching season from dusk until dawn, unless:
- (1) The light source is a long wavelength bulb of 560 nanometers or more the lowest possible wattage necessary for the application, and the light source cannot be directly seen;
 - (2) The light has been approved by the city commission;
 - (3) The lighting is being used by public safety officials and then it shall comply with this article to the greatest extent practical; or
 - (4) The lighting is erected on publicly-owned or publicly-leased, which shall comply with this article to the greatest extent possible.

Decorative lighting of any wavelength must not be used when capable of being seen either directly or indirectly from the beach.

Best management practices for shielding lights and recommended types of lights and fixtures can be found on the city's website at www.mytreasureisland.com.

- (b) *Local requirements not exclusive.* Requirements pursuant to this chapter shall be in addition to and not in lieu of any federal, state, regional, or other local approvals which may be required for the same or similar activities. Similarly, compliance with provisions of this chapter does not excuse any person from having to comply with other applicable federal, state, regional or local laws.

(Ord. No. 18-04, § 2, 6-5-18)

Sec. 72-164. - Violations and enforcement.

- (a) City code enforcement officers are hereby authorized to enforce this chapter pursuant to the supplemental county or municipal code or ordinance enforcement procedures set forth in F.S. § 162.21, as same may be amended from time to time. The city code enforcement officers are authorized and directed to strictly enforce this chapter in accordance with section 1-15 of the city code. When the code enforcement officer has reasonable cause to believe, based upon personal investigation, that a person has committed a violation of this chapter, the city code enforcement officer is hereby authorized to issue a citation.

- (b)

Prior to issuing a citation, the code enforcement officer shall provide notice to the person that the person has committed a violation of this chapter and that said person has a time period of one calendar days from the date of said notice within which to correct the violation. If, upon personal investigation, the code enforcement officer finds that the person has not timely corrected the violation, the code enforcement officer may issue a citation to the person who has committed the violation. The code enforcement officer is not required to provide any period of time to correct the violation prior to issuance of a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable, irreversible or not capable of being cured.

- (c) The citation shall contain the dollar amount of the fine to be imposed in the event the person does not contest the citation and notice of the necessary procedures to contest the citation in the county court for the city. Additionally, the citation shall contain all other requirements of F.S. § 162.21(3)(c). If the person elects not to contest the citation, the person shall pay the applicable civil penalty to the clerk of the county court within 30 days after issuance of the citation. Alternatively, if the person elects to contest the citation, the person shall request a hearing through the clerk of the county court within 30 days after the issuance of the citation. The clerk shall schedule a hearing in the county court and shall provide written notice of the hearing to the person as well as the code enforcement officer or police officer. Citations contested in the county court shall be subject to court costs as well as the civil penalty set forth in this chapter. Any violation of this chapter is a civil infraction, punishable by a civil penalty as provided by this section, not to exceed \$500.00.
- (d) Violation. Each day any violation of any provision of this article shall continue shall constitute a separate offense. A violation of the provisions of this chapter, by any person shall be punishable by civil penalties, as a category V violation, with an uncontested fine amount of \$88.00.
- (e) In addition to the civil penalties provided, the city commission is hereby authorized to institute any appropriate action or proceeding, including a suit for injunctive relief, in order to prevent or abate violations of this article.
- (f) In addition to the city's community development department, fire and police departments, the department of environmental protection of the Florida Fish and Wildlife Conservation Commission shall have authority to enforce provisions of this article.

(Ord. No. 18-04, § 2, 6-5-18; Ord. No. 21-01, § 2, 2-16-21)