



**CITY OF ANNA MARIA
BUILDING DEPARTMENT**

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**PROTECTION OF SEA TURTLE NESTING AREAS FOR
NEW AND EXISTING DEVELOPMENT
SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE**

City of Anna Maria Code of Ordinances

CHAPTER 14 ARTICLE II TURTLES

The purpose of this article is to protect threatened and endangered marine turtles along the beaches of Anna Maria, by safeguarding the nesting female and hatchling marine turtles from the adverse effects of **artificial light**; and adult and hatchling marine turtles from injury or harassment.

NESTING SEASON each year is from May 1 to October 31

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ARTICLE II. SEA TURTLES*

Sec. 14-26. Purpose.

- (a) Purpose. The purpose of this article is to protect threatened and endangered marine turtles along the beaches of Anna Maria, by safeguarding the nesting female and hatchling marine turtles from the adverse effects of artificial light; and adult and hatchling marine turtles from injury or harassment.
- (b) Jurisdiction. The provisions of this article shall apply to City of Anna Maria.

Sec. 14-27. Definitions.

For the purpose of this article, certain terms and words are defined as follows:

Artificial light: Any source of light emanating from a human-made device.

Beach: The soft sand portion of land that extends landward from the mean low water line to the crest of the fore dune, the line of permanent vegetation, or a retaining wall, whichever is first.

Bug light: Any yellow colored light bulb, 25 watts or less, that is marketed as being specifically treated in such a way so as to reduce the attraction of insects to the light.

City: The City of Anna Maria.

Coastal construction control line (CCCL): The portion of the coastal construction control line established pursuant to the provisions of F.S., § 161.053, that lies within the city.

Cumulatively illuminated: Illuminated by numerous artificial light sources that as a group illuminate any portion of the beach. Such cumulative illumination must be bright enough to cast a shadow on any portion of the beach during any night of the sea turtle nesting season.

Department: The Florida Department of Environmental Protection (FDEP).

Directly illuminated: Illuminated as a result of glowing element(s), lamp(s), globe(s) of reflector(s) or any artificial light source which is visible to an observer on the beach.

Dune: A mound or ridge of loose sediments usually sand sized, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location.

Existing development: Completed development having received official approval in the form of a certificate of occupancy, certificate of compliance or final building permit approval.

Frontal or fore dune: The first line of continuous and dynamic dunes (either natural or man made) encountered landward of the active beach.

Ground level barrier: Any vegetation, natural feature or artificial structure rising from the ground that prevents beachfront lighting from shining directly onto the beach or dunes.

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

Indirectly illuminated: Illuminated as a result of the glowing element(s), lamp(s), globe(s) or reflector(s) or any artificial light source which is not visible to an observer on the beach.

Inspector: A code enforcement officer, inspector or police officer from the City of Anna Maria.

Red light emitting diodes (LED): Miniature lamps that emit pure red light that does not vary in color over the life of the lamp. These lamps may be used in multiples to form strips of small lamps within a light fixture.

Low profile luminaire: A light fixture set on a base which raises the source of light no higher than 24 inches above the ground, and is designed in such a way that light is directed downward from a hooded light source.

Marine turtle: Any marine dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters and using the beach as nesting habitat including the species; *Caretta caretta caretta* (loggerhead), *Chelonia mydas mydas* (green) *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempii* (Kemp's Ridley). For purposes of this article, marine turtle is synonymous with sea turtle.

Nest: All areas where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season: The period from May 1 to October 31 of each year.

New development: New construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Person: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, unit of federal, state, county, or municipal government, and all other groups or combinations thereof.

Primary dune: The most seaward dune with sufficient along shore continuity which has sufficient height and configuration or vegetation to offer protective value.

Publicly owned lighting: Lighting installed by a public or private entity which is owned by, or rented or tested to a governmental agency, or lighting installed on public property.

Shield: A non-reflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.

Tinted or filmed glass: Any glass treated to achieve an industry approved inside to outside light transmittance value to 45 percent or less. Such transmittance is limited to the visible spectrum (400-700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

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

Sec. 14-28. Standards for new development.

New development, coastal construction and building and electrical plans for construction of any structure shall be in compliance with the following, if the proposed development is waterward of the coastal construction control line (CCCL), or if the development creates any light sources that will be visible from the beach. Provisions of this section apply, but are not limited to all new coastal construction and development, including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property.

(1) Exterior artificial light fixtures shall be designed and positioned so that:

a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach; and

- b. Areas seaward of the primary dune, or the beach in areas where the primary dune no longer exists are not directly or indirectly illuminated; and,
 - c. Areas seaward of the primary dune, or the beach in areas where the primary dunes no longer exists are not cumulatively illuminated.
- (2) Exterior artificial light fixtures within direct line of sight of the beach are allowed if:
- a. Exterior lights are completely shielded down light only fixtures or recessed fixtures with non-reflective interior surfaces. These fixtures must have low wattage (i.e. 25 watts or less) bug type bulbs, red light emitting diodes (LED) or true neon light sources. Other fixtures that have light blocking shields, louvers, or cutoff features may also be used if they are in compliance with subsection (A) above; and,
 - b. All fixtures are mounted as low in elevation as possible through use of low mounted wall fixtures, low bollards, and ground level fixtures.
- (3) Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.
- (4) The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required for any exterior lights used expressly for safety or security.
- (5) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight (8) feet above the ground.
- (6) In parking areas within direct line of sight of the beach all lighting shall be:
- a. Set on a low profile luminaire, and
 - b. Positioned or shielded so that the light is case downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly, indirectly or cumulatively illuminate the beach.
- (7) Except for single family residences, all newly constructed parking areas and driveways, 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.
- (8) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground level barriers. Ground level barriers must not impede or entangle marine turtles or hatchlings, or cause short or long term damage to the beach/dune system.
- (9) Tinted glass shall be installed on all windows and doors of single or multi story structures within direct line of sight of the beach. Tint or film must meet the standards for tinted glass stated in section 14-27.
- (10) Upon the issuance of a certificate of occupancy for any new development within direct line of sight of the beach, compliance with the beachfront lighting standards set forth in this article shall be approved as follows:
- a. Upon completion of the construction activities, the inspector shall conduct a site inspection which includes a night survey with all beachfront lighting turned on.
 - b. The city inspector shall prepare and report the inspection findings in writing identifying:
 - 1. The date and time of initial inspection.

2. The extent of compliance with the lighting standards.
3. All areas of observed noncompliance, if applicable.
4. Any action(s) taken to remedy observed noncompliance if applicable.
5. The inspector, in cases where remedial action is necessary, shall notify the owner or developer of the results of the inspection and shall schedule a date and time for it subsequent inspection.

Sec. 14-29. Existing development.

Existing Development must ensure that the beach is not directly or indirectly illuminated by lighting originating from existing development during nesting season. Artificial lighting from existing development must not directly or indirectly illuminate the beach during nesting season.

Sec. 14-30. Standards for publicly owned lighting.

All publicly owned lighting with light sources that are visible from the beach, or that illuminate reflective surfaces that are visible from the beach, including but not limited to street lights, parking lot lights, and beach access lighting shall be, 1) fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach, or 2) shall be extinguished between sunset and sunrise from May 1 to October 31 of each year.

Sec. 14-31. Prohibition of activities disruptive to marine turtles.

The following activities and situations are prohibited on the beach from sunset to sunrise during the nesting season:

- (1) The operation of all motorized vehicles, except emergency and law enforcement vehicles or persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the State of Florida Department of Environmental Protection, and who are acting in conformance with such authorization or permit.
- (2) The building of campfires or bonfires.
- (3) Any temporary lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the State of Florida Department of Environment Protection, and who are acting in conformance with such authorization or permit.
- (4) All temporary structures including but not limited to beach chairs, umbrellas, cabanas, personal water craft, boats, trailer or any other man-made items that may interfere with the use of the beach as a nest, must be removed from the beach from sunset until sunrise.
- (5) The transport, fueling and maintenance of personal watercraft, except by those licensed, certified or permitted by the U.S. Fish and Wildlife Service, the State of Florida Department of Environmental Protection or the city is prohibited on the beach during marine turtle nesting season.

(6) Parking. Vehicle headlights in parking lots or areas on or adjacent to the beach must be screened utilizing ground level barriers to eliminate artificial lighting directly or indirectly illuminating sea turtle nesting habitat.

Sec. 14-32. Construction during nesting season.

During the nesting season it shall be unlawful to construct any structure, excavate or place any fill, mechanically clean any beach, or grade any dirt within 100 feet of a beach where marine turtles nest or may nest, unless:

(1) Written approval is obtained from the Florida Department of Environmental Protection (FDEP) (628.333 Florida Administrative Code, F.S., ch. 161 and F.S., § 370.12);

(2) Each activity is coordinated by means of a written agreement with sea turtle monitoring personnel holding a current and valid permit from the FDEP for the specific area; and

(3) The project does not interfere with marine turtle nesting, nests or hatching activities, shall preserve or replace any native vegetation on the site, and shall maintain the natural existing beach profile and minimize interference with the natural beach dynamics and function.

(4) All required city permits have been issued.

Sec. 14-33. Unlawful to kill, molest, or injure marine turtles.

In accordance with F.S., Ch. 370 and the U.S. Endangered Species Act of 1973, it shall be unlawful for any person to kill, molest, harass, or cause direct or indirect injury to any species of marine turtle in the city or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a marine turtle, turtle nest and/or egg(s) except as authorized by state and/or federal permit. The city will cooperate with appropriate state and federal agencies in prosecuting violations of the act.

Sec. 14-34. Education and information.

The city and/or a private not for profit organization may distribute brochures to coastal establishments and residents and make presentations about the effects of light on endangered sea turtle reproduction and about sea turtle biology, generally. The city has the option and authority to notice first time violations of the sea turtle lighting ordinance by sending a letter to the offender describing the violation and enclosing a brochure and summary of the subsequent ordinance offenses enforcement measures.

Sec. 14-35. Civil and administrative enforcement powers; criminal penalties.

(a) The city shall have the power to enforce the provisions of this article by equitable or legal judicial and administrative proceedings as well as by any other legal or administrative means including by citation or code enforcement proceedings as set out in the Anna Maria Code of Ordinances. Each day of any such violation shall constitute a separate and distinct offense.

(b) No permit may be issued by the city to improve or expand any facility constructed or modified in violation of this article until the violation has been corrected.

(c) A violation of any of the provisions of this article shall be punishable in the same manner as a misdemeanor and punishable as provided by F.S., § 162.22, and other

applicable city ordinances. Each day of any such violation shall constitute a separate and distinct offense.

(d) Violations of section 14-31(4) shall be deemed an infraction and subject to citation. The penalties for violation of this article are as follows:

(1) \$100.00 for first violation.

(2) \$200.00 for any subsequent violations occurring within one year of any other violation. Each day that a violation exists shall be deemed a separate violation.

(3) A city law enforcement officer or any other person authorized to issue citations on behalf of the city shall determine the owner or custodian of all personal property left on the city's public beaches in violation of this article and any citation issued under this article shall be issued to the owner or custodian of the personal property. If after a reasonable effort, a law enforcement officer or other person authorized to issue citations on behalf of the city, is unable to locate the owner or custodian of the personal property, the law enforcement officer or other authorized representative is authorized to confiscate the personal property left on the city's beaches. The personal property shall thereafter be transferred to a place of safe keeping controlled by the city. The city shall hold the personal property until the owner or custodian contacts the city, reasonably identifies the property, and pays any fine owed under this article. Upon payment of the fine, the city shall release to the owner or custodian and upon execution of an appropriate receipt the property. If an owner or custodian fails to claim any confiscated property after it has been held for 90 days, the property shall be deemed abandoned and the city may dispose of it as authorized by general law.