

**ORDINANCE NO. 2004-118**

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; AMENDING ORDINANCE NO. 97-082, AS AMENDED; AS CODIFIED IN SECTIONS 54-751 THROUGH 54-765 OF THE SARASOTA COUNTY CODE; AMENDING SECTION 54-754 PROVIDING FOR ADDITIONAL GENERAL DEFINITIONS; AMENDING SECTION 54-758 RELATING TO PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2005 JAN -4 PM 3: 14

FILED

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:**

**SECTION 1.** This Ordinance amends Ordinance No. 97-082, as amended, as codified in Sections 54-751 through 54-765 of the Sarasota County Code.

**SECTION 2.** Section No. 54-751 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-751. Title and citation.**

This article shall be known and may be cited as the "Sarasota County Sea Turtle Protection Ordinance."

(Ord. No. 97-082, § 1, 10-14-1997)

WYNN E. REEDING  
CLERK OF COUNTY BOARD  
SARASOTA COUNTY, FL

2004 DEC 30 AM 8: 39

BOARD RECORDS  
FILED FOR RECORD

**SECTION 3.** Section No. 54-752 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-752. Purpose.**

The purpose of this article is to protect threatened and endangered Marine Turtles that nest along the Beaches of Sarasota County (Casey Key, Lido Key, Manasota Key, and Siesta Key, and the unincorporated portions of the Island of Venice), 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.

(Ord. No. 97-082, § 2, 10-14-1997; Ord. No. 99-030, § B, 4-29-1999)

**SECTION 4.** Section No. 54-753 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-753. Jurisdiction.**

The provisions of this article shall apply to Lido Key, Siesta Key, Casey Key, the unincorporated portions of the Island of Venice and Manasota Key, as well as the adjacent waters in these jurisdictions within Sarasota County. Sections 54-756, 54-757 and 54-759 shall not have any effect outside of the Marine Turtle Nesting Season.

(Ord. No. 97-082, § 3, 10-14-1997; Ord. No. 99-030, § C, 4-29-1999)

**SECTION 5.** Section No. 54-754 of the Sarasota County Code is hereby amended to read as follows:

**Sec. 54-754. 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:** That area of unconsolidated material that extends landward from the mean low-water line to the place where there is a marked change in material or physiographic form, or to the line of nonpioneering vegetation.

**Bug Light or Bug Type Bulb:** Any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of insects to the light.

**Coastal Construction Activities:** Any work or activity that may have a physical effect on existing coastal conditions or natural shore and inlet processes.

**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 Sarasota County.

**County:** Sarasota County, a political subdivision of the State of Florida.

**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), or 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.

**Frontal or Fore Dune:** The first line of continuous and dynamic Dunes (either natural or manmade) 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:** An Inspector from Sarasota County, unless a municipality has entered into an agreement with Sarasota County to perform inspections required pursuant to this article.

**Low-Pressure Sodium Luminaire (LPS):** 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 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 (loggerhead), Chelonia mydas (green), Dermochelys coriacea (leatherback), Eretmochelys imbricata (hawksbill), and Lepidochelys kempi (Kemp's Ripley). For purposes of this article, "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 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.

**Pole Lighting:** A light fixture set on a base or pole which raises the source of the light higher than 24 inches off the ground.

**Primary Dune:** The most seaward Dune with sufficient alongshore 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 leased to, a governmental agency, or lighting installed on public property.

**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.

**Shield:** A nonreflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the Beach.

**Temporary Structure:** Any human-made structure or object with a location or arrangement that is temporary or transient in nature.

**Tinted or Filmed Glass:** Any glass treated to achieve an industry-approved inside-to-outside light transmittance value of 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.

(Ord. No. 97-082, § 4, 10-14-1997)

**SECTION 6.** Section No. 54-755 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-755. 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;
  - 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 Dune 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 downlight-only fixtures or recessed fixtures with nonreflective interior surfaces. These fixtures must have low wattage (i.e., 25 watts or less) Bug Type Bulbs, low pressure sodium vapor (LPS) 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 (1) of this section; 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, uplights 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) Dune crosswalks may be lighted. If lighted, Dune crosswalks shall utilize low-profile shielded luminaries directed and positioned so that the point source of light or any reflective surface of the light fixture is not directly visible to a Person on the Beach. All light fixtures on Dune crosswalks must utilize low wattage (i.e., 25 watts or less) Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red Light-Emitting Diodes (LED) or True Neon light sources. Dune crosswalk lighting seaward of the Primary Dune, or on the Beach in areas where the Primary Dune no longer exists, shall not be used.
- (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 cast 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 the definition of "Tinted or Filmed Glass" in Section 54-754.
- (10) 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 feet above the ground.
- (11) 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 County 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.

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 a subsequent inspection.

(Ord. No. 97-082, § 5, 10-14-1997)

**SECTION 7.** Section No. 54-756 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-756. Standards for existing development.**

By May 1, 1998, all light sources or reflective surfaces illuminated by such sources that are visible from the Beach shall be brought into compliance with the following:

- (1) Existing Artificial Light fixtures shall be repositioned, modified, replaced, or removed so that:

- a. The point source of light or any reflective surface of the light fixture is not directly visible from the Beach;
  - 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 Dune no longer exists, are not Cumulatively Illuminated.
- (2) One or more of the following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting, so that all existing development is in full compliance with subsection (1) of this section:
- a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the Beach;
  - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or Shields;
  - c. Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs not exceeding 25 watts, low-pressure sodium vapor (LPS) bulbs, Red Light-Emitting Diodes (LED) or True Neon light sources;
  - d. Replace nondirectional fixtures with directional fixtures that point down and away from the Beach;
  - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque Shields designed to be in compliance with subsection (1) of this section, and extending an appropriate distance 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 native vegetation buffers between the light source and the Beach sufficient to screen light from the Beach;
  - h. Construct a Ground-Level Barrier to shield light sources from the Beach. Ground-Level Barriers must not interfere with Marine Turtle nesting or Hatchling emergence, or cause short- or long-term damage to the Beach/Dune system; and
  - i. Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.

- (3) 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 direct line of sight of the Beach, so that all existing development is in full compliance with subsection (1) of this section:
  - a. Apply window tint or film that meets the standards for Tinted Glass in the definition of "Tinted or Filmed Glass" in Section 54-754;
  - b. Rearrange lamps and other moveable fixtures away from windows;
  - c. Use window treatments (e.g., blinds, curtains) to shield interior lights from the Beach; and/or
  - d. Turn off unnecessary lights.
- (4) The Board of County Commissioners is authorized to grant variances to the date of compliance, after notice to the owner and a public hearing, where lighting installed before September 9, 1997, would be in violation of this section. Such variances may be granted only where the applicant has demonstrated that the application of these standards to such lighting will cause such an undue and unique hardship to the property, and that more time is needed to amortize the owner's reasonable investment in the lighting. In granting a variance, the Board shall specify a schedule and plan to attain full compliance. Violation of the terms of such a plan or schedule shall constitute a violation of this article.

(Ord. No. 97-082, § 6, 10-14-1997)

**SECTION 8.** Section No. 54-757 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-757. 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 streetlights, 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) Extinguished between sunset and sunrise from May 1 to October 31 of each year.

(Ord. No. 97-082, § 7, 10-14-1997)

**SECTION 9.** Section No. 54-753 of the Sarasota County Code is hereby amended to read as follows:

**Sec. 54-758. 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, the State of Florida Department of Environmental Protection, or Sarasota County, and who are acting in conformance with such authorization or permit.
- (2) The building of campfires or bonfires.
- (3) Any transient 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, the State of Florida Department of Environmental Protection, or Sarasota County, and who are acting in conformance with such authorization or permit.
- (4) Any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural Beach environment for nesting habitat. All temporary structures shall be a) removed from the Beach nightly, or b) stored in areas designated by Sarasota County staff which are situated to avoid interference with marine turtles.

(Ord. No. 97-082, § 8, 10-14-1997)

**SECTION 10.** Section No. 54-759 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-759. Construction during Nesting Season.**

- (a) During the nesting/hatching 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 the nesting zone of a Beach where Marine Turtles nest or may nest, without:
  - (1) Obtaining written approval from the Florida Department of Environmental Protection (FDEP) (F.A.C. 62B-33, F.S. ch. 161, and F.S. § 370.12); and

- (2) Coordinating each activity by means of a written agreement with sea turtle monitoring personnel holding a current and valid permit from the FDEP for the specific area.
- (b) Construction activities shall 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.

(Ord. No. 97-082, § 9, 10-14-1997)

**SECTION 11.** Section No. 54-760 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-760. 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 Sarasota County 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). Sarasota County will cooperate with appropriate State and federal agencies in prosecuting violations of the act.

(Ord. No. 97-082, § 10, 10-14-1997)

**SECTION 12.** Section No. 54-761 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-761. Education and information.**

The County and/or a private not-for-profit organization shall prepare and 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 County has the authority to notice first-time violators of the sea turtle lighting ordinance (this article) by sending a letter to the offender describing the violation and enclosing a brochure and summary of the ordinance. Subsequent offenses will be treated with enforcement measures as described in Section 54-762.

(Ord. No. 97-082, § 11, 10-14-1997)

**SECTION 13.** Section No. 54-762 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-762. Civil and administrative enforcement powers; criminal penalties.**

- (a) The County shall have the power to enforce the provisions of this article by equitable or legal judicial proceedings, as well as by any other legal or administrative means, including code enforcement proceedings as set out in

Ordinance No. 93-006, as amended (Chapter 2, Article VIII, of this Code). Each day of any such violation shall constitute a separate and distinct offense.

- (b) No permit may be issued by the County to improve or expand any facility constructed or modified in violation of this article, unless 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. § 125.69. Each day of any such violation shall constitute a separate and distinct offense.

(Ord. No. 97-082, § 12, 10-14-1997)

**SECTION 14.** Section No. 54-763 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-763. Applicability.**

This article shall be applicable and enforceable on Lido Key, Siesta Key, Casey Key, the unincorporated portions of the Island of Venice and Manasota Key, as well as the adjacent waters in these jurisdictions within Sarasota County. The Board of County Commissioners may enter into an interlocal agreement with any municipality for the administration and enforcement of the provisions contained within this article.

(Ord. No. 97-082, § 13, 10-14-1997; Ord. No. 99-030, § D, 4-29-1999)

**SECTION 15.** Section No. 54-764 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-764. Interpretation.**

The provisions of this article shall be liberally construed in order to effectively carry out its purpose. Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

(Ord. No. 97-082, § 14, 10-14-1997)

**SECTION 16.** Section No. 54-765 of the Sarasota County Code is hereby restated as follows:

**Sec. 54-765. Severability.**

It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this article is held invalid, the remainder of this article shall not be affected.

(Ord. No. 97-082, § 15, 10-14-1997; Ord. No. 99-030, § E, 4-29-1999)

**Secs. 54-766--54-790. Reserved.**

**SECTION 17. Severability.** Should any sentence, clause, part, or provision of this article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the article as a whole, or any part thereof other than the part declared to be invalid.

**SECTION 18. Effective Date.** This article shall take effect immediately upon filing with the Office of the Secretary of State of Florida.

**PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 14<sup>th</sup> day of December, 2004, A.D.**

**BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA**

BY:   
\_\_\_\_\_

Chair

**ATTEST:**

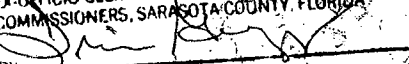
**KAREN E. RUSHING, Clerk of  
Circuit Court and Ex-Officio Clerk  
of the Board of County Commissioners  
of Sarasota County, Florida**

BY:   
\_\_\_\_\_

Deputy Clerk

STATE OF FLORIDA)  
COUNTY OF SARASOTA)  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

12-30-04  
SEAL THIS DATE  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-DEFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY:   
\_\_\_\_\_

DEPUTY CLERK