

JEKYLL ISLAND-STATE PARK AUTHORITY  
BEACH LIGHTING ORDINANCE

WHEREAS, the Jekyll Island-State Park Authority ("Authority") has adopted that certain Code of the Jekyll Island-State Park Authority, of Georgia, 1981 ("Code"), effective May 25, 1981, and

WHEREAS, the Jekyll Island-State Park Authority recognizes that the Georgia Department of Natural Resources is charged with the care and protection of wildlife on Jekyll Island; and

WHEREAS, the Jekyll Island-State Park Authority is aware that the nesting of sea turtles on Jekyll Island is a delicate part of the balance of nature; and

WHEREAS, the Jekyll Island-State Park Authority understands that indiscriminate use of artificial light sources may disturb, confuse or prevent the natural instincts of adult and hatchling sea turtles; and

WHEREAS, the Jekyll Island-State Park Authority desires to insure that there will be no disruption of nesting sea turtles;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDAINED BY THE JEKYLL ISLAND-STATE PARK AUTHORITY, that Chapter XV of the "Code", Section 15-114, entitled "Beach Lighting", is amended to read as follows:

**I. Purpose and Intent**

This ordinance is intended to protect Sea Turtles on Nesting Beaches from the adverse effects of artificial lighting during the Nesting Season in Nighttime, provide overall improvement in nesting habitat degraded by light pollution, increase successful nesting activities of Sea Turtles, and increase the production and survivability of Hatchlings.

**II. Definitions**

1. **"Artificial Light"** or **"Artificial Lighting"** means the light emanating from any human-made device.
2. **"Beach"** means the zone of unconsolidated material that extends landward from the ordinary low water mark to the line of permanent vegetation.
3. **"Cumulatively Illuminated"** means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

4. **“Directly Illuminated”** means an area illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source, which is visible to an observer on the beach.
5. **“Dune”** means mounds of sand deposited along a coastline by wind action, which mounds are often covered with sparse, pioneer vegetation and are located landward of the ordinary high-water mark and may extend to the tree line.
6. **“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.
7. **“Ground-Level Barrier”** means any vegetation, natural feature or artificial structure rising from the ground, which prevents beachfront lighting from shining directly onto the beach-dune system.
8. **“Hatchling”** means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.
9. **“Indirectly Illuminated”** means an area illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source, which is not visible to an observer on the beach.
10. **“Sea Turtle” (marine)** means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Georgia waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempii* (Kemp’s Ridley). For purposes of this rule, sea turtle is synonymous with marine turtle.
11. **“Nest”** means an area where sea turtle eggs have been naturally deposited or subsequently relocated.
12. **“Nesting Season”** means the period from May 1 through October 31 of each year.
13. **“Nighttime”** means the locally effective time period between sunset and sunrise including official dawn and official twilight (the periods 30 minutes before sunrise and 30 minutes after sunset).
14. **“Tinted Glass”** means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45% or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.
15. **“Nesting Beach”** means any Jekyll Island beach capable of supporting sea turtle nesting habitat defined as dry sand beach above the ordinary high water mark.
16. **“Non-nesting Beach”** means any Jekyll Island beach with a visible stabilization structure (e.g. rock armoring, sea wall, sand bags) and no dry sand beach above the ordinary high water mark.

17. **"Private Balcony"** means a balcony or porch that is not considered a point of ingress and egress in local building code.

### **III. Prohibition of Beachfront Artificial Lighting**

To protect sea turtles from the adverse effects of Artificial Lighting, provide overall improvement in Sea Turtle nesting habitat degraded by light pollution, and increase successful nesting activity and production of Hatchlings, artificial illumination, whether Directly Illuminated or Indirectly Illuminated or Cumulatively Illuminated, of the Nesting Beaches or Non-nesting Beaches, including Dunes and Frontal Dunes, is prohibited during Nighttime during the Sea Turtle Nesting Season for the protection of nesting females, Nests and Hatchlings.

This ordinance is applicable to individuals, legal entities, and may be enforced *in rem* against nonconforming property uses. The prohibition set forth herein is effective for all new construction or installations of Artificial Lighting upon approval of this Ordinance. Existing Artificial Lights or Lighting must be brought into conformance as soon as practicable but in no event later than April 30, 2010. The Authority may proceed immediately against any nonconforming use commencing May 1, 2010 by terminating electrical power to such nonconforming use and proceeding *in rem* against the person or entity holding the property interests for all costs and attorney fees.

Artificial Lighting may be operated on Nesting and Non-Nesting Beaches of Jekyll Island during the Sea Turtle Nesting Season at Nighttime only under the conditions set forth in Sections IV and V below.

### **IV. Standards for Permitted Beachfront Lighting on Nesting Beaches**

Beachfront Artificial Lighting is permitted on Nesting Beaches during the Sea Turtle Nesting Season at Nighttime only under the following conditions:

1. 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 highest point of the frontal dune are not directly or indirectly illuminated; and
  - c. Areas seaward of the highest point of the frontal dune are not cumulatively illuminated.
2. Exterior artificial light fixtures within direct line-of-sight of the beach shall be designed and oriented such that the fixtures are:
  - a. Completely shielded
  - b. Full cut-off design
  - c. Oriented in a downward direction

3. Exterior artificial light fixtures which are prohibited, subject to condition 5 below, include:
  - a. Pond lights
  - b. Uplights
  - c. Dune walkover lights
  - d. Tree-strap downlights
  - e. Decorative lighting, including rope lights and Christmas lights.
4. The only lamps/bulbs or other light sources that may be used in exterior light fixtures include:
  - a. Low pressure sodium (LPS, 18w, 35w)
  - b. Amber or red LED (greater than 580 nm)
  - c. Turtle Safe lighting, Inc. coated, compact fluorescent (CF) lamps (maximum 13 watts)
  - d. True red neon
  - e. Other lighting sources that produce light of 580 nm or longer wavelength.
5. Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s) and must comply with conditions (1-10). Motion detector switches, that keep lights off except when approached and that switch lights on for the minimum duration necessary for security and safety, are desirable.
6. The use of private balcony lights is prohibited unless fixtures are low-mounted ( $\leq 2'$  balcony floor), low-wattage, and fully-shielded from the beach. Private balcony lights must be in conformance with section (1-10).
7. Only low intensity lighting shall be used in parking areas within line-of-sight of the beach, and shall be:
  - a. Set on a base which raises the source of light no higher than 48 inches off the ground.
  - 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 or indirectly illuminate the beach.
  - c. Bulbs used in parking area fixtures must comply with condition (4).
8. Parking area and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to minimize vehicular headlights from directly or indirectly illuminating the beach.
9. 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 interfere with marine turtle nesting or hatchling emergence.*
10. Swimming pool and pool deck lights shall be turned off when the pool is closed unless required for safety and security, in which case such lights must conform to condition (5).

11. Tinted glass shall be installed on all windows and glass doors of single or multi-story structures constructed within line-of-sight of the beach.
12. Temporary lighting of construction sites during the sea turtle nesting season shall be restricted to the minimal amount necessary and must comply with conditions (1-10).
13. Prior to beachfront construction or renovation of any beachfront structure or facility, the lighting plan for the subject parcel, including during the construction phase, must be approved by the Jekyll Island-State Park Authority and DNR Nongame Conservation Section.

#### **V. Standards for Permitted Beachfront Lighting on Non-nesting Beaches**

Beachfront Artificial Lighting is permitted on Non-nesting Beaches during the Sea Turtle Nesting Season at Nighttime, except such beachfront Artificial Lighting is prohibited when Artificial Lighting is within line-of-sight of any Nesting Beach, Dune or Frontal Dune, whether Directly Illuminated or Indirectly Illuminated or Cumulatively Illuminated. When Artificial Lighting is within line-of-sight of any Nesting Beach, Dune or Frontal Dune all such Artificial Lighting must comply with conditions 1-13 of standards Set forth in Section IV above concerning "Nesting Beaches".

#### **VI. Prohibition of Certain Beach Activities Utilizing Artificial Lights and Lighting Affecting Sea Turtles**

The following activities involving Direct Illumination of the beach are prohibited on Nesting Beaches, Dunes, and Frontal Dunes at Nighttime during the Sea Turtle Nesting Season for protection of nesting female Sea Turtles, Nests, and Hatchlings:

1. The operation of all motorized vehicles or motorized machines, except governmental emergency and law enforcement vehicles or those permitted on the beach for research or sea turtle conservation.
2. The use of campfires or bonfires.
3. The use of lanterns or flashlights unless they produce light of 580 nm or longer wavelength (true red).
4. The use of fireworks unless approved by the Authority and properly permitted under state law.

#### **VII. Variances**

1. Requests for variances to this ordinance must be presented in writing to the Jekyll Island-State Park Authority. Such requests must state the rationale and must show how failure to receive a variance will cause an undue hardship on the requestor.

2. The Jekyll Island State Park Authority will confer with the Georgia Department of Natural Resources regarding any variance requested, and shall respond in writing to each request subsequent to said consultation within ten (10) days, unless the Department requests additional time for study, in which case the requestor shall be notified.

#### VIII. Noncompliance and Enforcement

1. The Jekyll Island State Park Authority shall notify, in writing, the leaseholder of any premises that are in noncompliance with this ordinance, and that the noncompliance must be corrected within ten (10) calendar days.
2. Such notice(s) of noncompliance shall be sent by certified mail or statutory mail, addressed to said leaseholder, at his/her last known address, or by posting on the premises.
3. Failure by the leaseholder to correct any item of non-compliance with this ordinance shall be construed to be an item of default of the lease for these premises and shall be resolved as set forth in Ordinance 1-108 of the ordinances of the Jekyll Island State Park Authority and by law, as applicable.

Adopted, enacted and ordained this 11<sup>th</sup> day of August, 2008 by the Jekyll Island-State Park Authority pursuant to a motion properly made and seconded and recorded in the minutes of the August, 2008 meeting of the Jekyll Island-State Park Authority, to become effective August 11, 2008.