

code of Ordinances
 be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 1981, S 8-105)

Secs. 10-53—10-77. - Reserved.

ARTICLE IV. - BEACH LIGHTING

Sec. 10-78. - 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 or artificial lighting means the light emanating from any ~~manmade~~ **manufactured** device.

Beach means the zone of ~~unconsolidated material that extends landward from the ordinary low water mark to the line of permanent vegetation.~~ **sand from the low water mark of the ocean to the landward toe of the frontal dune. In cases with no identifiable frontal dune, beach means the zone of sand from the low-water mark of the ocean to the landward extent of sparsely vegetated sand.**

Beachfront means the area of land facing the beach.

Cumulatively illuminated means illuminated by ~~numerous artificial light sources that as a group~~ **more than one artificial light sources that collectively** illuminate any portion of the beach.

DNR means the Georgia Department of Natural Resources – Wildlife Resources Division which is responsible for conserving and protecting wildlife species, including Sea Turtles.

Directly illuminated means an area illuminated as a result of glowing elements, lamps, globes or reflectors of an artificial light source, which is visible to an observer on the beach.

Dune means ~~mounds~~ **a natural manmade mound or bluff** 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.

Frontal dune means the ~~seaward-most dune on the nesting beach and first natural or manmade mound or bluff of sand which is located landward of the beach and~~ **seaward-most dune on the nesting beach and** which has sufficient vegetation, height, continuity, and configuration to offer **significant** protective value **of landward areas.**

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground, which ~~prevents~~ **obstructs** beachfront lighting from ~~shining directly onto~~ **illuminating** the beach-dune system.

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

Indirectly illuminated means an area illuminated as a result of the glowing elements, lamps, globes or reflectors of an artificial light source, which is not visible to an observer on the beach.

Landward Toe means the lowest elevation of the landward side of the frontal dune.

Nest means an area where sea turtle eggs have been naturally deposited or subsequently relocated.

Nesting Beach means any ~~island~~ beach capable of supporting sea turtle ~~nesting habitat~~ defined as ~~dry sand beach above the ordinary high water mark~~ **as determined by available data or any beach location where natural changes or engineered and permitted activities have created the potential for sea turtle nesting as determined by DNR. The authority may post a map of each year's nesting beaches on its website in advance of nesting season to identify the location of nesting beaches for that year's nesting season in consultation with DNR.**

Nesting season means the period from May 1 through October 31 of each year. ~~The authority, in consultation with DNR, may declare an end to the period of local regulation prior to October 31st of each year after the last remaining nest on Jekyll Island has been inventoried pursuant to DNR's nesting protocols. Such a declaration would only apply to the beaches of Jekyll Island and pertain to this ordinance specifically.~~

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).~~

Nonnesting beach means any ~~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.~~ **that is not a nesting beach.**

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

Sea turtle (marine) means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in state waters or using the beach as nesting habitat, including the **following**

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.

Tinted glass means any glass treated to achieve an industry- ~~specified~~^{approved}, inside-to-outside light transmittance value of 45 percent 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.

Sec. 10-79. - Purpose and intent.

This article is intended to protect sea turtles on nesting beaches from the adverse effects of artificial lighting during the nesting season. **Furthermore, this article is intended to avoid degradation in sea turtle nesting habitat due to light pollution and promote successful nesting activity and production of hatchlings.** ~~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.~~

Sec. 10-80. - Prohibition of beachfront artificial lighting.

It shall be unlawful for a person to allow artificial light to directly, indirectly, or cumulatively illuminate the nesting beaches of Jekyll Island, including frontal dunes, during nighttime throughout the sea turtle nesting season, unless such lighting complies with the standards set forth in sections 10-81 and 10-82.

- (a) ~~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 nonnesting 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.~~
- (b) ~~This article 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 article. Existing artificial~~
- (c) ~~Artificial lighting may be operated on nesting and nonnesting beaches of the island during the sea turtle nesting season at nighttime only under the conditions set forth in sections 10-31 and 10-82.~~

Sec. 10-81. - 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, **whether exterior or interior**, shall be designed and positioned so that:
 - a. The point source of light **such as the bulb, fluorescent tube, or diode**, or any **mirrored** 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~~ **The beach is not directly or indirectly illuminated;**
and
 - c. ~~Areas seaward of the highest point of the frontal dune are not cumulatively illuminated.~~ **The beach is not cumulatively illuminated.**
- (2) **One or more of the following measures could be used as necessary to eliminate direct, indirect and cumulative beach illumination resulting from the interior light emanating from doors and windows that can be seen by an observer on the beach:**
 - a. **Rearrange lamps and other moveable light fixtures away from windows;**
 - b. **Use window treatments to shield interior lights from the beach and, during the nesting season, draw operable coverings each night; or**
 - c. **Turn off unnecessary lights.**

~~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 cutoff design;~~
 - c. ~~Oriented in a downward direction.~~
- (3) **Exterior artificial light fixtures which are prohibited, subject to condition set forth in subsection (5) of this section, include the following: that can be seen by an observer on the beach shall be designed and oriented such that :**
 - a. **The point source of light or any mirrored reflective surface of the light fixture is not directly visible from the beach;**
 - b. **Fixtures are completely shielded by an opaque material blocking direct view of bulbs or diodes from the beach;**
 - c. **Fixtures project light in a downward direction only.**
 - a. ~~Pond lights.~~

- ~~b. Uplights.~~
- ~~c. Dune walkover lights.~~
- ~~d. Tree strap downlights.~~
- ~~e. Decorative lighting, including rope lights and Christmas lights.~~

- (4) Exterior artificial light fixtures which are prohibited from producing light that can be seen by an observer on the beach include the following:
- a. Lighting that is decorative in purpose and intent.
 - b. Any light fixture that projects light in an upward direction.
 - c. Any light fixture that directly illuminates vegetation, buildings, trees, or other objects that can be seen by an observer on the beach.
 - d. Dune crossover lights.
 - e. Tree mounted lights placed higher than fifteen (15) feet above the ground surface

~~The only lamps/bulbs or other light sources that may be used in exterior light fixtures include:~~

- ~~a. Low pressure sodium (LPS, 18 watts, 35 watts).~~

~~b.~~

~~Amber~~

~~or red LED (greater than 580 nm).~~

~~Turtle Safe Lighting, Inc. coated, compact fluorescent (CF) lamps (maximum_u watts).~~

~~True red neon.~~

~~f.~~

~~Other lighting sources that produce light of 580 nm or longer wavelength.~~

- (5) The only lamps/tubes/bulbs/diodes or other light sources that may be used in exterior light fixtures producing light that can be seen by an observer on the beach include:
- a. Low-pressure sodium (LPS, 18 watts, 35 watts).
 - b. Amber or red LEDs producing light wavelengths not less than 560 nanometers).
 - c. Any lamp/bulb authorized by the DNR.
 - d. True red neon.
 - e. Other lighting sources that produce light wavelengths not less than 560nm.

- (6) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional roles and must comply with conditions set forth in ~~subsections (1) through (10)~~ of this section. 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.
- (7) ~~The use of private~~ **Private** balcony lights ~~is prohibited unless fixtures are low-mounted (equal to or less than two foot balcony floor), low wattage, and fully shielded from the beach.~~ **may only be low mounted, not to exceed the height of the railing around the balcony, fully-shielded from view from the beach, and produce light that does not directly or indirectly illuminate any surfaces other than the associated balcony that can be seen by an observer on the beach.** Private balcony lights must ~~be in conformance~~ comply with the conditions set forth in ~~subsections (1) through (10)~~ of this section.
- (8) **Lamps, bulbs, tubes, or diodes used to illuminate parking areas and roadways must comply with conditions set forth in this section when producing light that can be seen by an observer on the beach**
~~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 a higher than 48 inches off the ground~~
 - b. ~~Positioned or shielded so that the light is set downward and the source of light or an effective 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 conditions set forth in subsection (4) of this section.~~
- (9) 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.
- (10) 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.

- (11) Swimming pool and pool deck lights shall be turned off when the pool is closed unless required for safety and security. **Swimming pool deck lights must comply with conditions set forth in this section. Underwater swimming pool lights shall be designed and installed so as to avoid illuminating any buildings, trees, or other objects that can be seen by an observer on the beach. If avoidance of such illumination is not possible, then the wavelengths emitted by the underwater pool lights shall not be less than 560nm. Swimming pool owners are encouraged to seek a variance from the Glynn County Department of Public Health in order to conform to these standards.** ~~in which case such lights must conform to the condition set forth in subsection (5) of this section.~~
- (12) Tinted glass shall be installed on all windows and glass doors of single or multistory structures constructed within line-of-sight of the beach.
- (13) Temporary lighting of construction sites ~~during the sea turtle nesting season shall be~~
~~restricted to the minimal amount necessary and must comply with conditions set forth in subsection (1) through (10) of this section.~~ **that can be seen by an observer on the beach during the sea turtle nesting season must comply with conditions set forth in this section.**
- (14) 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 authority and the **DNR Sea Turtle Biologist (primary), State Herpetologist (secondary), or other staff as assigned by DNR.** ~~state department of natural resources conservation section.~~

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Sec. 10-82. - Standards for permitted beachfront lighting on nonnesting beaches.:

Beachfront artificial lighting is permitted on nonnesting beaches during the sea turtle nesting season at nighttime, except such ~~beachfront artificial~~ lighting is prohibited when **it can be seen by an observer on any nesting beach.** ~~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~~ **can be seen by an observer on a** ~~of any~~ nesting beach, ~~dune or frontal dune,~~ all such artificial lighting must comply with conditions in subsections (1) through ~~(11) (13)~~ of the standards set forth in section 10-81 concerning nesting beaches.

Sec. 10-83. - 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:

- (a) The operation of all motorized vehicles or motorized machines, except for those vehicles that are necessary for authorized public safety, law enforcement, or protected wildlife related activities. Authorized vehicles operating on the beach on a routine, non-emergency, basis must be equipped with forward facing lights, sufficiently bright for safe operation, producing light wavelengths not less than 560nm. ~~governmental emergency and law enforcement vehicles or those permitted on the beach for research or sea turtle conservation.~~
- (b) Any source of open flame except handheld lighters. ~~The use of campfires or bonfires.~~
- (c) The use of lanterns or flashlights or any other portable light source except those producing light wavelengths notless than 560 nm. ~~unless they produce light of 580 nm or longer wavelength (true red).~~

Sec. 10-84. - Variances.

- (a) Requests for variances to this article must be presented in writing to the authority. Such requests must state the rationale and must show how failure to receive a variance will cause an undue hardship on the requestor.
- (b) The authority will confer with the ~~DNR state department of natural resources~~ regarding any variance requested, and shall respond in writing to each request subsequent to said consultation within ten days, unless ~~DNR the department~~ or the authority requests additional time for study, in which case the requestor shall be notified.

Sec. 10-85. – Noncompliance and enforcement.

- (a) The authority shall ~~have the power to enforce the provisions of this article by all legal or administrative means. notify, in writing, the leaseholder of any premises that are in noncompliance with this article, and that the noncompliance must be corrected within ten calendar days.~~
- (b) Each violation of any provision of this Article shall subject the person committing the violation to a fine up to \$500 plus costs and any or all penalties to be imposed at the

discretion of the judge. Each day of any such violation shall constitute a separate and distinct offense.

~~Such notice of noncompliance shall be sent by certified mail or statutory mail, addressed to said leaseholder, at his last known address, or by posting on the premises.~~

- (c) No permit may be issued by the Authority to improve or expand any facility that is in violation of this ordinance unless such violation has been corrected.

~~Failure by the leaseholder to correct any item of noncompliance with this article shall be construed to be an item of default of the lease for these premises and shall be resolved as set forth in section 1-8 and by law, as applicable.~~