

INTRODUCED BY:  
MAYOR BROWN



ORDINANCE NO. 2019-02

**A BILL TO BE ENTITLED**

**AN ORDINANCE AMENDING CHAPTER 28, NUISANCES, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA BY ADDING A NEW ARTICLE III, NUISANCE LIGHTING, SECTIONS 28-11—28-15; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to add the following:

**Now, therefore**, be it ordained by the City Council of the City of Neptune Beach, Florida:

**Section 1.** Chapter 28, Article III, Sections 28-11—28-15, of the Code of Ordinances of the City of Neptune Beach is hereby added as follows:

**ARTICLE III. NUISANCE LIGHTING**

**Sec. 28-11. Purpose and intent.**

The City of Neptune Beach recognizes that man-made lighting can have a negative impact on the environment and citizens' right to enjoy their property. Lighting should not unnecessarily illuminate or substantially interfere with the use or enjoyment of any other adjoining lot. Lighting and lighting fixtures shall be integrated into the surrounding landscape and designed to enhance the visual impact of the project on the community.

**Sec. 28-12. Light trespass and glare.**

*(a) Trespass and glare.* Any development shall not create light trespass. Directional luminaires such as floodlights, spotlights, sign lights and area lights associated with development, shall be installed and directed to illuminate only the area intended, with no direct lighting of neighboring properties. Lighting shall also be directed in such a way that it does not create safety concerns on roadways. Building facade and decorative lighting, sports lighting and other applications using floodlights shall have glare shielding (external or internal shields) to prevent light trespass and light pollution on neighboring properties. All lighting shall be designed to prevent nuisance illumination or glare to any adjacent property or unreasonable interference with the lawful use and enjoyment of any adjacent property.

(b) *Exterior lighting.* Lighting which is provided for the security of exterior areas or for a permitted outdoor use of land shall be wall-mounted with full cut-off fixtures. All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plane, except for low voltage landscape lights

(c) *Height.* The maximum height of light fixtures, except as otherwise regulated by this section, shall not exceed 30 feet.

(d) *Light pollution.* All building lighting for security or aesthetics will be fully cut-off type, not allowing any upward distribution of light.

(e) *Municipal or government owned street and roadway lighting* is exempt from these regulations.

**Sec. 28-13. Violation constitutes nuisance; abatement.**

Any light trespass or glare which is constructed, erected, operated, used, maintained, posted or displayed in violation of this Code is hereby declared to be a nuisance and shall be abated and removed within 30 days' receipt of written notice.

**Sec. 28-14. Nonconforming lighting.**

Lighting fixtures in operation as of the effective date of this ordinance, shall be considered permitted non-conforming lighting and are not required to be removed or replaced provided the existing lighting does not create light trespass to any adjacent property or unreasonably interfere with the lawful use and enjoyment of any adjacent property as outlined in this ordinance. Replacement and new lighting are not considered permitted non-conforming and must come into compliance with this article.

**Sec. 28-15. Penalties.**

Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this section may upon conviction be guilty of a noncriminal violation punishable as provided for under F.S. Chapter 162, or by appearance before a county judge if a citation is issued by a police officer, code enforcement officer, animal control officer or others acting at the direction of the city manager. The department of public safety and all officers under its supervision may issue a citation for a civil penalty. A surcharge equal to all administrative costs, including, but not limited to any filing fees required by the clerk of court for the filing of civil citations by the City of Neptune Beach shall be assessed and collected from the defendant upon each civil penalty imposed for violation of this section. For violations of this article, the civil penalty shall be assessed and paid in the following amounts:

First offense ..... Warning issued and 30 days to come into compliance

Second offense .....\$100.00

Third and any subsequent offense ..... \$500.00

A defendant may pay the civil penalty as specified above, in lieu of appearing in county court. A defendant may exercise this option by paying the specified fine at the public safety building within ten (10) days of their violation. If the civil penalty is not paid by such time, the city shall proceed to enforce such violation as otherwise provided by law.

**Section 2.** This Ordinance shall become effective after passage by the City Council.

**VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	NO

Passed on First Reading this 4<sup>th</sup> day of March, 2019.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	NO

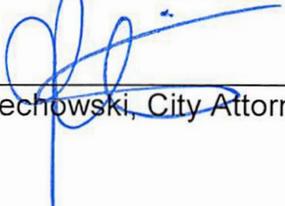
Passed on Second and Final Reading this 1<sup>st</sup> day of April, 2019.

  
\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and contents

  
\_\_\_\_\_  
Patrick Krechowski, City Attorney

