

ORDINANCE NO. 01-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA AMENDING CHAPTER 91. BEACHES. SECTIONS 91.15 THROUGH 91.99 REGARDING SEA TURTLES, TO UPDATE THE TOWN CODE REGARDING SEA TURTLE NESTING SEASON, LIGHTING REQUIREMENTS AND DEVELOPMENT ADJACENT TO THE TOWN BEACH, AND REMOVING REFERENCES TO FIRES ON THE BEACH, ALSO AMENDING CHAPTER 92. FIRE PREVENTION AND PROTECTION. SECTION 92.01 REGARDING FIRES ON THE BEACH DURING SEA TURTLE NESTING SEASON AND PERMITTING REQUIREMENTS FOR SETTING CERTAIN FIRES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTERS 91. AND 92. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the current Town of Briny Breezes code is in need of updates to conform to county and state law regarding sea turtle nesting season and associated development and lighting requirements, and certain fire burning activities; and

WHEREAS, the Town Council held a workshop on August 15, 2024 to determine how best to modify the code regarding such updates, and now desires make the agreed upon code updates; and

WHEREAS, the Town Council has determined that the adoption of these code updates will serve the best interests of the Town and will preserve and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:

Section 1: Chapter 91. Beaches. of the Code of Ordinances of the Town of Briny Breezes is hereby amended at Sections 91.15 through 91.99 regarding sea turtles, to update the town code regarding sea turtle nesting season, lighting requirements and development adjacent to the town beach, and remove references to fires on the beach; providing that Chapter 91. Sections 91.15 through 91.99. shall hereafter read as follows:

CHAPTER 91: BEACHES

SEA TURTLES

§ 91.15 PURPOSE.

The purpose of this subchapter is to protect the ~~threatened and endangered~~ sea turtles which nest along the beaches of the town, by safeguarding the sea turtles and their hatchlings.

§ 91.16 LIGHTING RESTRICTION ALONG BEACH.

All oceanfront property owners are strongly encouraged to ensure that no artificial light shall illuminate any area of the beach which may be used for sea turtle nesting and hatchlings. In order to accomplish this, the town strongly encourages that all artificial lighting installed and operating on oceanfront property shall produce only long wavelength light (560 nm or greater, which is amber, orange, or red) or be positioned or shielded, so that the light source is not a visible source from the beach during the night period from March April 1 to October 31 of each year. The "night period" is defined herein as being that time after 10:00 p.m. through 7:00 a.m. the next morning.

§ 91.17 STREET AND PARK LIGHTING.

~~Public and private owned street lights, and lighting at parks and public owned beaches and access areas, shall be subject to the following.~~

(A) ~~Such street lights shall be located so that the bulk of their illumination will travel away from the beach. Such lights shall produce only long wavelength light (560 nm or greater, which is amber, orange, or red) or be equipped with shades or shields that will, to the extent practical, prevent backlighting and render such lights not visible from the beach. Notwithstanding the foregoing, the Town Council, Mayor upon the recommendation of the Chief of Police, may authorize an exception where public safety requires.~~

(B) ~~Lights at parks and other public beach access points shall be properly positioned or shielded or, to the extent same are determined by the town not to be necessary for public safety purposes, shall not be utilized during the period from March~~ April 1 to October 31 of each year.

§ 91.18 FIRES PROHIBITED.

~~No fires shall be permitted on the public or private beaches except those contained in a proper receptacle that is elevated above the ground.~~

§ 91.19 FUTURE DEVELOPMENT.

~~For future oceanfront development shall comply with applicable provisions of Palm Beach County's turtle protection regulations as specified in Article 14 Chapter A of the Palm Beach County Unified Land Development Code. No building permit, site plan approval, certificate of occupancy or other development approval shall be issued by the town until all applicable requirements of the county's turtle protection regulations have been met, the Building and Zoning Department shall review proposed plans and strongly encourage the applicant to ensure that artificial light sources are positioned or shielded so as to not illuminate any area of the beach which may be used for sea turtle nesting and hatchlings.~~

§ 91.20 ENFORCEMENT.

The town, via the Police Department, shall enforce applicable federal and state laws and this subchapter if damage to sea turtles, sea turtle nests or hatchlings is observed and in addition, the Police Department shall promptly notify the Florida Department of Natural Resources Environmental Protection or other federal or state regulatory agencies for their additional enforcement assistance actions and their direct supervision and assistance to relocate nests and/or hatchlings.

§ 91.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to Sec. §10.99.

Section 2: Chapter 92. Fire Prevention and Protection. of the Code of Ordinances of the Town of Briny Breezes is hereby amended at Section 92.01 Permit Required for Building a Fire, regarding fires on the beach during sea turtle nesting season and modifying those fires that do not require a permit to conform to existing Ocean Ridge and Briny Breezes, Inc. regulations regarding same; providing that Chapter 92. Section 92.01. shall hereafter read as follows:

CHAPTER 92: FIRE PREVENTION AND PROTECTION

§ 92.01 PERMIT REQUIRED FOR BUILDING A FIRE.

(A) No bonfires or other fires shall be permitted on the public or private beaches during sea turtle nesting season from March 1 through October 31 of each year. Bonfires and other fires at any other time shall only be permitted with a Town issued permit.

(B) Fires on any beach in the Town from November 1 through February 28 (29 in a leap year) of the following year are allowed with a Town permit. Whoever shall build a fire on any lot, street, alley, park, beach or other public place within the town, without first obtaining a permit from the Mayor or Town Marshal, shall be deemed guilty of a misdemeanor; provided, however, small fires in an enclosed fire rated pit or container and proper enclosures shall be permitted for outdoor cooking propane operated equipment are allowed without a Town permit, provided in no event such small fire or propane operated equipment burning shall become a neighborhood nuisance. Rubbish fires are prohibited.

Section 3: Each and every other section and subsection of Chapters 91. and 92. shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 22nd day of August 2024.

SECOND AND FINAL READING this 26th day of September 2024.

TOWN OF BRINY BREEZES

TOWN OF BRINY BREEZES

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES



Ted Gross, Mayor



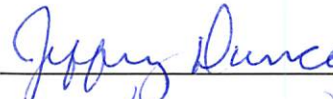
Elizabeth 'Liz' Loper, President

ABSENT

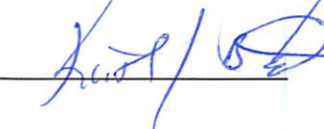
Bill Birch, Alderman



Kathy Gross, Alderman



Jeffrey Duncan, Alderman



Keith Black, Alderman

TOWN SEAL



ATTEST:



Sandi DuBose, Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:



Trey Nazzaro

Attorney For Town of Briny Breezes

For relevant testimony, discussion, or oral reports, etc. please refer to the audio CD available at the Town Hall.