

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, ENTITLED "ENVIRONMENT", ARTICLE II ENTITLED "NUISANCES", BY ADDING DIVISION 6 TITLED "OUTDOOR LIGHTING" BY ADDING SECTION 26-132 TITLED "DEFINITIONS", BY ADDING SECTION 26-133 TITLED "APPLICABILITY", BY ADDING SECTION 26-134 TITLED "PROHIBITION", BY ADDING SECTION 26-135 TITLED "EXEMPTIONS", BY ADDING SECTION 26-136 TITLED "PENALTIES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the purpose of these outdoor lighting regulations is to minimize glare, sky glow, light trespass and excessive energy consumption through use of appropriate lighting fixtures, practices and systems, while maintaining public health and safety, security and productivity and curtailing degradation of the nighttime visual environment; and

WHEREAS, adding sections 26-132 through 26-136 to the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 26, Article II, Division 6, is hereby added to the Code of Ordinances as follows*:

Chapter 26 - Environment

ARTICLE II. - Nuisances

DIVISION 6. - Outdoor Lighting

Sec. 26-132 - Definitions.

Light nuisance means light that is likely to cause unreasonable discomfort or distress to a reasonable person or to unreasonably interfere with the use or enjoyment of property.

Light trespass means light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

Outdoor lighting fixture means an outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors, including, but not limited to, devices used for search, spot, or flood lighting and area lighting for buildings, structures, recreational facilities, parking, landscape, advertising displays, billboards, signs, public and private streets, and walkways.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Person shall mean any individual, corporation, association, firm, partnership or other entity with ownership, care, custody, or control over property.

Sec. 26-133. - Applicability.

This Division applies to:

- (a) Existing and new light installations
- (b) Commercial, industrial, and residential lighting
- (c) Light emanating from public or private properties

Sec. 26-134. - Prohibition.

It shall be a violation of this Division for any person to intentionally, knowingly, or recklessly emit or cause to be emitted a light nuisance or light trespass in a public place or on private property owned or occupied by them and subject to their care, custody and control.

Sec. 26-135. - Exemptions.

This Division shall not apply to:

- (1) Lighting that is installed by a governmental agency for the public benefit on public rights-of-way, parks, and public recreation areas.
- (2) Lighting that is considered emergency lighting by police, fire, and/or municipal, state, or federal government agencies.
- (3) Lighting that is generally considered as temporary holiday lighting on private, residential property.

(4) Lighting that serves public or private school outdoor recreational uses, including but not limited to: baseball/softball fields, general athletic playing fields, tennis courts, if shielded to minimize light and glare from spilling over onto a residentially zoned property.

Sec. 26-136. - Penalties.

Violations of this Division shall be enforced by the Code Compliance Special Magistrate procedure pursuant to Ch. 2, Article VI, Division 2 of the Code of Ordinances if cited by the Code Compliance Department, or by the civil citation procedure pursuant to Ch. 2, Article VI, Division 3 of the Code of Ordinances if cited by Key West Police Department.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK