

# PROPOSED

ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO UNINCORPORATED AREA LIGHTING; AMENDING SECTION 39-91 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") REGARDING LANDSCAPE LIGHTING; CREATING SECTION 39-113 REGARDING OUTDOOR LIGHTING; REPEALING SECTIONS 39-107 AND 39-226 REGARDING BEACH AREA LIGHTING AND OFF STREET PARKING AND LOADING LIGHTING; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 1.04 of the Broward County Charter states that "Broward County shall enact ordinances which protect its citizens' right to a sustainable environment, including clean air and clean water, while encouraging the stewardship of natural resources";

WHEREAS, inappropriate or excessive use of artificial light--known as light pollution--can have serious environmental consequences for humans, wildlife, and our climate;

WHEREAS, artificial light suppresses melatonin, an antioxidant that induces sleep, boosts the immune system, lowers cholesterol, and helps the functioning of the thyroid, pancreas, adrenal glands, and various other parts of the body;

WHEREAS, research to date suggests that artificial light's disruption of circadian rhythm is one of the causes of obesity, depression, insomnia, diabetes, and breast cancer;

1           WHEREAS, plants and animals depend on the Earth's daily cycle of light and dark  
2 rhythm to govern life-sustaining behaviors such as reproduction, nourishment, sleep, and  
3 protection from predators;

4           WHEREAS, light pollution is negatively impacting the health and resilience of  
5 wetland habitats, sea turtles and hatchlings, migratory birds, insects and pollinators, and  
6 other wildlife;

7           WHEREAS, light pollution costs money and wastes energy and resources;

8           WHEREAS, more than one-third of all outdoor lighting in the U.S. is wasted by  
9 poorly aimed or unshielded outdoor lighting, which equates to \$3.3 billion of energy lost  
10 to sky glow each year, and the release of an extra 21 million tons of carbon dioxide per  
11 year, which would require the planting of 875 million trees annually to mitigate;

12           WHEREAS, smart lighting increases safety for drivers and pedestrians by reducing  
13 hazardous glare, increasing visibility, and creating comfortable and safe spaces;

14           WHEREAS, through participation in the Sustainability Tools for Accessing and  
15 Rating Communities ("STAR") process, Broward County has broadened its approach to  
16 sustainability in Broward to include all aspects of the community well-being, economy,  
17 and environment, and on February 11, 2014, Broward County became the first 4-STAR  
18 Certified County in the nation;

19           WHEREAS, after obtaining the 4-STAR rating, Broward County highlighted "Light  
20 in the Community" as one of seven critical areas for focused attention and improvement  
21 in the 4-STAR Broward County Accomplishment and Opportunities Fact Sheet;

22           WHEREAS, support for Night Friendly Lighting policies and standards is  
23 documented in the 2015 Municipal Green Initiatives Survey and has been demonstrated  
24

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1 by municipal and community involvement in multiple Sustainability Stewards events and  
2 workshops since 2015;

3 WHEREAS, Broward County expanded the definition of "Green Infrastructure" to  
4 include Light at Night through The Green Infrastructure Map Series, a project for which  
5 Broward County won one of sixteen 2016 National Association of Counties Achievement  
6 Awards;

7 WHEREAS, the Broward County Land Use Plan, updated in 2016 through Broward  
8 NEXT, highlights Green Infrastructure and utilization of the Green Infrastructure Map  
9 Series in Strategy CCR-2: Increase the resilience of our community to the effects of  
10 climate change;

11 WHEREAS, Action #11 in the Broward County Climate Action Plan, updated in  
12 2015, states that the County will "[d]evelop a model 'Dark Skies' ordinance and encourage  
13 municipal and private sector participation to discourage light trespassing";

14 WHEREAS, Policy 3.6.8 in the Broward County Land Use Plan states "[l]ocal land  
15 use elements and development codes should include design guidelines to promote use  
16 of light only where needed thereby limiting excess light and reducing glare and to create  
17 a safe and pedestrian scaled lit environment, utilizing Night Friendly Lighting or Dark Sky  
18 principles outlined in the Model Lighting Ordinance by International Dark-Sky Association  
19 and the Illuminating Engineering Society of North America, or other local resources, for  
20 the purpose of creating appropriate outdoor lighting standards that reduce energy use,  
21 increase public safety, and protect human health and wildlife";

22 WHEREAS, the Climate Change Task Force voted unanimously on  
23 August 17, 2017, to recommend that Broward County develop and enact a Night Friendly  
24 Lighting Ordinance and recommend that cities also consider adoption;

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1 WHEREAS, Broward launched a Sky Quality Monitoring Program in 2017 to  
2 assess Broward County's night sky quality and measure progress in reducing light  
3 pollution over time; and

4 WHEREAS, the Board of County Commissioners of Broward County, Florida,  
5 deems it to be in the best interest of Broward County to amend, create, and repeal the  
6 following sections of the Broward County Code of Ordinances to implement the Broward  
7 County Climate Action Plan and the recommendation of the Climate Change Task Force  
8 to reduce light pollution and create more night friendly lighting for our communities,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
10 BROWARD COUNTY, FLORIDA:

11 Section 1. Section 39-91 of the Broward County Code of Ordinances is hereby  
12 amended to read as follows:

13 **Sec. 39-91. Landscape lighting.**

14 All landscape lighting installed ~~should~~ shall meet the lighting standards developed  
15 pursuant to Section 161.163, Florida Statutes, and shall comply with Section ~~39-226,~~  
16 "~~Lighting,~~" 39-113, "Outdoor Lighting," of the Broward County Code of Ordinances. ~~All~~  
17 ~~outdoor areas to be lighted should provide for:~~

- 18 (a) ~~Outdoor lighting within the minimum levels specified in Illuminating~~  
19 ~~Engineering Society (IES) recommended practices for night-time safety,~~  
20 ~~utility, security, productivity, enjoyment, and commerce;~~
- 21 (b) ~~Reduction in the incidence of glare;~~
- 22 (c) ~~Minimization of adverse offsite impacts of lighting, such as light trespass~~  
23 ~~and obtrusive light;~~
- 24

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1 (d) Curtailment of light pollution, reduction of skyglow, and improvement of the  
2 nighttime environment for astronomy;

3 (e) Protection of the natural environment from the adverse effects of night  
4 lighting from gas or electric sources and use of wildlife approved fixtures  
5 and bulbs near conservation areas; and

6 (f) Reduction in the usage of energy and resources.

7 Section 2. Section 39-107 of the Broward County Code of Ordinances is hereby  
8 repealed in its entirety.

9 Section 3. Section 39-113 of the Broward County Code of Ordinances is hereby  
10 created to read as follows:

11 [Underlining omitted]

12 **Sec. 39-113. Outdoor Lighting.**

13 (a) *Definitions:* For purposes of interpreting this section, the following terms  
14 shall be defined as follows:

15 *Adaptive controls* shall mean devices such as motion sensors, timers, and  
16 dimmers used in concert with outdoor lighting equipment to vary the intensity or duration  
17 of lighting operation.

18 *Ambient light* shall mean the general overall level of lighting in an area.

19 *B.U.G.* shall mean a luminaire classification system that classifies backlight ("B"),  
20 uplight ("U"), and glare ("G").

21 *Bulb* shall mean the source of electric light; to be distinguished from the whole  
22 assembly (see luminaire).

23 *Correlated color temperature ("CCT")* shall mean a measure in degrees Kelvin  
24 ("K") of light's warmness or coolness.

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1            *Fixture* shall mean the assembly that holds the bulb in a lighting system. It includes  
2 the elements designed to give light output control such as a reflector (mirror) or refractor  
3 (lens), the ballast, housing, and the attachment parts.

4            *Footcandle* shall mean illuminance produced on a surface one foot (1') from a  
5 uniform point source of one (1) candela.

6            *Full cutoff fixture* shall mean a fixture that provides a luminous intensity of zero at  
7 or above an angle of ninety degrees (90°) above the vertical axis, and no more than  
8 ten percent (10%) of bulb lumens at or above an angle of eighty degrees (80°).

9            *Glare* shall mean a light that is brighter than the brightness of the nearby lighting  
10 to which the eyes are adapted and that may reduce visibility or have a temporary blinding  
11 effect.

12           *Green screen* shall mean vegetation planted around the perimeter of a building or  
13 garage structure, either in containers, along trellises, or in the ground, and used as an  
14 architectural tool to block light trespass from the site into the public sphere.

15           *Hardscape* shall mean site design elements, such as driveways, stairs, curbs,  
16 ramps, walls, fountains, and statues, comprised of nonliving materials, such as asphalt,  
17 concrete, stone, and wrought iron.

18           *HPS* shall mean high pressure sodium.

19           *Illuminating Engineering Society of North America ("IES" or "IESNA")* shall mean  
20 the professional society of lighting engineers, including those from manufacturing  
21 companies, and others professionally involved in lighting.

22           *Incandescent light* shall mean light produced by a filament heated to a high  
23 temperature by electric current.

24           *Intensity* shall mean the degree or amount of energy or light.

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1            *LED* shall mean light emitting diode.

2            *Light trespass* shall mean light that illuminates surfaces beyond the property  
3 boundary.

4            *LPS* shall mean low pressure sodium.

5            *Lumen* shall mean a unit of luminous flux; the flux emitted within a unit solid angle  
6 by a point source with a uniform luminous intensity of one (1) candela.

7            *Luminaire* shall mean a complete lighting unit that usually includes the fixture,  
8 ballasts, and bulbs.

9            *Mercury vapor lighting* shall mean a high intensity discharge bulb where the light  
10 is produced by radiation from mercury vapor.

11           *Nanometer (nm)* shall mean ten to the negative ninth power ( $10^{-9}$ ) meters; often  
12 used as the unit for wavelength in the electromagnetic spectrum.

13           *Outdoor lighting* shall mean the nighttime illumination of an outside area or object  
14 by any fixed luminaire.

15           *Point to point* shall mean the method used to determine the horizontal illuminance  
16 at a specific site.

17           *Shield* shall mean an opaque material that blocks the transmission of light.

18           *Skyglow* shall mean a glow in the night sky caused by the cumulative effect of  
19 artificial light sources.

20           *Utility sites* shall mean sites related to essential services, such as treatment of  
21 water or wastewater, production of electrical or natural gas power, telecommunication  
22 infrastructure, and the handling of solid and hazardous waste.

23           *Wall fixtures* shall mean luminaires placed along the outer walls of buildings.  
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1            *Wildlife friendly lighting* shall mean fixtures and bulbs that have been certified by  
2 the Florida Fish and Wildlife Conservation Commission through the Wildlife Lighting  
3 Certification Program.

4            (b)    *General Provisions.*

5            (1)    *Purpose and intent.* The purpose of this section is to establish outdoor  
6 lighting standards for new outdoor lights that will minimize glare, light  
7 trespass, and skyglow. The intent is to facilitate the conservation of energy;  
8 improve nighttime safety and security; protect the privacy of residents;  
9 minimize disturbance of wildlife; and enhance the ambiance of the  
10 community.

11           (2)    *Lighting Handbook.* The current edition of the "IES Lighting Handbook,"  
12 published by the IESNA, is the standard to be used for the design and  
13 testing of parking facility lighting. The standards contained therein shall  
14 apply unless standards of this section are more restrictive, in which case  
15 the more restrictive standards shall apply.

16           (3)    *Applicability.*

17           a.      All new outdoor luminaires must comply with the standards of this  
18 section.

19           b.      Except as provided in Section 39-113(b)(7)b., renovation or  
20 reconstruction does not require compliance with this section.

21           c.      Compliance is required when resurfacing parking lots or when  
22 replacing parking lot lighting or sections of street lighting with LED  
23 lighting.

24           (4)    *Standards.*

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a. The following outdoor lighting restrictions shall apply to sites and structures based on their assigned lighting zone as set forth in Table 1, below.

<b>Table 1. Temperature, Time, and Lumen Criteria for Lighting Zones</b>				
<b>Lighting Zone</b>	<b>Site and Structure Classifications</b>	<b>Wavelength/ Temperature</b>	<b>Output Reduction</b>	<b>Total Allowable Lumens per Site<sup>5</sup></b>
<b>LZ-0</b>  <b>No Ambient Lighting</b>	Boat launch sites, cemeteries, forests, nature trails and pathways, parks, passive recreational areas, open spaces, rivers, lakes, submerged lands, wellfields, and vacant land	Lighting shall be wildlife friendly: low pressure sodium or other light fixtures that emit wavelengths of five hundred sixty nanometers (560 nm) or greater, necessary to protect environmentally sensitive habitat areas <sup>1</sup>	None required <sup>2</sup>	One-half (1/2) lumen per square foot ("SF") of hardscape

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1	<b>LZ-1</b>  <b>Low Ambient Lighting</b>	Agricultural and	3000K temperature or less <sup>3</sup>	Reduce to twenty-five percent (25%) maximum output one (1) hour after sunset <sup>4</sup>	One and one- quarter (1 1/4) lumens per SF of hardscape
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15	<b>LZ-2</b>  <b>Moderate Ambient Lighting</b>	Campuses,	3000K temperature or less <sup>3</sup>	Reduce to twenty-five percent (25%) maximum output one (1) hour after close of business, or 11:00 p.m., whichever is later	Two and one-half (2 1/2) lumens per SF of hardscape
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1		outdoor			
2		recreational			
3		facilities, arenas,			
4		water parks,			
5		swimming pools,			
6		parking lots,			
7		public			
8		rights-of-way,			
9		warehousing,			
10		trucking and			
11		distribution			
12		terminals, and			
13		temporary events			
14	<b>LZ-3</b>	Corrections	3000K	Reduce to fifty	Five (5)
15		facilities,	temperature or	percent (50%)	lumens per
16	<b>Moderately</b>	hospitals,	less <sup>3</sup>	maximum	SF of
17	<b>High</b>	multistory office		output one (1)	hardscape
18	<b>Ambient</b>	and mixed-use		hour after close	
19	<b>Lighting</b>	residential		of business, or	
20		buildings,		11:00 p.m.,	
21		multistory garage		whichever is	
22		structures, and		later	
23		local and arterial			
24		roadways			

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1           <sup>1</sup> Consistent with Rule 62B-55, Florida Administrative Code, and Certified Wildlife  
2 Lighting standards of the Florida Fish and Wildlife Conservation Commission.

3           <sup>2</sup> County parks that rent facilities after normal business hours for weddings and  
4 events may utilize LZ-1 for these facilities only.

5           <sup>3</sup> Consistent with American Medical Association recommendation that outdoor  
6 lighting at night should have a Correlated Color Temperature (CCT) of no greater  
7 than 3000K.

8           <sup>4</sup> Cooler color temperatures (greater than 3000K) or an alternative output reduction  
9 schedule may be granted at the discretion of the Director of the Environmental  
10 Planning and Community Resilience Division, or successor agency, if a project  
11 requires an exemption in order to comply with regulations that necessitate higher  
12 values.

13           <sup>5</sup> As recommended in Table B of the IESNA and International Dark-Sky  
14 Association's Model Lighting Ordinance - Allowed Total Initial Lumens per Site for  
15 Nonresidential Outdoor Lighting, Hardscape Area Method.

16           b. All outdoor lighting in all lighting zones shall be designed and  
17 installed to prevent glare that affects motorists, bicyclists, or other  
18 users of roads, driveways, and bicycle paths.

19           c. All outdoor lighting, except for street lighting subject to Lighting Zone  
20 LZ-3 standards, shall meet the standards set forth in  
21 Section 39-113(b)(4)a. above. Adaptive controls may be used to  
22 vary the intensity or duration of lighting operation to meet these  
23 standards.

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- d. Motion detecting security lighting is not subject to the output reduction requirements in Section 39-113(b)(4)a.
- e. All outdoor lighting, including display, sign, building, parking lot, and aesthetic lighting, must use full cutoff fixtures or equivalent.
- f. *Functional equivalents allowed.* Lights that are properly installed in an architectural space (such as under a porch roof or a roof overhang), which provide the functional equivalence of a full cutoff fixture, need not use full cutoff fixtures. Similarly, a fixture having a U-0 B.U.G. rating may also be used.
- g. High intensity lighting, such as incandescent, fluorescent, and mercury vapor lighting, is prohibited. Energy efficient lighting (such as HPS, LPS, and LED) is recommended and encouraged.
- h. All outdoor lighting shall have a Correlated Color Temperature (CCT) of no greater than 3000K. In addition, sites with or adjacent to environmentally sensitive habitat areas shall use lights that emit wavelengths of five hundred sixty (560) nanometers or greater.
- i. Excluding parking areas, in all zoning districts that allow residential or commercial uses, pedestrian scale lighting on poles shall not exceed a maximum overall height of sixteen (16) feet. Whenever possible, pole lights with low-profile, low-level luminaires no higher than forty-eight (48) inches off the ground, such as low-mounted wall fixtures, low bollards, and ground-level fixtures, shall be used.
- j. In no case shall a bulb be exposed beyond the luminaire housing.

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1 k. Multistory garage structures shall adhere to the criteria set forth in  
2 this section. Consideration will be given for increased lighting if  
3 "green screens" are planned for the project to minimize light emitting  
4 from the structure.

5 l. Interior lights shall not introduce significant glare, light trespass, and  
6 skyglow through windows or building openings at nighttime. All  
7 spaces larger than ten thousand (10,000) square feet in size shall  
8 incorporate adaptive controls to turn off lights when the spaces are  
9 not in use or use film to block light to forty-five percent (45%)  
10 transmittance or less.

11 m. No outdoor lighting shall exceed by more than ten percent (10%) the  
12 minimum levels specified in IES recommended practices for  
13 nighttime safety, utility, security, productivity, enjoyment, and  
14 commerce.

15 n. No street lighting, if not in conflict with the regulations of a  
16 superseding jurisdiction, shall emit light above ninety (90) degrees.

17 (5) *Allowable light trespass.* Outdoor lighting shall conform to the following  
18 quantitative lights trespass limits. If multiple site and structure  
19 classifications are present on one (1) parcel, the more restrictive lighting  
20 zone limits will apply.

21 a. Light trespass shall be limited to one-half (1/2) footcandle at the  
22 property lines for parcels with residential and public open space uses  
23 and at abutting property lines for parcels abutting residential and  
24 public open space zones, except as provided for in b. below.

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1 b. Light trespass shall be limited to one (1) footcandle at the abutting  
2 property line for parcels abutting public rights-of-way.

3 c. Light trespass shall be limited to one (1) footcandle at the property  
4 lines within all other zones.

5 (6) *Exemptions.* The following are exempt from the requirements of this  
6 section:

7 a. Emergency declarations.

8 If the Broward County unincorporated area is included in a formal  
9 state of emergency declaration by local, state, or federal action, the  
10 standards herein shall be temporarily suspended for the duration of  
11 the declaration for lighting necessary to address or respond to the  
12 declared emergency.

13 b. Emergency, nonstructural, temporary lighting.

14 Law enforcement, fire service, and emergency medical services, and  
15 emergency response and management lighting not attached to a  
16 fixed structure in a permanent manner.

17 c. Holiday Lights.

18 Holiday lights, provided the individual bulbs are less than ten (10)  
19 watts and seventy (70) lumens.

20 d. Live and recorded performances.

21 Film, stage, and video broadcasting equipment for use in live or  
22 recorded performances for up to one (1) hour before and after the  
23 performance.

24 e. Lake fountain lighting.

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- f. Swimming pool in-water lighting.
- g. License plate capture security camera lighting at entrance gates, provided the light is located at least one hundred feet (100') from the right-of-way line of the nearest public roadway.
- h. Lighting for automated teller machines.
- i. Exterior accessways, provided they are shielded, recessed, or underneath an overhang.
- j. Temporary uses (events permitted within the local jurisdiction).
- k. Utility sites.
- l. Emergency call boxes/rescue assistance stations.
- m. Airports and seaports, except for external roadways and parking areas.

(7) *Nonconforming luminaires.* The following categories of outdoor lights must be brought into compliance with the standards of this section in accordance with the following criteria:

- a. All luminaires that direct light toward streets, bicycle paths, or parking lots that cause glare to motorists or cyclists shall be either shielded or redirected within one (1) year after the effective date of this section so that the luminaires do not continue to cause a potential hazard.
- b. All other nonconforming luminaires shall be brought into compliance with Section 39-113 during site renovation or improvement (building additions, renovation of existing building or site, and building space), if the building permit value of the site renovation or improvement

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1 exceeds fifty percent (50%) of the replacement cost of the building  
2 or building space.

3 (8) *Luminaire and fixture replacement or relocation.* Any replacement or  
4 relocated luminaire must meet the standards of Section 39-113.

5 (c) *Interpretation of Conflicts.* Where any of the provisions of this section  
6 conflict with any provision of this Zoning Code, the provision providing the greatest  
7 protection against glare, light trespass, and sky glow shall apply.

8 (d) *Enforcement.* Enforcement will be conducted in accordance with  
9 Chapter 8½ of the Broward County Code of Ordinances, Code Enforcement.

10 (e) *Photometric plans.*

11 (1) A "point to point" lighting plan, signed and sealed by an engineer registered  
12 in the State of Florida, shall be submitted with any site plan application.  
13 Lighting plans submitted for single family residential properties shall not be  
14 required to be signed and sealed.

15 a. The lighting plan shall include all visible exterior lighting for the  
16 project, including lighting for parking, landscape, building, and  
17 signage. It is the responsibility of the design engineer to meet the  
18 lumen requirements listed in Section 39-113(b)(4)a., and to  
19 adequately convey this on the photometric plans. Approved plans  
20 do not constitute approval of the final design by the County if field  
21 measurements exceed the maximum noted requirements.  
22 Additionally, photometric plans shall include the luminaire  
23 specification sheet along with the following table:  
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1 **EXAMPLE LIGHTING COMPLIANCE CHART \***

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Bulb Descriptions	QTY	Luminaire Lumens	Total
3 18w LED	24	1,020	24,480
4 150w HPS	10	15,800	158,000
5 70w LPS	5	12,600	63,000
6 TOTAL LUMINAIRE LUMENS			245,480
7 ** Site allowed Total Lumens (lumens per SF x hardscape)			250,000
8 IS PROJECT COMPLIANT?			YES

9 \* Bulb type, quantity, lumens, and allowed lumens are examples only.

10 \*\* Allowable lumens calculations per Section 39-113(b)(4)a.

11 (2) The lighting system shall not be placed in permanent use until the design  
12 engineer has certified in writing that the system has been field tested and  
13 has been installed and is functioning per the approved plans and  
14 specifications.

15 (3) The issuance of a final certificate of occupancy for the project is contingent  
16 on the County's confirmation that the site meets the photometric lighting  
17 requirements set forth in this section.

18 Section 4. Section 39-226 of the Broward County Code of Ordinances is hereby  
19 repealed in its entirety.

20 Section 5. Severability.

21 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
22 portion will be stricken, and such striking will not affect the validity of the remainder of this  
23 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
24 legally applied to any individual, group, entity, property, or circumstance, such

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1 determination will not affect the applicability of this Ordinance to any other individual,  
2 group, entity, property, or circumstance.

3 Section 6. Inclusion in the Broward County Code of Ordinances.

4 It is the intention of the Board of County Commissioners that the provisions of this  
5 Ordinance become part of the Broward County Code of Ordinances as of the effective  
6 date. The sections of this Ordinance may be renumbered or relettered and the word  
7 "ordinance" may be changed to "section," "article," or such other appropriate word or  
8 phrase to the extent necessary in order to accomplish such intention.

9 Section 7. Effective Date.

10 This Ordinance is effective as of the date provided by law.

11

12 ENACTED

**PROPOSED**

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

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16 Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

17

18 By /s/ Michael C. Owens 11/27/18  
Michael C. Owens (date)  
Senior Assistant County Attorney

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20 By /s/ Maite Azcoitia 11/27/18  
Maite Azcoitia (date)  
Deputy County Attorney

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23 MCO/gmb  
11/27/18  
Ch 39 Lighting Ordinance.doc  
24 #41039-0000

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