

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 1053

Short Title: Sea Turtle Protection Act. (Public)

Sponsors: Representatives Cervania, Harrison, Butler, and Longest (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Marine Resources and Aquaculture, if favorable, Appropriations, if favorable,
Rules, Calendar, and Operations of the House

May 7, 2024

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE WILDLIFE RESOURCES COMMISSION SHALL ESTABLISH DESIGNATED COASTAL AREAS WHICH ARE UTILIZED OR LIKELY TO BE UTILIZED BY SEA TURTLES FOR NESTING, TO PROVIDE FOR GRANTS TO BUILDERS AND HOMEOWNERS FOR TURTLE FRIENDLY LIGHTING, TO DEFINE NECESSARY TERMS, TO PROHIBIT THE USE OF ARTIFICIAL LIGHT TO ILLUMINATE AN AREA OF THE BEACH DESIGNATED BY THE COMMISSION, TO ESTABLISH REQUIREMENTS FOR CERTAIN TYPES OF LIGHTING, AND TO PROVIDE FOR A PENALTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 22 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-300. Designation of sea turtle nesting sites.

The Wildlife Resources Commission shall establish designated coastal areas within the State which are utilized or are likely to be utilized by sea turtles for nesting. Once these designations are finalized, the Commission shall publish a map of the coast with the designated areas clearly marked on its website and shall notify the governing board and inspection department of each county and municipality of the State that includes an area designated under this section.

SECTION 2. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 9H.

"Restrictions on Artificial Lighting to Protect Sea Turtles.

"§ 143-151.80. Definitions.

The following definitions apply in this Article:

- (1) Applicable structure. – A single-family dwelling, multifamily dwelling, or commercial structure.
- (2) Artificial light. – A source of light emanating from a man-made device, including, but not limited to, incandescent mercury vapor, metal halide or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction, or security lights.
- (3) Beach. – Those lands subject to periodic inundation by tidal and wave action of the Atlantic Ocean so that no nonlittoral vegetation is established.
- (4) Floodlight. – An unshielded reflector type light fixture which is attached directly to a building.



- 1 (5) Low-profile luminaire. – A light fixture set on a base that raises the source of
2 the light no higher than 48 inches off the ground and is designed in such a way
3 that light is directed downward from a hooded light source.
4 (6) New development. – Construction of an applicable structure, or electrical
5 plans for the installation of artificial lighting associated with parking lots,
6 dune crossing structures, or other outdoor lighting on or adjacent to ocean
7 beaches of the State, if the light can be seen from the beach.
8 (7) Oceanfront. – With respect to lighting systems or structures, means that the
9 illuminated portion of the lighting system or structure is visible from any
10 portion of the ocean beaches of the State that is to the ocean side of the dune
11 line or, in the absence of a dune line, from any area within a line 25 feet to the
12 landward side of the mean high tide mark.
13 (8) Pole lighting. – A light fixture set on a base or pole that raises the source of
14 the light higher than 48 inches off the ground.
15 (9) Turtle friendly lighting. – With respect to any lighting system or structure to
16 which this Article applies, means that the system or structure emits only amber
17 colored light with a wavelength of no less than 560 nanometers.

18 **"§ 143-151.81. Restrictions on artificial lighting for new construction.**

19 (a) No artificial light may illuminate the oceanfront of any beach designated by the
20 Wildlife Resources Commission pursuant to G.S. 113-300.

21 (b) Any building plans for new development or the remodeling of an existing structure
22 when the remodeling includes the alteration of exterior lighting visible from the oceanfront beach
23 of the State must comply with the following:

- 24 (1) Floodlights are prohibited and wall-mounted light fixtures must be fitted with
25 hoods so that no light illuminates the beach or with turtle friendly lighting.
26 (2) Pole lighting must be equipped with turtle friendly lighting or shielded in such
27 a way that light is contained within an arc of 3 to 73 degrees on the seaward
28 side of the pole. Outdoor lighting must be limited to the minimum necessary
29 for security and convenience.
30 (3) Low profile luminaires must be used in parking lots, and the lighting must be
31 equipped with turtle friendly lighting or positioned so that no light illuminates
32 the beach.
33 (4) Low profile luminaires must be used for dune crossing structures.
34 (5) Balcony lights must be fitted with turtle friendly lighting or with hoods
35 installed so that the light will not illuminate the beach.
36 (6) Where practical, tinted glass, filmed glass, or shade screens must be utilized
37 on windows facing the oceanfront above the first floor of a multistory
38 structure.

39 (c) Temporary security lights at construction sites shall not be mounted more than 15 feet
40 above the ground and shall be either equipped with turtle friendly lighting or adjusted so that
41 illumination from the lights does not spread beyond the boundary of the property being
42 developed.

43 **"§ 143-151.84. Enforcement.**

44 (a) Persons violating the provisions of this Article must be given five days' notice to come
45 into compliance. Failure to comply after five days shall result in a warning for a first offense, and
46 a fine not to exceed five hundred dollars (\$500.00) and not less than two hundred dollars
47 (\$200.00) for the second and subsequent offenses. Each set of contiguous days in violation of
48 this Article constitutes a separate offense.

49 (b) This Article is enforceable by any law enforcement officer or local government code
50 enforcement agent with jurisdiction over the property."

1 **SECTION 3.** Article 9H of Chapter 143 of the General Statutes, as enacted by
2 Section 2 of this act, is amended by adding a new section to read:

3 "§ 143-151.82. Restrictions on artificial lighting for existing structures and oceanfront
4 lighting.

5 (a) Oceanfront artificial lighting on existing structures must meet the following
6 requirements:

7 (1) Artificial lighting illuminating buildings or associated grounds for decorative
8 or recreational purposes must be either (i) shielded or screened to ensure they
9 are not visible from the beach or turned off after 10:00 P.M. between May 1
10 and November 30 of each year or (ii) equipped with turtle friendly lighting.

11 (2) Artificial lighting illuminating dune crosswalks of an area oceanward of the
12 dune line must be either equipped with turtle friendly lighting or turned off
13 after 10:00 P.M. between May 1 and November 30 of each year.

14 (3) Security lighting is permitted only if equipped with turtle friendly lighting or
15 if low profile luminaires are used and screened in such a way that those lights
16 do not illuminate the beach.

17 (4) Window treatments in windows facing the ocean above the first floor of a
18 multistory structure must prevent the interior lights from illuminating the
19 beach.

20 (b) Oceanfront lighting located in parks or other publicly owned beach access areas must
21 meet either of the following requirements:

22 (1) Designed or mounted so that the bulk of the illumination will travel away from
23 the beach and shielded, shaded, or not utilized between May 1 and November
24 30 of each year.

25 (2) Equipped with turtle friendly lighting."

26 **SECTION 4.** The sum of four hundred thousand dollars (\$400,000) in nonrecurring
27 funds for the 2024-2025 fiscal year is appropriated to the Wildlife Resources Commission and
28 allocated for the following grant programs in areas of the State designated by the Commission
29 pursuant to G.S. 113-300, as enacted by Section 1 of this act:

30 (1) Two hundred thousand dollars (\$200,000) to provide grants to homeowners
31 and builders to provide cost-share of up to fifty percent (50%) of the cost of
32 turtle friendly lighting required by Article 9H of Chapter 143 of the General
33 Statutes, as enacted by Section 2 of this act.

34 (2) Two hundred thousand dollars (\$200,000) to provide grants to law
35 enforcement or local code enforcement agencies for support in enforcement
36 and public education regarding Article 9H of Chapter 143 of the General
37 Statutes, as enacted by Section 2 of this act.

38 **SECTION 5.** The Commission shall report on the use of the grant funding provided
39 in Section 4 of this act to the Joint Legislative Oversight Committee on Agriculture and Natural
40 and Economic Resources and the Fiscal Research Division no later than October 1, 2025, and
41 annually thereafter until all funds have been encumbered. The report shall include, at a minimum,
42 a list of grant recipients by county, a brief description of the project or type of assistance funded,
43 and an overview of the status of installation of turtle friendly lighting in and adjacent to the State's
44 ocean beaches. The Commission may retain three percent (3%) of the funds appropriated by this
45 section for its administrative expenses in administering the grant programs established by Section
46 4 of this act and the designation of sites under G.S. 113-300, as enacted by Section 1 of this act.

47 **SECTION 6.** The Commission shall adopt rules setting forth eligibility requirements
48 and application procedures for the grants authorized by Section 4 of this act.

49 **SECTION 7.** Section 2 of this act becomes effective January 1, 2025, and applies to
50 building permits applied for on or after that date. Section 3 of this act becomes effective January
51 1, 2026. The remainder of this act becomes effective July 1, 2024.