



STATE OF ARKANSAS
City of Brookland

ORDINANCE NO. 2006-5

**AN ORDINANCE TO "OPT OUT" OF THE SHIELDED LIGHTING ACT
WITHIN THE CITY LIMITS OF THE CITY OF BROOKLAND, ARKANSAS**

BE IT ORDAINED AND ENACTED by the City Council of the City of Brookland, Arkansas, that:

SECTION 1: The Arkansas Legislature has passed the "Shielded Outdoor Lighting" Act (Act 1963 of 2005, as amended by Act 11 of 2006 (first ex.secc)) and codified at Arkansas Annotated 8-14-101 through 8-14-104 hereinafter "the Act" in an attempt to restore a view of the night sky which they feel is being obscured by artificial light projecting upward. Due to this belief, the legislature has passed the Act which requires that after January 1, 2006, no public funds shall be used to install an outdoor lighting fixture unless it is shielded.

The definition of shielded outdoor lighting fixture shall be "a fixture that is covered in a manner that light rays admitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted". In the simplest terms, all lighting fixtures are to emit light downward rather than upward.

SECTION 2: The Act requires that from January 1, 2006, whenever public funds are used to replace either existing outdoor lighting fixtures or installing new ones, they shall be replaced or installed with a shielded outdoor lighting fixture. The Act further provides that the prohibition shall not apply to any municipality or county if the governing body of the municipality or county determines by ordinance that the cost of acquiring a shielded outdoor lighting fixture will be prohibitive after comparing the cost of fixtures and the projected energy costs of the operation of the fixtures.

SECTION 3: Whereas the City Council for the City of Brookland has determined that the additional cost incurred to provide shielded fixtures over non-shielded fixtures would be an increased expense of twenty-five dollars (\$25.00) and whereas that increased should be cost prohibitive and a burden on the City in complying with the Act.

SECTION 4: The City of Brookland hereby expressly intends to avail itself of the exemption from the requirements of the Act pertaining to shielded outdoor lighting fixtures.

SECTION 5: In the event any portion of this Ordinance be rendered unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected by such partial invalidity.

PASSED AND ADOPTED this 12 day of DECEMBER, 2006.

Mayor



ATTEST:



Recorder

1ST READING - 10-10-06

2ND READING - 11-14-06

3RD READING - 12-12-06