

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1282

4
5 By: Representative Ledbetter

For An Act To Be Entitled

9 AN ACT TO REQUIRE THE SHIELDING OF CERTAIN
10 OUTDOOR LIGHTING; AND FOR OTHER PURPOSES.

Subtitle

11
12
13 THE NIGHT SKY PROTECTION ACT.
14
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17
18 SECTION 1. Arkansas Code Title 8 is amended to add an additional
19 chapter to read as follows:

20 8-14-101. Title.

21 This chapter shall be known and may be cited as "The Night Sky
22 Protection Act".

23
24 8-14-102. Purpose.

25 The purpose of this chapter is to regulate outdoor night lighting
26 fixtures to preserve and enhance the state's dark sky while promoting safety,
27 conserving energy and preserving the environment for astronomy.

28
29 8-14-103. Definitions.

30 As used in this chapter:

31 (1) "Outdoor lighting fixture" means an outdoor artificial
32 illuminating device, whether permanent or portable, used for illumination or
33 advertisement, including searchlights, spotlights and floodlights, whether
34 for architectural lighting, parking lot lighting, landscape lighting,
35 billboards or street lighting;

36 (2) "Outdoor recreational facility" means any public park or other



1 outdoor recreational area or facility, including, but not limited to, parks,
2 open spaces, trails, swimming pools, playgrounds and playing courts
3 and fields; and

4 (3) "Shielded" means a fixture that is shielded in such a manner that
5 light rays emitted by the fixture, either directly from the lamp or
6 indirectly from the fixture, are projected below a horizontal plane running
7 through the lowest point on the fixture where light is emitted.

8
9 8-14-104. Shielding – Prohibitions - Exemptions.

10 (a) All outdoor lighting fixtures installed after January 1, 2004,
11 shall be shielded.

12 (b) No mercury vapor outdoor lighting fixtures shall be sold or
13 installed after January 1, 2004.

14 (c) No outdoor recreational facility, whether public or private, shall
15 be illuminated after 11:00 p.m. except for a national or international
16 tournament or to conclude any recreational or sporting event or other
17 activity that is in progress before 11:00 p.m.

18 (d) This chapter does not apply to:

19 (1) Incandescent fixtures of one hundred fifty (150) watts or
20 less, or other light sources of seventy (70) watts or less;

21 (2) Outdoor lighting fixtures that are extinguished between the
22 hours of 11:00 p.m. and sunrise by an automatic shutoff device;

23 (3) Outdoor lighting fixtures on advertisement signs on
24 interstates or federal primary highways;

25 (4)(A) Outdoor lighting fixtures existing and legally installed
26 before the effective date of this chapter.

27 (B) However, when existing lighting fixtures become
28 unrepairable, their replacements are subject to the provisions of this
29 chapter;

30 (5) Navigational lighting systems at airports or other lighting
31 necessary for aircraft safety; and

32 (6) Outdoor lighting fixtures that are necessary for worker
33 safety at farms, ranches, dairies, feedlots or industrial, mining or oil and
34 gas facilities.

35
36 8-14-105. Arkansas Department of Environmental Quality - Duties.

The Arkansas Department of Environmental Quality shall:

(1) Review outdoor lighting provisions in building codes used in Arkansas;

(2) Promulgate rules for appropriate changes to comply with the provisions of this chapter; and

(3) Permit and inspect, to the standards set forth in this chapter, all construction of and on state-owned buildings begun after the effective date of this chapter.

8-14-106. Public Utilities.

If public utilities are required under this chapter or by local government ordinances to accelerate replacement of lighting fixtures, the cost of the replacement shall be included in rates approved by the Arkansas Public Service Commission.

8-14-107. Penalties.

Violations of this chapter are punishable by:

(1) For a first offense, a warning; and

(2) For a second or subsequent offense or for an offense that continues for thirty (30) calendar days from the date of the warning, a fine of twenty-five dollars (\$25.00) minus the replacement cost for each offending fixture.

8-14-108. Enforcement.

A town, city, or county of this state may enforce this chapter.

8-14-109. Provisions supplemental.

The provisions of this chapter are cumulative and supplemental and shall not apply within a town, city, or county of this state that, by ordinance, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of this chapter.