Shielded Outdoor Lighting

The purpose of this Act is to conserve energy and preserve the environment through the regulation of outdoor lighting fixtures. The Act directs that no public funds shall be used to install an outdoor lighting fixture unless it is shielded and no state funds shall be used for the installation of a shielded or unshielded mercury vapor outdoor lighting fixture. It requires the state department of environmental quality to promulgate regulations prohibiting any person or entity from knowingly placing or disposing of lights containing mercury in a landfill after January 1, 2008. It requires electric public utilities in the state to offer a shielded lighting service option.

Submitted as:
Arkansas
Act 1963 (2005)
Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act to Encourage the Use of Shielded Outdoor Lighting.”

Section 2. [Purpose.] The purpose of this Act is to conserve energy and preserve the environment through the regulation of outdoor lighting fixtures.

Section 3. [Definitions.] As used in this Act:
(a) “Outdoor lighting fixture” means an automatically-controlled, outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights, and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards, or street lighting; and
(b) “Shielded” means a fixture that is covered in a manner that light rays emitted 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.

Section 4. [Shielding: Prohibitions, Exemptions.]
(a) After [January 1, 2006]:
(1) (A) No public funds shall be used to install an outdoor lighting fixture unless it is shielded.
(B) The provisions of subdivision (a)(1) of this section shall not apply to a municipally owned utility if the municipal employee responsible for procurement determines that the cost of acquiring a shielded outdoor lighting fixture will be more expensive than the alternative after comparing:
(i) The cost of the fixtures; and
(ii) The projected energy cost of the operation of the fixtures;
(C) No state funds shall be used for the installation of a shield or unshielded mercury vapor outdoor lighting fixture.
(2) The [Department of Environmental Quality] shall promulgate regulations prohibiting any person or entity from knowingly placing or disposing of lights containing mercury in a landfill after [January 1, 2008].

(3) (A) Each electric public utility shall offer a shielded lighting service option.

(B) Not later than [January 1, 2006], each electric public utility shall file an application with the [Public Service Commission] to establish a schedule of rates and charges for the provision of a shielded lighting service option to the utility’s customers.

(C) The [Public Service Commission] shall require each electric public utility to inform its customers of the availability of the shielded lighting service.

(b) This Act does not apply to acquisitions of:

(1) Incandescent outdoor lighting fixtures of one hundred fifty watts (150W) or less or other light sources of seventy watts (70W) or less;

(2) Outdoor lighting fixtures on advertisement signs on interstate or federal primary highways;

(3) (A) Outdoor lighting fixtures existing and legally installed before the effective date of this Act.

(B) However, if an existing outdoor lighting fixture exempted from the provisions of this Act under subdivision (b)(3)(A) of this section needs to be replaced, the acquisition of the replacement outdoor lighting fixture shall be subject to the provisions of this Act;

(4) Navigational lighting systems at airports or other lighting necessary for aircraft safety; and

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

Section 5. [Penalties.] Violations of this Act are punishable by a warning for a first offense and a fine of [twenty-five dollars] minus the replacement cost for each offending outdoor lighting fixture for a second or subsequent offense or for an offense that continues for [thirty calendar days] from the date of the warning.

Section 6. [Enforcement.] This Act may be enforced by a town, city, or county of this state by seeking injunctive relief in a court of competent jurisdiction.

Section 7. [Provisions Supplemental.] The provisions of this Act 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 Act.

Section 8. [Severability.] [Insert severability clause.]

Section 9. [Repealer.] [Insert repealer clause.]

Section 10. [Effective Date.] [Insert effective date.]