

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE NIGHT SKY
PROTECTION ACT; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Night Sky Protection Act".

Section 2. PURPOSE.--The purpose of the Night Sky
Protection Act is to regulate outdoor night lighting fixtures
to preserve and enhance the state's dark sky while promoting
safety, conserving energy and preserving the environment for
astronomy.

Section 3. DEFINITIONS.--As used in the Night Sky
Protection Act:

A. "outdoor lighting fixture" means an 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 shielded in
such 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 OF OUTDOOR LIGHT FIXTURES.--All outdoor lighting fixtures installed after January 1, 2000 shall be shielded, except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.

Section 5. NONCONFORMING LIGHT FIXTURES.--

A. In addition to other exemptions provided in the Night Sky Protection Act, an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise.

B. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.

Section 6. USE OF MERCURY VAPOR LIGHTING FIXTURES.--No new mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000.

Section 7. EXEMPTIONS.--

A. The following are exempt from the requirements of the Night Sky Protection Act:

(1) outdoor lighting fixtures on advertisement signs on interstates and federal primary

highways;

(2) outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act; however, when existing lighting fixtures become unrepairable, their replacements are subject to all the provisions of the Night Sky Protection Act;

(3) navigational lighting systems at airports and other lighting necessary for aircraft safety; and

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

B. The provisions of the Night Sky Protection Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Night Sky Protection Act.

Section 8. CONSTRUCTION INDUSTRIES DIVISION--DUTIES.--The construction industries division of the regulation and licensing department shall review the outdoor lighting provisions in the uniform building codes used in New Mexico and make recommendations for appropriate changes to comply with the provisions of the Night Sky Protection Act.

Section 9. COSTS OF REPLACEMENT--RECOVERY.--If public

utilities are required pursuant to the provisions of the Night Sky Protection Act or by local government ordinances to accelerate replacement of lighting fixtures, the cost of such replacement shall be included in rates approved by the public regulation commission.

Section 10. VIOLATIONS--PENALTY.--Any person, firm or corporation violating the provisions of the Night Sky Protection Act shall be punished as follows:

A. for a first offense, the offender may be issued a warning; and

B. for a second offense or offense that continues for thirty days from the date of the warning, twenty-five dollars (\$25.00) minus the replacement cost for each offending fixture.
