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SENATE BILL 893

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

CISCO MCSORLEY

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE OUTDOOR LIGHTING CONTROL ACT; ESTABLISHING A PENALTY; ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE. -- This act may be cited as the "Outdoor Lighting Control Act".

Section 2. PURPOSE. -- The purpose of the Outdoor Lighting Control Act is to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while conserving energy and promoting the industry of astronomy.

Section 3. DEFINITIONS. -- As used in the Outdoor Lighting Control Act:

A. "fully shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either

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1 directly from the lamp or indirectly from the fixture, are
2 projected below a horizontal plane running through the lowest
3 point on the fixture where light is emitted;

4 B. "outdoor lighting fixture" means an outdoor
5 artificial illuminating device, whether permanent or portable,
6 used for illumination or advertisement, including searchlights,
7 spotlights or floodlights, whether for parking lot lighting,
8 landscape lighting, billboards or street lighting; and

9 C. "partially shielded" means a fixture that is
10 shielded in such a manner that the bottom edge of the shield is
11 below the plane of the center line of the lamp reducing light
12 above the horizontal plane.

13 Section 4. SHIELDING OF OUTDOOR LIGHT FIXTURES. -- All
14 outdoor lighting fixtures shall be fully or partially shielded,
15 except incandescent fixtures of one hundred fifty watts or less
16 and other sources of seventy watts or less. Streetlighting
17 fixtures are exempt from this requirement if the shielding is
18 not available from the manufacturer.

19 Section 5. NONCONFORMING LIGHT FIXTURES. --

20 A. In addition to other exemptions provided in the
21 Outdoor Lighting Control Act, an outdoor lighting fixture not
22 meeting these provisions shall be allowed, if the fixture is
23 extinguished by an automatic shutoff device between the hours of
24 midnight and sunrise.

25 B. No outdoor recreational facility, whether public

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1 or private, shall be illuminated after midnight, except to
2 conclude any recreational or sporting event or other activity
3 conducted, which is in progress prior to midnight at a ballpark,
4 outdoor amphitheater, arena or similar facility.

5 Section 6. USE OF MERCURY VAPOR LIGHTING FIXTURES. --

6 A. No new mercury vapor outdoor lighting fixtures
7 shall be installed after January 1, 1998. No replacement
8 equipment other than bulbs for mercury vapor lighting fixtures
9 shall be sold in the state after January 1, 1999, and the use of
10 mercury vapor lighting fixtures is prohibited after January 1,
11 2008.

12 B. The provisions of this section shall not apply to
13 outdoor lighting systems erected prior to 1950.

14 Section 7. EXEMPTIONS. --

15 A. The following are exempt from the requirements of
16 the Outdoor Lighting Control Act:

17 (1) outdoor lighting fixtures existing and
18 legally installed prior to the effective date of the Outdoor
19 Lighting Control Act; however, when existing lighting fixtures
20 become inoperable, their replacements are subject to all the
21 provisions of the Outdoor Lighting Control Act;

22 (2) outdoor lighting fixtures used on land or
23 facilities under the control of the federal government;

24 (3) navigational lighting systems at airports;
25 and

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(4) correctional institutions.

B. The provisions of the Outdoor Lighting Control 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 Outdoor Lighting Control Act.

Section 8. VIOLATIONS--PENALTY.--Any person, firm or corporation violating the provisions of the Outdoor Lighting Control Act is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.