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HOUSE BILL 461

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Dona G. Irwin

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING SECTIONS OF THE NIGHT SKY PROTECTION ACT TO PROVIDE FOR SHIELDED LIGHTING TO CUT OFF ALL UPWARD TRANSMISSION OF LIGHT.

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

Section 1. Section 74-12-3 NMSA 1978 (being Laws 1999, Chapter 197, Section 3) is amended to read:

"74-12-3. 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

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1           B. "shielded" means a ~~[fixture that is shielded in~~  
2 ~~such a manner that light rays emitted by the fixture, either~~  
3 ~~directly from the lamp or indirectly from the fixture, are~~  
4 ~~projected below a horizontal plane running through the lowest~~  
5 ~~point on the fixture where light is emitted]~~ full cutoff light  
6 fixture that cuts off all upward transmission of light."

7           Section 2. Section 74-12-4 NMSA 1978 (being Laws 1999,  
8 Chapter 197, Section 4) is amended to read:

9           "74-12-4. SHIELDING OF OUTDOOR LIGHT FIXTURES.--~~[All~~  
10 ~~outdoor lighting fixtures installed after January 1, 2000 shall~~  
11 ~~be shielded, except incandescent fixtures of one hundred fifty~~  
12 ~~watts or less and other sources of seventy watts or less]~~ A  
13 light source of sixty-five watts or greater or a light source  
14 with an intensity exceeding a maximum light output of seven  
15 hundred fifty-five lumens produced by the light source shall:

16           A. be shielded to prevent light from trespassing on  
17 another's property;

18           B. have full cutoff of all upward transmission of  
19 light to keep light from being directed into the sky; and

20           C. be required to protect the night sky view of  
21 adjacent landowners."

22           Section 3. Section 74-12-5 NMSA 1978 (being Laws 1999,  
23 Chapter 197, Section 5) is amended to read:

24           "74-12-5. NONCONFORMING LIGHT FIXTURES.--

25           A. In addition to other exemptions provided in the

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1 Night Sky Protection Act, an outdoor lighting fixture not  
2 meeting these provisions shall be allowed, if the fixture is  
3 extinguished by an automatic shutoff device between the hours  
4 of 11:00 p.m. and sunrise.

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

11 C. No light standard shall exceed ten feet in  
12 height unless the light standard has full cutoff of upward  
13 transmission of light.

14 D. No light source shall be fixed to any building  
15 so that the light rays are perpendicular to the building face  
16 and projecting light onto another owner's property.

17 E. All direct rays of a light source shall be  
18 confined to the owner's property site and shall not infringe or  
19 trespass on another owner's property."

20 Section 4. Section 74-12-7 NMSA 1978 (being Laws 1999,  
21 Chapter 197, Section 7) is amended to read:

22 "74-12-7. EXEMPTIONS.--

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

25 (1) outdoor lighting fixtures on advertisement

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1 signs on interstates and federal primary highways;

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

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

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

12 B. The provisions of the Night Sky Protection Act  
13 are cumulative [~~and supplemental~~] and shall [~~not~~] apply as a  
14 minimum standard within any county or municipality that, by  
15 ordinance or resolution, has adopted provisions restricting  
16 light pollution that are equal to or more stringent than the  
17 provisions of the Night Sky Protection Act or shall apply in  
18 any municipality or county not having an ordinance."

19 Section 5. Section 74-12-8 NMSA 1978 (being Laws 1999,  
20 Chapter 197, Section 8, as amended) is amended to read:

21 "74-12-8. CONSTRUCTION INDUSTRIES DIVISION--  
22 DUTIES.--The construction industries division of the regulation  
23 and licensing department shall review the outdoor lighting  
24 provisions in the uniform building codes used in New Mexico and  
25 make recommendations for appropriate changes to comply with the

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1 provisions of the Night Sky Protection Act [~~and shall permit~~  
2 ~~and inspect, to the standards set forth in the Night Sky~~  
3 ~~Protection Act, all construction of and on state-owned~~  
4 ~~buildings that is subject to permit and inspection under the~~  
5 ~~Construction Industries Licensing Act]~~ on state construction  
6 and verify compliance in all counties as part of new  
7 construction and investigate complaints of noncompliance with  
8 that act."

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