

ORDINANCE NO. 5-06

AN ORDINANCE DETERMINING THAT THE COST OF ACQUIRING SHIELDED LIGHTING FIXTURES IS PROHIBITIVE

WHEREAS, Act 1963 of 2005, as amended by Act 11 of 2006 (1st Ex. Sess), enacted the Shielded Outdoor lighting Act, § 8-14-10 through 8-14-104 of the Arkansas Code Annotated [hereinafter, "the Act."]

WHEREAS, the Act provides that public funds shall not be used to install an outdoor lighting fixture that is not shielded, and

WHEREAS, the Act further provides that said prohibition shall not apply to any municipality or county if the governing body of the municipality or county determines by ordinance or to a municipally owned utility if the municipal employee responsive for procurement determines that the cost of acquiring a shielded outdoor lighting fixture will be prohibitive after comparing (j) the cost of the fixtures; and (ii) the projected energy cost of the operation of the fixtures;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DIAMOND CITY, ARKANSAS

Section 1. The City Council hereby determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive.

Section 2. The City of Diamond City hereby expressly intends to avail itself of the exemption from the requirements of the Act pertaining to the purchase of shielded outdoor lighting fixtures.

Section 3. The City Council hereby finds that, unless this ordinance goes into effect immediately, the city will be subject to prohibitive costs for shielded lighting fixtures to the detriment of the public welfare and that an emergency is hereby declared to exist such that this ordinance will take effect immediately upon passage.

ADOPTED by a vote of 6 yeas _____ nays _____ absent _____ abstentions, this 17 day of July, 2006.

ATTEST:


Sandy Beaver
Recorder/Treasurer

APPROVE:


Troy Burleson
Mayor