

ORDINANCE NO. 07-04

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 responsible for procurement determines that the cost of acquiring a shielded outdoor lighting fixture will be prohibitive after comparing (i) 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 THE CITY OF LAVACA,

SECTION 1. The City Council of the City of Lavaca finds that Shielded Lighting rates per fixture compare to non-shielded lighting rates per fixture as follows:

	Shielded	Non-Shielded	Difference
9,500 Lumen High Pressure Sodium (HPS)	\$ 7.45	\$ 4.35	\$ 3.10
25,000 Lumen HPS	\$ 6.78	\$ 8.63	\$(1.85)
50,000 Lumen HPS	\$ 6.78	\$12.91	\$ (6.13)

The typical street light used by the City of Lavaca and other cities for regular street lighting being 9,500 Lumen HPS. In addition to the added cost per fixture, a greater number of shielded lighting fixtures are required to achieve the same degree of illumination as non shielded fixtures.

SECTION 2: The City Council of the City of Lavaca hereby determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive.

SECTION 3: The City Council of the City of Lavaca 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SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: The City Council of the City of Lavaca 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 its passage.

PASSED AND APPROVED THIS 10th DAY OF SEPTEMBER, 2007.

Mayor

Attest: Recorder