

ORDINANCE NO.09-07-2006

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. §8-14-101 through §8-14-107 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, after the municipal employee responsible for procurement determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive after comparing (1) the cost of the fixtures; and (ii) the projected energy cost of the operation of the fixtures, that implementation of this law is cost prohibitive.

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

Section 1: The City Council finds that based upon the calculation of the Mayor and the Water and Sewer superintendent, Kevin Caler, concerning the differences in acquisition cost and operating cost of shielded and non-shielded outdoor lighting fixtures, the shielded fixtures will be significantly most expensive than the other types available.

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

Section 3: The City of Elkins hereby expressly intends to avail itself of the exemption from the requirements of the Act pertaining to the purchase of shielded outdoor lighting fixtures.

PASSED AND APPROVED this 5th day of October, 2006.


MAYOR JACK LADYMAN

ATTEST:


PEGGY BARTON, Recorder/Treasurer