ORDINANCE NO. 2006-10

AN ORDINANCE DETERMINING THAT THE COST OF ACQUIRING SHIELDED LIGHTING FIXTURES IS PROHIBITIVE AND FOR OTHER PURPOSES

WHEREAS, Act 1963 of 2005, as amended by Act 11 of 2006 (1st Ex. Sess), enacted the Shielded Outdoor Lighting Act, Section 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 if the governing body of the municipality determines by ordinance that the cost of acquiring a shielded outdoor lighting fixture will be prohibitive after comparing the cost of the fixtures and the projected energy cost of the operation of the fixtures;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS:

SECTION 1: The Atkins City Council finds that the additional cost of leasing of shielded fixtures as compared to the cost of leasing nonshielded fixtures is an increase of over one hundred percent (100%) of the present cost and the projected energy cost of operating with shielded fixtures as opposed to operating with nonshielded fixtures shows an additional projected cost to the City of Atkins of fifty percent (50%) above the present cost.

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

SECTION 3: The City of Atkins hereby expressly avails itself of the exemption from the requirements of the Act pertaining to the purchase of shielded outdoor lighting fixtures.

SECTION 4: The Atkins 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 and this ordinance will take effect immediately upon its passage and approval.

DATED this 14th day of November, 2006.

THE CITY OF ATKINS

By: _____
JERRY DON BARRETT, Mayor

_____
BRENDA GRAVES, City Clerk

(SEAL)