

ORDINANCE NUMBER 07-04

AN ORDINANCE ESTABLISHING THE CITY POLICY ON OUTDOOR LIGHTING FIXTURES, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, in 2005, the Arkansas General Assembly passed an act codified at Ark. Code. Ann § 8-14-104 which purported to require shielded lighting fixtures to be used in all public projects and that the same be used if public funds would be used to pay the cost of the electricity required; and

WHEREAS, in recognition of the significant costs involved, the Arkansas General Assembly has amended the same provision, making the decision to upgrade one which belongs to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMMACK VILLAGE, ARKANSAS.

SECTION 1. After comparing (1) the cost of the shielded lighting fixtures described in Ark. Code Ann. § 8-14-104 and (2) the projected energy cost of the operation of the fixtures, the City Council finds that the cost of acquiring the outdoor shielded lighting fixtures would be prohibitive and detrimental to the fiscal well-being of the City of Cammack Village.

SECTION 2. Based on this determination by the Council, public funds may be used to install, repair, or operate a non-shielded lighting fixture in the City of Cammack Village.

SECTION 3. Repealer. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. Severability. If any clause, sentence, paragraph, section or other portion of this ordinance is found to be unconstitutional, invalid or inoperative by a court of competent jurisdiction, such findings shall not affect the validity of the remainder of these sections, nor shall any proceeding invalidating any portion of any section operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

EMERGENCY CLAUSE: The City Council for the City of Cammack Village finds and determines that it is necessary for the City to replace street lights and the cost of replacing street lights with the shield lighting is cost prohibitive and the immediate replacement of street lights is necessary for the safety of Cammack Village residents, and an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety be in full force and effect on and after June ____, 2007.

ADOPTED:

Date: _____

6/12/07

APPROVED:

Harry A. Light, Mayor

[Signature]

ATTEST:

Date: _____

6/12/07

Mary Walker, Recorder

Mary Lynn Walker