



## Night Sky Protection Act

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### NMSA1978 ARTICLE 12 NIGHT SKY PROTECTION

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#### 74-12-1. Short title.

This act [74-12-1 to 74-12-10 NMSA 1978] may be cited as the "Night Sky Protection Act".

**History:** Laws 1999, ch. 197, [◆](#) 1.

#### 74-12-2. Purpose.

The purpose of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978] is to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

**History:** Laws 1999, ch. 197, [◆](#) 2.

#### 74-12-3. Definitions.

As used in the Night Sky Protection Act [74-12-1 to 74 -12-10 NMSA 1978]:

- A. "outdoor lighting fixture" means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting; and
- B. "shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

**History:** Laws 1999, ch. 197, [◆](#) 3.

#### 74-12-4. Shielding of outdoor light fixtures.

All outdoor lighting fixtures installed after January 1, 2000 shall be shielded, except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.

**History:** Laws 1999, ch. 197, [◆](#) 4.

#### 74-12-5. Nonconforming light fixtures.

- A. In addition to other exemptions provided in the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978], an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise.
- B. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.

**History:** Laws 1999, ch. 197, [◆](#) 5.

#### 74-12-6. Use of mercury vapor lighting fixtures.

No new mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000.

**History:** Laws 1999, ch. 197, [◆](#) 6.

#### 74-12-7. Exemptions.

- A. The following are exempt from the requirements of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978]:
  - (1) outdoor lighting fixtures on advertisement signs on interstates and federal primary highways;
  - (2) outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act; however, when existing lighting fixtures become unrepairable, their replacements are subject to all the provisions of the Night Sky Protection Act;
  - (3) navigational lighting systems at airports and other lighting necessary for aircraft safety; and
  - (4) outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.
- B. The provisions of the Night Sky Protection Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Night Sky Protection Act.

**History:** Laws 1999, ch. 197, [◆](#) 7.

#### 74-12-8. Construction industries division; duties.

The construction industries division of the regulation and licensing department shall review the outdoor lighting provisions in the uniform building codes used in New Mexico and make recommendations for appropriate changes to comply with the provisions of the Night Sky Protection Act and shall permit and inspect, to the standards set forth in the Night Sky Protection Act, all construction of and on state-owned buildings that is subject to permit and inspection under the Construction Industries Licensing Act [60-13-1 NMSA 1978].

**History:** Laws 1999, ch. 197, [◆](#) 8; 2001, ch. 151, [◆](#) 1.

#### 74-12-9. Costs of replacement; recovery.

If public utilities are required pursuant to the provisions of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978] or by local government ordinances to accelerate replacement of lighting fixtures, the cost of such replacement shall be included in rates approved by the public regulation commission.

**History:** Laws 1999, ch. 197, [◆](#) 9.

#### 74-12-10. Violations; penalty.

Any person, firm or corporation violating the provisions of the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978] shall be punished as follows:

- A. for a first offense, the offender may be issued a warning; and
- B. for a second offense or offense that continues for thirty days from the date of the warning, twenty-five dollars (\$25.00) minus the replacement cost for each offending fixture.

**History:** Laws 1999, ch. 197, [◆](#) 10.

#### 74-12-11. Enforcement.

In order to promote the purposes of the Night Sky Protection Act and to provide uniform minimum outdoor lighting standards throughout the state, the construction industries division of the regulation and licensing department shall enforce the Night Sky Protection Act as it pertains to public buildings subject to permit and inspection under the Construction Industries Licensing Act and each political subdivision of the state shall fully enforce the provisions of the Night Sky Protection Act.

**History:** Laws 2001, ch. 151, [◆](#) 2; repealed and new [◆](#) 74-12-11 NMSA 1978, as enacted by Laws 2009, ch. 79, [◆](#) 1.

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