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Advancing responsible outdoor
lighting >

Creating codes and
statutes

DarkSky Recognized Codes and Statutes guidelines



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Introduction

The DarkSky Recognized Codes and Statutes program is established by DarkSky International (DarkSky) to recognize government entities or private developments that adopt bylaws, ordinances, codes, statutes or legislation (codes and statutes) that meet or exceed DarkSky-approved provisions for reducing light pollution. The provisions are provided freely within templates that list them as a collective set of measures to ensure a comprehensive approach, and are designed for incorporating into the governing entity's format. The templates contain industry-standard definitions and provide alternatives and options for some of the

provisions. Guidance is also provided to help explain why certain options might be considered.

There are two templates offered:

1. **DarkSky International Municipal Ordinance Template and User Guide:** This template is for use with independently governed municipalities (villages, cities, counties, hamlets, etc) and includes provisions typically governed by local governments.
2. **DarkSky International State Legislation Template and User Guide:** This template is for regional bodies that govern larger areas, including overseeing the municipalities within it (states, provinces, territories).

The templates are written based on the governmental structure of the United States, however the provisions are universally applicable.

For a government or private entity to be *DarkSky Recognized*, it must formally adopt a legally binding and enforceable document (code, ordinance, bylaw, statute), and provide proof of the adoption by the governing entity. DarkSky's program for achieving Recognition offers interim reviews of the proposed language, and a final review and certification for enacted statutes meeting the requirements within the templates. Government bodies achieving the "*Recognized*" status will be listed on the DarkSky website.

The provisions within the template follow the objectives of the **Five Principles for Responsible Outdoor Lighting**. Those Principles are:

1. All light should have a clear purpose.
2. Light should be directed only to where it is needed.
3. Light levels should be no higher than necessary.
4. Light should be used only when it is useful.
5. Warmer color lights should be used where possible.

This document explains the requirements for achieving the *DarkSky Recognized* status for codes and statutes, including both technical and

administrative requirements.

For questions on the program, contact the **Lighting Program Manager**

1.0 General

1.1 Scope

This DarkSky Recognized Code and Statute program offers DarkSky International (DarkSky) recognition for government agencies (cities, counties, provinces, regions, states, territories) or private developments (Homeowners Associations, private landholdings) that meet or exceed DarkSky provisions as written in DarkSky International Policy Templates (Templates).

1.2 Recognition status

Recognition status through this program validates that outdoor lighting codes and statutes (ordinances, bylaws, or other forms of law) meet or exceed provisions in the DarkSky International Policy Templates and have been adopted and enacted. The recognized entity will be the governing body and the statute or code itself. For instance, 'the City of XYZ has a DarkSky Recognized municipal ordinance'. This status is designed to be a source of pride for communities, regions and territories as having enacted laws to mitigate light pollution. DarkSky will publish the list of Recognized locations and policies on DarkSky's website.

1.2 Voluntary participation

The program is available to any entity desiring DarkSky Recognition and is voluntary. DarkSky Recognition has no enforcement of law; it simply recognizes laws that follow DarkSky principles and guidelines, as adopted by DarkSky International and published in their DarkSky International Policy Templates.

1.4 Recognition is not an endorsement

DarkSky Recognition merely confirms that the enacted statutes meet the provisions of the Templates. Recognition does not mean that DarkSky endorses the statutes for any purpose. Specifically, if the governing entity

chooses to enact stricter laws than our Templates call for, the DarkSky Recognition status of having met DarkSky's Template requirements does not mean that DarkSky endorses measures that go beyond the limits of what are published in the Templates.

2.0 Technical requirements

2.1 Adherence to templates, minimum requirements

Any adopted code or statute must be fully compliant with all measures noted in the Templates.

- A. **Values, minimum or maximum:** If a value is stated as a maximum, or "shall be no greater than", the limits contained within the Templates must be adhered to within the statute. For example, the Templates state that light levels may not be more than 25% above recommended standards, and therefore the statute may not allow more light than this provision in order to be DarkSky Recognized. In some cases, the Template language will state minimum values, or maximum values; these limits are not negotiable for Recognition.
- B. **Comprehensive inclusion:** Statutes must include provisions that cover all of the baseline provisions within the Templates. Partial inclusion does not meet the needs of DarkSky Recognition.
- C. **Options and supplements:** Items that are optional or supplemental are not required for Recognition unless the Template states that at least one of the options must be chosen. When options or supplemental provisions are incorporated into the statute or code, the statute or code must meet all the requirements contained within the template option or supplement.
- D. **Definitions and terms:** Definitions and terms used in the DarkSky Templates are non-negotiable. These are based on industry standards, and it is our goal to create an international common vocabulary. Changes to the definitions will be grounds for rejection.

3.0 Administrative requirements

3.1 Downloading templates

DarkSky International Policy Templates are freely available on the darksky.org website. In order to download the documents, you must agree to the Terms of Use, which stipulate how they can be used and what representations are allowed when using them. Two downloadable versions are available for each template:

- A. PDF format: The non-edited PDF document is the official version of the DarkSky Templates and contains the DarkSky approved language. Applications for DarkSky Recognition will be compared to the language in the PDF document.
- B. Word format: This is an editable version of the Template for ease of editing, copying and pasting the provisions of the Template to meet local requirements, or to insert the provisions into established document formats.

3.2 Review Process

There are two reviews offered by DarkSky International under this program through the website [Link]. Each application requires a separate fee.

- A. Interim Review(s): DarkSky will review works in progress to assess whether a proposed statute meets the requirements contained in the Templates. The review will include reviewing the proposed language and providing feedback including a list of conforming and non-conforming measures, with directives on what would be needed to meet the program requirements. DarkSky Strongly recommends at least one interim review prior to the vote for adoption to ensure all requirements have been met. Each interim review is treated as an independent review requiring fees for each time an application for review is submitted.
- B. Recognized Status: DarkSky will review submissions for adopted codes and statutes by a governing body. To ensure that the adopted code or statute complies with DarkSky's Template provisions, DarkSky recommends an interim review prior to adoption. DarkSky will provide provisional approvals for documents that meet the requirements of the

Templates and have been adopted, but are not yet enacted; *DarkSky Recognition* status will be given once the final code or statute has been approved *and* is enacted. Applicants to this program must provide two documents as proof of the adoption of the Code/Statute:

1. The final adopted code or statute language that includes the date of enactment; and
2. Proof that the code or statute was adopted by the governing entity. This can be through a record of the official recording of the document, official minutes of the governing entity, publication of the final code or statute, or other official documentation.

3.3 Recognition certification and listing

Recognized codes and statutes will be awarded a certificate and will be listed on the DarkSky International website. Certificates will be numbered in accordance with the chronological order in which they are approved by DarkSky for Recognition. The listing on the DarkSky website will include the name of the government entity, the date of enactment, the certification number, and a link to the published legal document.

3.4 Requirement to give notice of change

change but are not reviewed by DarkSky. Changes to the Recognized statutes must conform to the most recently adopted version of the Templates at the time of the change.

Appendix A – Background

The following background is provided for the reader to better understand the rationale within this document.

DarkSky International is often asked to assist advocates, architects, planners and government agencies to write policies, statutes, and codes to protect night skies. As this work has been done over the years, a consistent

set of prioritized provisions have emerged; and given the time commitment for DarkSky to attend to all the requests, the DarkSky Board of Directors approved the implementation of Policy Templates that provide simple and effective measures consistent with the DarkSky International/Illuminating Engineering Society Five Principles of Responsible Outdoor Lighting.

The Policy Templates are the result of year-long preparations that included several iterations based on meetings with various design, engineering, manufacturer representatives and environmental organizations.

Throughout this process, terms and definitions have been refined and the provisions have been vetted. DarkSky believes that the resulting provisions within the Templates represent cost-effective measures that enhance lighting quality and efficiency, while meeting our objective of mitigating light pollution for the benefit of humans, plants, animals, and our planet.

The Recognition program provides a hub for all entities adhering to these provisions to celebrate their achievement, which DarkSky hopes will inspire others. The accomplishment of enacting codes and statutes that protect the night sky is a source of pride for communities, regions and territories for doing their part to reduce light pollution. When this effort is taken seriously, the results positively affect not only the inhabitants, but their neighbors and the environment as well. Light pollution is unfortunately not contained within the property boundaries of a municipality or a state, and when proper measures are taken to reduce the output of light at night, it is to the benefit of wildlife, plant life, and neighboring communities or wilderness.

DarkSky encourages all communities, regions, states and territories to consider passing statutes to achieve these goals. Your constituents will be glad you did.

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