

STATE OF NEW YORK

4615

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. GLICK -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the dark skies protection act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "dark skies protection act".

3 § 2. The environmental conservation law is amended by adding a new
4 article 18 to read as follows:

ARTICLE 18

LIGHT POLLUTION CONTROL

7 Title 1. Short title, declaration of purpose, general definitions.

8 2. Lighting fixtures.

9 3. Exemptions.

10 4. Preemption.

11 5. Department responsibility.

TITLE 1

SHORT TITLE, DECLARATION OF PURPOSE, GENERAL DEFINITIONS

14 Section 18-0101. Short title.

15 18-0102. Declaration of purpose.

16 18-0103. General definitions.

17 § 18-0101. Short title.

18 This act shall be known and may be cited as the "dark skies protection
19 act".

20 § 18-0102. Declaration of purpose.

21 The purpose of this article is to regulate outdoor night lighting to
22 preserve and enhance the state's dark sky while promoting safety for
23 people, birds, and other wildlife, conserving energy and reducing our
24 carbon footprint, and preserving the aesthetic qualities of the night
25 sky.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 18-0103. General definitions.

2 For the purposes of this article, the following terms shall mean:

3 1. "Outdoor lighting fixture" means an outdoor artificial illuminating
4 device, whether permanent or portable, used for illumination or adver-
5 tisement, including but not limited to searchlights, spotlights, and
6 floodlights, whether for architectural lighting, parking lot lighting,
7 landscape lighting, billboards or street lighting.

8 2. "Shielded" means a fixture that is shielded in such a manner that
9 light rays emitted by the fixture, either directly from the lamp or
10 indirectly from the fixture, are projected below a horizontal plane
11 running through the lowest point on the fixture where light is emitted.

12 3. "Municipality" shall mean a county, city, town, or village.

13 4. "Governing board" includes the board of supervisors of a county,
14 the town board of a town, the common council of a city, and the board of
15 trustees of a village.

16 TITLE 2

17 LIGHTING FIXTURES

18 Section 18-0201. Shielding of outdoor lighting fixtures.

19 18-0202. Nonconforming lighting fixtures.

20 18-0203. Outdoor recreational facilities.

21 § 18-0201. Shielding of outdoor lighting fixtures.

22 All outdoor lighting fixtures shall be shielded after January first,
23 two thousand twenty-eight, including but not limited to outdoor lighting
24 fixtures installed at residential, commercial, industrial, and municipal
25 buildings and structures.

26 § 18-0202. Nonconforming lighting fixtures.

27 1. In addition to other exemptions provided in this article, outdoor
28 lighting fixtures not in compliance with the provisions of this article
29 shall be allowed, provided that such fixtures are extinguished by an
30 automatic or manual shutoff device between the hours of eleven p.m. and
31 sunrise or are motion-activated lights with a duration of less than
32 fifteen minutes and equipped with an automatic shutoff device.

33 2. The department may, in its discretion, adopt regulations to exempt
34 certain lighting fixtures from the requirements of this article if a
35 shielded fixture is not reasonably available.

36 § 18-0203. Outdoor recreational facilities.

37 No outdoor recreational facility, amphitheater, arena, or similar
38 facility whether public or private, shall be illuminated between the
39 hours of eleven p.m. and five a.m. except for a recreational or sporting
40 event or other activity that is in progress prior to eleven p.m. at an
41 outdoor recreational facility, amphitheater, arena, or similar facility.

42 TITLE 3

43 EXEMPTIONS

44 Section 18-0301. Exemptions.

45 § 18-0301. Exemptions.

46 The following are exempt from the requirements of this article:

47 1. Outdoor lighting fixtures on advertisement signs on interstates and
48 federal primary highways;

49 2. Navigational lighting systems at airports and other lighting neces-
50 sary for aircraft safety pursuant to the requirements of the Federal
51 Aviation Authority, including but not limited to lighting placed on
52 communication towers or wind turbines;

53 3. Outdoor lighting fixtures that are necessary for worker safety,
54 including but not limited to lights at agricultural facilities, indus-
55 trial, manufacturing, or commercial sites;

1 4. Emergency lighting that is used by police, firefighters, correc-
2 tional personnel, or medical personnel and that is in operation as long
3 as the emergency exists;

4 5. Outdoor lighting regulated pursuant to federal law, rule, or regu-
5 lation that preempts state law;

6 6. Lighting intended for tunnels and roadway underpasses;

7 7. Outdoor lighting used for programs, projects, or improvements of a
8 city or town relating to the construction, reconstruction, improvement,
9 or maintenance of a street or highway;

10 8. Outdoor lighting used for construction or major renovation of
11 municipal buildings, structures, and facilities of a city or town;

12 9. Streetlight fixtures if the shielding is not available from the
13 manufacturer; and

14 10. Incandescent fixtures of one hundred fifty watts or less and other
15 sources of less than seventy watts, including but not limited to
16 seasonal and decorative lighting.

17 11. Lighting fixtures located in the geographically limited area
18 defined by section 81-70 of article VIII of the New York City Zoning
19 Resolution, provided that the department may:

20 (a) require conditions for such exemption if strategies or technolo-
21 gies to control excess light are reasonably available; and

22 (b) exempt all lighting fixtures within such geographically limited
23 area upon application of an entity representing property owners, resi-
24 dents or businesses.

25 12. Lighting fixtures that are culturally or historically significant,
26 as determined by the department, provided that:

27 (a) such exemption shall be granted upon application from a property
28 owner, or an entity representing property owners, residents or busi-
29 nesses within a geographically limited area; and

30 (b) the department may require conditions for an exemption under this
31 subdivision to ensure that the exemption does not result in greater
32 light pollution than occurred on the effective date of this article.

33 TITLE 4
34 PREEMPTION

35 Section 18-0401. Preemption.

36 § 18-0401. Preemption.

37 The provisions of this article are cumulative and supplemental and
38 shall not apply within any municipality that, by local law, ordinance or
39 resolution, has adopted provisions restricting light pollution that are
40 equal to or more stringent than the provisions of this article.

41 TITLE 5
42 DEPARTMENT RESPONSIBILITY

43 Section 18-0501. Department responsibility.

44 § 18-0501. Department responsibility.

45 1. The department shall develop educational materials to encourage the
46 reduction of light pollution and shall make those materials available on
47 its website.

48 2. The department shall provide information regarding complying with
49 the requirements of this article, including examples of conforming
50 lighting fixtures, allowable nonconforming lighting fixtures, and the
51 provided exemptions and shall make those materials available on its
52 website.

53 § 3. This act shall take effect January 1, 2028. Effective immediate-
54 ly, the addition, amendment and/or repeal of any rule or regulation
55 necessary for the implementation of this act on its effective date are
56 authorized to be made and completed on or before such effective date.