

DarkSky International Policy

Outdoor Lighting – Municipal Ordinance Template and User Guide

October 11, 2024 – Version 1.0

Overview

This DarkSky International (DarkSky) Policy provides a template of outdoor lighting requirements for any county, city, municipality, or township seeking to implement a responsible outdoor lighting ordinance *[Some regions will use the term “code” or “bylaw”]*. The language and requirements contained herein are a proven approach to mitigate *Light Pollution* and misuses of artificial light at night (ALAN), which threaten human visual performance and safety at night, brighten the naturally dark sky, cause adverse biological health disruptions, damage nocturnal ecosystems, and waste significant amounts of energy and taxpayer money each year. The requirements herein work together holistically to meet the Five Principles for Responsible Outdoor Lighting co-authored by DarkSky and the Illuminating Engineering Society.

Instructions for Use

Narrative written in *[Blue + Italicized font]* are instructions intended for the user, including why a topic is being addressed, and, when applicable, optional requirements or choices. The language within this template will assist advocates and writers draft appropriate ordinance language. Narrative in *[red brackets]* indicates the appropriate name, terminology, value, or date is to be inserted in that location.

Before completion, it is recommended to gather input from key stakeholders (e.g., law enforcement, staff, community, utilities) so all perspectives are considered. The intent is for options to be selected that best fit the passion, identity, and goals of the local community while still meeting DarkSky recommendations. Upon completion, unused options and user instructions should be deleted to keep the document concise.

DarkSky Recognized Program

For any municipality seeking to have their ordinance recognized by DarkSky International, a program is available. For questions regarding this program, contact the [DarkSky Lighting Program Manager](#).

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[MUNICIPALITY] OUTDOOR LIGHTING ORDINANCE

Note: Italicized and capitalized words and phrases are defined in section 4.0 Definitions.

1.0 PREFACE

1.1 Authority

On behalf of the [municipality], this outdoor lighting [ordinance] is enacted on [date] pursuant to, and in accordance with, the authority of the [city council].

1.2 Purpose

[A municipal outdoor lighting ordinance should first establish a purpose and thoughtful background information regarding the intent for having one. When allowed, this information is important for future decision makers who will be faced with new and unique requests. While preamble and background narratives are not usually accepted as code or bylaw, recitals are an effective way to incorporate background and intent. Recitals must be factual, not general, and kept to a minimum.]

A. This outdoor lighting [ordinance] is intended to protect the health and welfare of all residents within the [municipality], enhance its [character and quality of life], prevent inappropriate and poorly installed outdoor lighting, reduce lighting conflicts between property owners, prevent the increase of potentially harmful sky glow, and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment. The *Five Principles for Responsible Outdoor Lighting* will guide [municipality]'s outdoor lighting decisions because:

1. Whereas, outdoor uses of *Artificial Light at Night (ALAN)* often include inappropriate and bright sources of light that cause an unsafe reduction in human visual performance; and
2. Whereas, excessive, unnecessary, and misdirected *ALAN* contributes to *Light Pollution* and wastes energy resources that would, if corrected, generate tangible cost savings; and
3. Whereas, increased use of *ALAN* has contributed to an escalation of *Light Pollution*, thus increasing the brightness of the night sky by 10% annually and rendering the current night sky orders of magnitude (often hundreds of times) brighter than the natural and original sky background; and
4. Whereas, *Light Pollution* from *ALAN* is known to cause adverse effects on the health and well-being of birds, wildlife, nocturnal ecosystems, vegetation, and under certain circumstances, human health;
5. Now, therefore, let it be resolved that the [municipality], which has the authority to protect natural resources and maintain a healthy environment for present and future generations, chooses to enact this outdoor lighting [ordinance] *[the next part is optional, but highly encouraged because assignment of Lighting Zones by the municipality will establish appropriate and coordinated light levels based on land uses (not property values), avoid subjectivity, and establish a thoughtful hierarchy of lighting conditions across the municipality.]* and hereby assign the following *Lighting Zones* to all property within the [municipal] boundaries:

[Insert table or map] [See Annex A for example formats.]

1.3 Applicability

- A. This [ordinance] applies to all sources of outdoor lighting installed or replaced within the [municipality] after [enactment date]. This includes, but is not limited to, newly permitted development and construction projects involving homes, dwellings, roadways, public right-of-way, [signage, billboards,] buildings, facilities, properties, landscape, parking lots, hardscape, non-habitable structures, and monuments.
- B. Existing outdoor lighting lawfully installed prior to [date] and not meeting the requirements of this [ordinance] shall be considered legal and repairable but non-conforming. All non-conforming *Luminaires* may continue to be used and maintained until one of the following occurs:
 - 1. A determination by the [municipal official] that an outdoor light source constitutes a hazard to public safety or constitutes a nuisance.
 - 2. When a property is re-zoned for a new land use, at which time all outdoor lighting on the property shall meet the requirements of this [ordinance] before the new use commences.
 - 3. [acceptable date of amortized implementation], the date whereupon all lighting must conform to this ordinance.

1.4 Exemptions

- A. **Lawful:** Lighting requirements mandated by a legal jurisdiction with broader authority (e.g., federal, state, or territorial) than the [municipality], including but not limited to:
 - 1. Navigational lighting systems regulated by the Federal Aviation Administration and the US Coast Guard.
 - 2. Any contradictory building code or Department of Transportation illumination requirements.
 - 3. Lighting for worker safety as mandated by the Occupational Safety and Health Administration.
- B. **Safety:** *Luminaires* installed for the benefit of public safety, including but not limited to:
 - 1. *Security Lighting* as determined by a municipal official with authority.
 - 2. Temporary lighting used by authorized first responders during emergency procedures.
- C. **Historic:** *Luminaires* replicating time period historical character and lighting effect that are protected by historical registration, or otherwise permitted by an authority having jurisdiction.
- D. **Permitted:** Temporary and semi-permanent lighting approved by municipal permit for special events, festivals, and community benefit, provided the permitted lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat.
- E. [Option] **Seasonal:** *Seasonal Lighting* used from [date] to [date]. [While some municipalities will choose to make this exempt, it may be better to prescribe seasonal lighting requirements (See Section 2.5) to help guide the desired outcome.]

1.5 Prohibitions

- A. *ALAN* must not interfere with the safe movement of motor vehicles. Any lighting that distracts or disables the vision of a motor vehicle operator (e.g., excessively bright or rapid blinking, flashing, and/or motion video) or contributes to traffic control confusion (e.g., sources resembling or imitating traffic or railroad signals) is prohibited.
- B. Beacons and searchlights, except for emergency use by authorized first responders.

2.0 OUTDOOR LIGHTING REQUIREMENTS

2.1 General

- A. Legal:** All outdoor *Luminaires* and *Luminaire* installations shall comply with federal and state law; county and municipal codes; applicable energy and building codes; product safety labeling; the requirements of this [ordinance]; and shall be subject to the appropriate permit and inspection requirements thereof.
- B. Light Level:** Unless otherwise specified in this ordinance, lighting installed for an outdoor use shall not exceed 25% more than the *Light Level* recommended by the applicable *ANSI/IES Lighting Standard*, or a state approved alternate, as published by [enactment date].
- C. Distribution:** Unless otherwise specified in this ordinance, *Luminaires* emitting more than 1,000 *Lumens* shall be *Fully Shielded* and shall emit no more than 5% of their total *Lumen* output above 80 degrees from *Nadir*. Exceptions are:
1. Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot. *[This will restrict some medium-base line-voltage products that are not recommended unless they are shielded.]*
 2. Directional *Luminaires* used for façade illumination which are shielded and aimed to hit their target such that the light is contained by architectural elements.
- D. Trespass:** Unless otherwise specified in this ordinance, *Light Trespass* shall meet the following:
1. *Luminaire* light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and *Light Trespass* shall measure no greater than 0.1 *Lux*.
 2. *Light Trespass* onto Waters of the United States shall measure no greater than 1 *Lux*.
 3. *Light Trespass* onto *Residential Use* property shall measure no greater than 1 *Lux*.
- E. Curfew:** *Non-essential* outdoor lighting, including but not limited to landscape and decorative lighting elements, shall be extinguished during *Nighttime Hours*.
1. When applicable, outdoor lighting shall dim or be extinguished during *Nighttime Hours* as prescribed by an adopted energy code.
- F. Controls:** *Luminaires* activated by motion detection shall automatically turn off or return to their dimmed state no more than [5] minutes after activity is no longer detected.
- G. Spectrum:** Unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor *Luminaires* is 3000 K. *[Because blue light is more apt to scatter locally in the atmosphere, it is prone to being redirected back toward earth as a physical manifestation of sky glow. This veil of sky glow reduces the visibility of stars within the natural nighttime sky, and the increased illumination may disrupt biological and ecological health. A CCT of 3000 K is the highest recommended baseline criterion, with exceptions and options noted below.]*
1. Exception: CCT exemptions are allowed if a public safety need is documented.

2.2 Residential Use

The following requirements are supplementary to the General Outdoor Lighting Requirements (**Section 2.1** and its subsections) and shall further regulate outdoor lighting on *Residential Use* property:

- A. Lighting for *Residential Use*, excluding roadway, parking, and public right-of-way, shall be exempt from the requirement in **Section 2.1(B)** provided no single Luminaire exceeds 1,000 lumens and the total installed lumens per dwelling, prorated for multifamily, does not exceed the following:

TABLE 2.2: PER DWELLING LUMEN ALLOWANCE RESIDENTIAL USE				
Property Size (acre) (sf)		Lz0	Lz1	Lz2
1.33	58,000+ sf	5,200	13,000	22800
1.00	43,000 sf	4,600	11,500	20200
0.75	32,000 sf	4,100	10,200	17900
0.50	21,000 sf	3,500	8,700	15300
0.33	14,000 sf	2,800	7,000	12300
0.25	10,800 sf	2,400	5,900	10400
0.20	8,700 sf	2,000	5,000	8800
0.13	5,400 sf	1,500	3,600	6300
0.05	2,100 sf	850	1,700	3000
0.03	< 2,100 sf	850	850	1500

Multi-Family Example: 32 townhome units on a 3.2-acre development equals .10 acres per dwelling. Therefore, each dwelling is allowed 1,700 lumens when located in Lz1.

- B. *Light Trespass* leaving *Residential Use* property shall be no greater than 1 *Lux*.
- C. *[Option: If a community wants warmer color lighting in areas of residential dwelling, and where residents are perhaps already accustomed to warmer color light.]* When needed, *Residential Use* roadway *Luminaires* shall be a maximum CCT of [2400 K].

2.3 Non-Residential Use

The following requirements are supplementary to the General Outdoor Lighting Requirements (**Section 2.1** and its subsections) and shall further regulate outdoor lighting on non-residential property:

- A. *Non-Residential Use* lighting shall be exempt from the requirement in **Section 2.1(B)**, provided there is no *Luminaire* installed on the property capable of exceeding a total output greater than 3,000 *Lumens*.
- B. *Light Trespass* leaving non-*Residential Use* property onto adjacent public right-of-way shall be no greater than 3 *Lux* when measured 20 feet past the property line.

2.4 Sports Lighting

[There are three options available for sports lighting. The first option provides essential requirements for safe play and light trespass mitigation. The second provides for improved control of obtrusive light and minimal offsite lighting. The third option requires independent third-party verification of the sports lighting facility.]

The following requirements are supplementary to the General Outdoor Lighting Requirements (**Section 2.1** and its subsections) and shall further regulate outdoor lighting for sports and recreational areas *[Choose one of the following]*:

- ☐ Lighting for sports and recreational areas shall also meet the following requirements:
 1. Eighty-five percent (85%) of the lumens generated by sports lighting luminaires shall be confined to within 10 meters (33 feet) or a distance of one pole height, whichever is greater, of the playing field or the spectator track or bleacher area, whichever is greater.
 2. Lighting installations for aerial sports are allowed a maximum of 8% of the total lumen output to be emitted above 80 degrees from *Nadir*.
 3. When the recommended sports field *Light Level* is higher than 100 lux, installed lighting shall not exceed 10% more than the *Light Level* recommended by the applicable *ANSI/IES lighting standard*, or a state approved alternate, as published by *[enactment date]*.
 4. The maximum *CCT* for outdoor sports lighting should be the lowest possible for the sport, class of play, and viewing audience as defined by the relevant *ANSI/IES lighting standard*, or any state approved alternative, but never exceeding 5700 K.
 5. The maximum luminous intensity from any luminaire lighting a sports field shall not exceed 10,000 *candelas* (cd) as measured along a perimeter that is 46 meters (150 feet) from the edge of the field, at 1.5 meters (5 feet) above grade. *[Because sports lighting can be 85% contained and still produce obtrusive brightness, in the surrounding properties, this light trespass requirement is necessary to guide effective performance requirements. There are many LED products with shielding and optical control that can meet this requirement. The design process can account for this, and installation crews can validate the measurement.]*
- ☐ Sports lighting shall meet the requirements of the *DarkSky Approved Outdoor Sports Lighting Program*.
- ☐ Sports lighting shall be certified by DarkSky International as meeting the DarkSky Approved Outdoor Sports Lighting Program.

2.5 *[Additional Lighting Criteria Available:]*

[Supplemental outdoor lighting requirements are available for specialized uses and applications. These requirements can be found at <https://darksky.org>, and are intended for insertion into the ordinance starting with section 2.5. The specialized uses and applications that are available include:]

- A. *[Seasonal Lighting]*
- B. *[Illuminated Signage]*
- C. *[Coastal Marine Turtle Habitat]*

3.0 ADMINISTRATIVE REQUIREMENTS

3.1 Permit Application

- A. **Submittal:** Whenever a building, subdivision, site plan, or outdoor lighting permit is applied for, an outdoor lighting plan must be submitted along with a compliance statement that the proposed work will comply with all *[ordinance]* requirements. The outdoor lighting plan must follow one of the following:

1. **Schedule Method:** Only available for renovation and *Residential Use* lighting; projects to be documented using a spreadsheet format by listing the *Luminaire* identifications (i.e., manufacturer, model number, type), *Luminaire* quantities, installation locations, and *Lumen* outputs for each; or
 2. **Calculation Method:** Available for all project types but required for sports lighting and when specifically requested by the [planning commission]; an outdoor lighting design shall be prepared by a certified lighting professional or licensed professional engineer using lighting design software and *Luminaire* .ies files. This outdoor lighting plan shall include:
 - a) *Luminaire* identification (model number), installation locations, mounting heights, targeted directions, buildings, and other physical objects within the site that could affect the lighting outcome.
 - b) Site plan and *Illuminance* calculation plots demonstrating conformance with this ordinance, including the sports lighting luminous-intensity *Light Trespass* limit.
- B. Review:** Submitted spreadsheets, site lighting plans, and compliance affidavits shall be subject to review and approval by the [administrator], or designee. The [administrator] shall have the authority to refer an application to the [planning and zoning commission] or the [historic commission] if deemed appropriate.
- C. Appeals:** Any appeals related to decisions regarding outdoor lighting shall be made to the [administrator], or designee.

3.2 Enforcement and Penalty

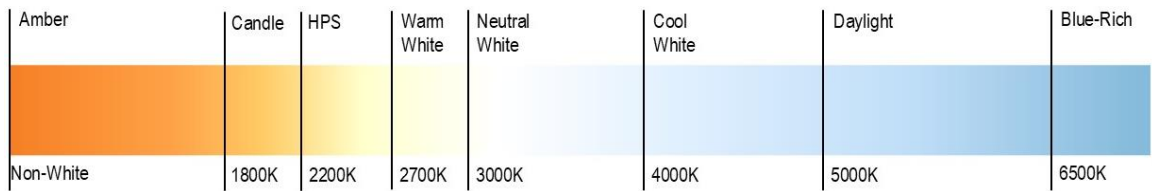
[Each municipality will have its own ordinance and regulations from which to cite specific references on enforcement and penalties. This section should be tailored to cite those specific sections as applicable to ensure enforcement and that penalties can be administered.]

- A. Enforcement:** Unless otherwise noted in this [ordinance], the [administrator], or designee, shall be responsible to implement, administer, and enforce this [ordinance], including investigations of alleged violation. A private right of action may also constitute enforcement of the requirements within this [ordinance].
1. The [administrator] charged with enforcing this chapter shall have the authority to grant partial waiver of specific [ordinance] requirements for up to one year if a property owner demonstrates that compliance creates unreasonable hardship, as balanced against the potential impacts of non-compliance, or results in conditions that are materially detrimental to health, safety or welfare.
- B. Penalty:** Any property owner that does not meet the requirements of this [ordinance] shall be in violation. A person, firm, or corporation found to have violated, disobeyed, omitted, neglected, or refused to comply with any provisions of this [ordinance] shall be issued a notice and administrative citation as provided by the municipal code [appropriate section numbers]. Any person, firm, or corporation found to have violated any portion of this [ordinance] shall correct the violations within ninety (90) days of the citation date. Each day a violation continues beyond ninety (90) days of the citation date without having been corrected shall be a separate offense. *[For municipalities without standard citation penalties or injunctive relief, a monetary fine is recommended for each citation.]*
- C. [Option] Private Action:** Any person adversely affected by lighting that does not meet the requirements of this [ordinance] shall have a private cause of action for nuisance against the person, firm, or corporation responsible for such lighting.

4.0 DEFINITIONS

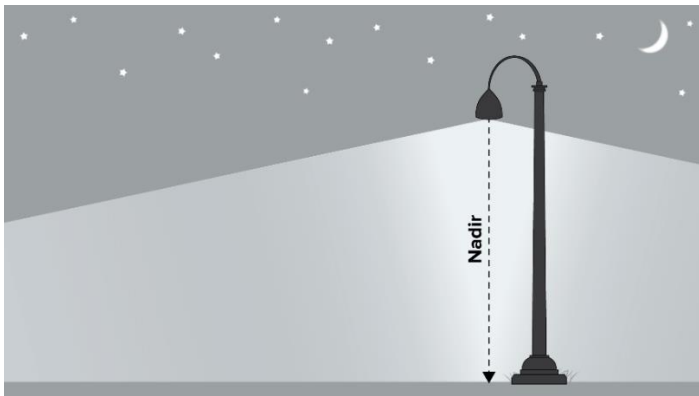
4.1 The following definitions apply to terms used in this ordinance:

- A. **ANSI:** American National Standards Institute.
- B. **ANSI/IES Lighting Standards:** Applicable outdoor lighting standards and metrics include but are not limited to:
 - 1. RP-2: outdoor retail spaces
 - 2. RP-6: outdoor sports and recreational areas
 - 3. RP-7: outdoor industrial areas
 - 4. RP-8: roadway and parking facilities
 - 5. RP-40: port terminals
 - 6. RP-43: outdoor pedestrian areas
- C. **ALAN (artificial light at night):** Light that is created from human technology, rather than a naturally occurring process. Also known as anthropogenic lighting.
- D. **Candela (cd):** The unit of measure for luminous intensity.
- E. **CCT (correlated color temperature):** The measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”



- H. **DarkSky Approved Outdoor Sports Lighting:** A standalone program put forth by DarkSky International to guide and/or certify sports lighting that meets stringent glare and *Light Trespass* requirements.
- I. **Five Principles for Responsible Outdoor Lighting:** Co-authored and published by DarkSky International and the Illuminating Engineering Society: 1) Use light only if needed; 2) distribute light only where it is needed; 3) use light that is no brighter than needed; 4) control light so it is on only when needed; and 5) use warmer color light when possible.
- J. **Fully Shielded:** A *Luminaire* designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.
- K. **IES (Illuminating Engineering Society):** An *ANSI*-recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.
- L. **Illuminance:** Measured in *Lux* or footcandles, the total luminous flux incident at a point on a surface.
- M. **Light Level:** The maintained *Luminance* or *Illuminance* value.
- N. **Light Pollution:** *ALAN* traveling into areas where it is not needed or wanted. This can be in the form of *Light Trespass*, glare, or atmospheric sky glow.

- O. Light Trespass:** *ALAN* illuminating past property lines without permission. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 1.5 meters (5ft) above grade with the meter aimed toward the light source in question.
- P. Lighting Zones:** An ANSI/IES/DarkSky system describing the luminous environment and related lighting conditions based on land uses and expected tasks. These range from natural and intrinsically dark zones to very bright zones.
- Q. Lumen (lm):** A unit of measure of the *luminous flux* of a light source.
- R. Luminaire:** A complete lighting unit, including the light source, housing, optics, electronics, and other necessary components for the purpose of providing outdoor illumination.
- S. Luminance:** The intensity of light emitted from a surface per unit area in a given direction.
- T. Lux (lx):** The SI metric system unit of measure for *Illuminance*.
- U. Nadir:** A downward vertical vector directly beneath a luminaire, opposite to zenith.



- V. Nighttime Hours:** The time between [10] PM and sunrise, or 7 AM (whichever comes earlier). For businesses and events with operating hours later than [10] PM, nighttime hours will begin one hour after closing.
- W. Non-essential:** Lighting that is not directly associated with the physical safety of motor vehicle and pedestrian threats, including but not limited to: landscape lighting, illuminated signage or advertising after business hours, façade lighting, vacant sports fields, and seasonal lighting.
- X. Residential Use:** Municipal zoning districts dedicated exclusively to places of low-rise (i.e., 3 stories or less) human residence and dwelling. Examples include single family, duplex, dual family, multi-family, apartment, townhouse, and mobile home. This does not include mixed-use or commercial districts with combined dwellings.
- Y. Seasonal Lighting:** Outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.
- Z. Security Lighting:** Illumination used specifically to protect people, property, and infrastructure from criminal threat.
- AA. Shielding:** A *Luminaire* design, optical intervention, or physical accessory (such as a louver) preventing light emission from traveling into a particular area, angle, or region.

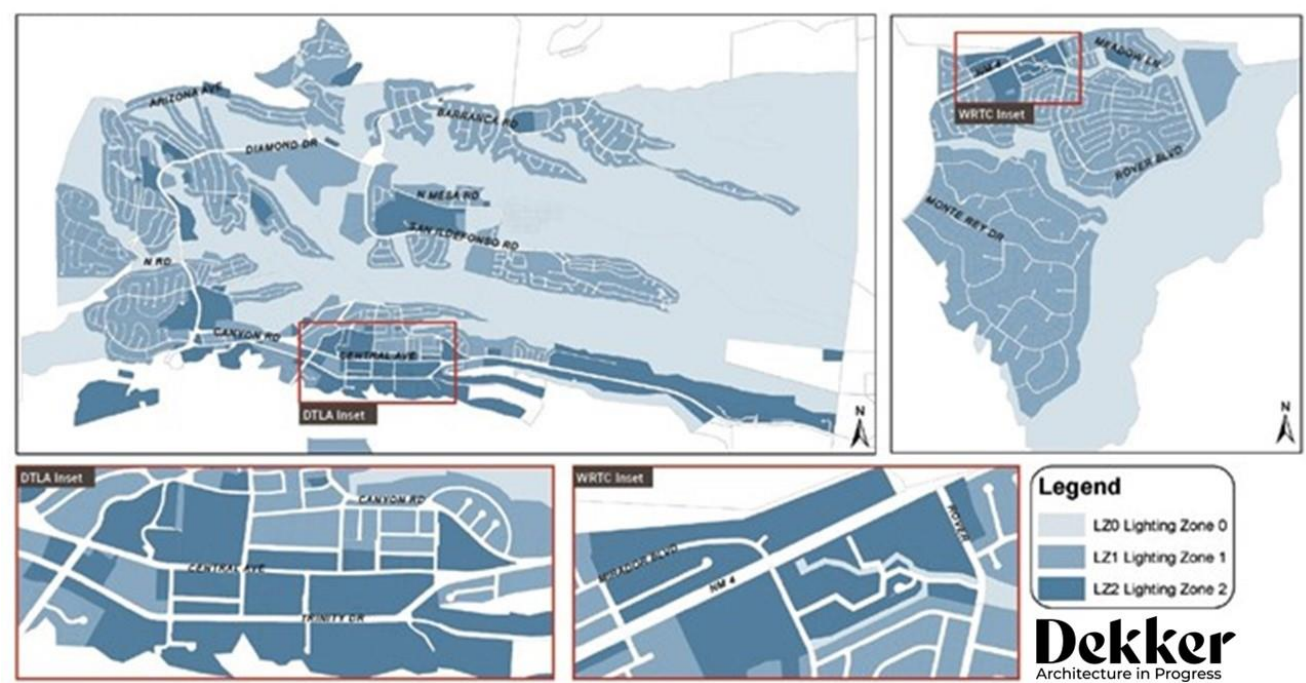
END OF TEMPLATE

ANNEX A – EXAMPLE FORMATS TO ASSIGN LIGHTING ZONES

Table Example

Lighting Zone Designations by Land Use																		
Zone District	Residential						Mixed-Use				Non-Residential							
Lighting Zones	R-A	R-1	R-T	R-MC	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-PO			
															A	B	C	D
NLz																X ¹	X ¹	
Lz0	X ³	X ³	X ³	X ³	X ³		X ³								X ²	X ²	X ²	X ²
Lz1	X	X	X	X	X	X ⁴	X	X ⁴	X ⁴	X ⁴	X	X	X	X	X			X
Lz2						X		X	X	X	X ⁵			X ⁵	X ⁶			
Lz3									X ⁵	X ⁵					X ⁷			
Notes: [1] NLz is required in NR-PO zones for open space where no anthropogenic light is allowed. [2] Lz0 is required in NR-PO zones for open space where artificial light is needed during nighttime hours. [3] A lower lighting zone is required on subject properties with sensitive lands. [4] A lower lighting zone is required on subject properties adjacent to low-density uses. [5] A higher lighting zone is allowed unless the subject property is adjacent to any residential zone district. [6] Lz2 is allowed in parks with high pedestrian activity and many amenities. [7] Lz3 is allowed in parks containing nighttime stadiums or entertainment activities.																		

Overlay Map Example





DARKSKY POLICY TEMPLATE: TERMS OF USE

By downloading this document, you have agreed to the following:

The International Dark-Sky Association, dba DarkSky International (“DarkSky”), is a 501c(3) nonprofit organization that works to raise awareness about the negative impacts of light pollution and preserve the nighttime environment through public education, conservation, and the certification of environmentally responsible outdoor lighting.

To further these goals, DarkSky has developed DarkSky Policy Templates (“DarkSky Templates”, or “Templates”) which provide particular provisions to be adopted by a municipality, village, city, county, state, province, or other government entity (“Government Entity”). When implemented, these provisions help mitigate light pollution and protect dark skies while maintaining illuminated conditions in accordance with appropriate standards. Upon incorporating the Template provisions into law in the Government Entity statutes (codes, standards, ordinances legislation, etc), the Government Entity may apply to have their final adopted language reviewed by DarkSky International for conformance, and, if approved, become “DARKSKY RECOGNIZED.”

DarkSky makes these Templates publicly available for download and use subject to these Terms of Use (“Terms”). Please read these Terms carefully to ensure you understand and comply with them in the use of the Templates.

USE OF TEMPLATES

1. **Format.** Upon agreeing to these Terms, you may download the DarkSky Templates in either a PDF or Word version. The PDF version must not be altered and used only as an official version from DarkSky; the Word version is provided as an editable document to more easily incorporate the provisions into other statute formats subject to these terms.
2. **Use of DarkSky Templates and Designation.** You are free to use the Templates for incorporating the provisions contained therein into your local or regional statutes, however you may not use the DARKSKY RECOGNIZED designation unless authorized by DarkSky as provided for in Paragraph 3.
3. **Approval for DARKSKY RECOGNIZED status.** You may, for a fee and as instructed on the darksky.org website, submit draft versions of your proposed statutes to DarkSky for review and comment prior to final adoption. Upon receipt, and in due course, DarkSky will review the proposed version. DarkSky will designate statutes as DARKSKY RECOGNIZED only for final adopted statutes. Proof of final adoption must be submitted, including 1) final adopted language and 2) proof of adoption including official minutes confirming the adopted language. Any change to DARKSKY RECOGNIZED statutes must be recertified by DarkSky through this same process; changes made without DarkSky review and approval will have this designation revoked by DarkSky International.
4. **Representation of DarkSky International.** You may not represent yourself as a DarkSky International representative or agent at any time when advocating for the use of these Templates without the express written consent and approval of DarkSky International. If you modify the Templates in any way, you may not represent the altered document as a DarkSky approved document; only the unaltered PDF versions of the DarkSky Templates can be referred to as DarkSky approved Templates.

GENERAL TERMS

5. **Acknowledgement.** Upon downloading any version of the DarkSky Templates, you acknowledge that you have read, understood, and agreed to all terms contained herein. Further, you represent that you have consulted, or have had the opportunity to consult with, your legal, tax, and financial advisors in connection with the execution and performance of the Agreement.
6. **Applicable Law.** These Terms of Use shall be construed and enforced in accordance with the laws of the State of Arizona without regard to its conflicts of laws provisions. Similarly, the laws of the State of Arizona (again without regard to its conflicts of laws provisions) shall also govern any dispute arising between you and DarkSky. You agree to submit to the personal and subject matter jurisdiction of the courts located within the State of Arizona. You also agree the venue for any action, dispute or proceeding with respect to this Agreement or any dispute between you and DarkSky shall be Maricopa County in the State of Arizona. You further waive all defenses to the contrary including, but not limited to, lack of personal jurisdiction or forum non-conveniens.
7. **Entire Agreement.** These Terms of Use, as they shall be modified from time to time, constitute the full and complete understanding among them with respect to the subject matter hereof and supersede and preempt any prior understandings, agreements, or representations by or among the Parties, written or oral, which may have related to the subject matter hereof in any way. You may not rely on any other statements, promises, or agreements by any party, whether written or oral, that alters or contradicts the terms of these Terms of Use. Indeed, you affirm that you are not relying upon any verbal or written representations whatsoever, except as expressly set forth in these Terms of Use.
8. **Modifications.** This Agreement may not be altered, amended, changed, waived, terminated, or modified in any manner unless the same shall be in writing and signed by or on behalf of both Parties.
9. **Paragraph and Section Headings.** Paragraph and Section headings are for convenience only and shall not be used to construe this Agreement or otherwise be given any legal effect.
10. **Reasonableness.** The Parties have read each of the terms in this Agreement and consider each of them, including all subparts, to be reasonable.
11. **Savings Clause.** In the event that any provision of these Terms of Use is held to be void or unenforceable by a Court of competent jurisdiction, the remaining provisions of these Terms of Use shall nevertheless be binding upon the Parties with the same effect as though the void or unenforceable part had been deleted. Further, any provision held to be void or unenforceable by a Court of competent jurisdiction shall be construed, if possible, to give effect to the Parties' intent. The Parties agree that any such provision, in its forms modified by the court, shall then be enforceable and shall be enforced.
12. **Waiver.** No waiver of any breach of any provision of these Terms of Use shall constitute a waiver of any prior, concurrent or subsequent breach of the same or any other provisions hereof, and no waiver shall be effective unless made in writing and signed by an authorized representative of the waiving party. The failure of DarkSky to insist, in any one or more instances, upon the performance of any of the terms of these Terms of Use or to exercise any right hereunder, shall not be construed as a waiver of the future performance of any such term or the future exercise of such right.

If you have any questions, please contact the [DarkSky Lighting Program Manager](#).