

By: Gallego

H.B. No. 2857

A BILL TO BE ENTITLED

AN ACT

relating to regulation of outdoor lighting in certain areas;  
providing a criminal penalty and for injunctive relief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 229, Local Government Code, is amended  
by adding Subchapter B to read as follows:

SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING

Sec. 229.051. DEFINITIONS. In this subchapter, "major  
astronomical observatory" and "outdoor lighting" have the meanings  
assigned by Section 240.031.

Sec. 229.052. APPLICABILITY. (a) This subchapter applies  
to a municipality located in a county any part of which is located  
within 57 miles of a major astronomical observatory at the McDonald  
Observatory.

(b) This subchapter does not apply to outdoor lighting in  
existence or under construction on September 1, 2011.

Sec. 229.053. REGULATION OF OUTDOOR LIGHTING. (a) The  
governing body of a municipality by ordinance shall regulate the  
installation and use of outdoor lighting.

(b) An ordinance adopted under this section must be designed  
to protect against the use of outdoor lighting in a way that  
interferes with scientific astronomical research of an  
observatory.

(c) In the ordinance, the governing body may:

1           (1) require that a permit be obtained from the  
2 municipality before the installation and use of certain types of  
3 outdoor lighting in a regulated area;

4           (2) establish a fee in an amount to cover the costs of  
5 administrating the issuance of the permit;

6           (3) prohibit the use of a type of outdoor lighting that  
7 is incompatible with the effective use of an observatory;

8           (4) establish requirements for the shielding of  
9 outdoor lighting; and

10           (5) regulate the times during which certain types of  
11 outdoor lighting may be used.

12           (d) The governing body may apply more stringent standards  
13 for areas in which the use of outdoor lighting has a greater impact  
14 on observatory activities.

15           (e) The governing body may adopt an ordinance under this  
16 section only after conducting a public hearing on the proposed  
17 ordinance. The governing body shall give at least two weeks' public  
18 notice of the hearing.

19           Sec. 229.054. REGULATION OF SUBDIVISIONS. (a) The  
20 governing body of a municipality by ordinance shall establish  
21 standards relating to proposed subdivisions to minimize the  
22 interference with observatory activities caused by outdoor  
23 lighting.

24           (b) The governing body may not approve a subdivision plat  
25 unless the plat provides that outdoor lighting will comply with  
26 standards adopted under this section.

27           Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality

1 may sue in any court to enjoin a violation of this subchapter.

2 (b) A person who violates an ordinance adopted under this  
3 subchapter commits an offense. An offense under this section is a  
4 Class C misdemeanor.

5 SECTION 2. Section 240.032(a), Local Government Code, is  
6 amended to read as follows:

7 (a) The [~~On the request of the director of McDonald~~  
8 ~~Observatory, the~~] commissioners court of a county, any part of  
9 which is located within 57 miles of a major astronomical  
10 observatory at the McDonald Observatory, shall [~~may~~] adopt orders  
11 regulating the installation and use of outdoor lighting in any  
12 unincorporated territory of the county.

13 SECTION 3. Section 240.033, Local Government Code, is  
14 amended by amending Subsection (b) and adding Subsections (c) and  
15 (d) to read as follows:

16 (b) The commissioners court of a county, any part of which  
17 is located within 57 miles of a major astronomical observatory at  
18 the McDonald Observatory, shall adopt orders establishing  
19 standards relating to proposed subdivisions to minimize the  
20 interference with observatory activities caused by outdoor  
21 lighting.

22 (c) The commissioners court of a county, any part of which  
23 is located [~~or~~] within five miles of a major astronomical  
24 observatory at the George Observatory or the Stephen F. Austin  
25 State University Observatory, may adopt orders establishing  
26 standards relating to proposed subdivisions [~~in order~~] to minimize  
27 the interference with observatory activities caused by outdoor

1 lighting.

2       (d) A [The] commissioners court that adopts orders under  
3 this section may not approve a plat of a proposed subdivision that  
4 does not meet the standards established in the orders.

5       SECTION 4. Chapter 229, Local Government Code, is amended  
6 by designating Sections 229.001, 229.002, and 229.003 as Subchapter  
7 A and adding a heading for Subchapter A to read as follows:

8       SUBCHAPTER A. REGULATION OF FIREARMS AND EXPLOSIVES

9       SECTION 5. Section 240.031(3), Local Government Code, is  
10 repealed.

11       SECTION 6. This Act takes effect January 1, 2012.