

By: Barrientos

S.B. No. 645

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate the use of outdoor lighting.

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

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. OUTDOOR LIGHTING IN CERTAIN COUNTIES

Sec. 240.041. DEFINITION. In this subchapter, "outdoor lighting" has the meaning assigned by Section 240.031.

Sec. 240.042. APPLICABILITY. This subchapter applies only to:

(1) a county that has a population of more than 800,000 and that is not adjacent to a county with a population of more than 300,000; or

(2) a county adjacent to a county described by Subdivision (1).

Sec. 240.043. COUNTY REGULATORY AUTHORITY; ADOPTION OF ORDERS. (a) The commissioners court of the county may adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county.

(b) In the orders, the commissioners court may:

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

1 (2) establish a fee for the issuance of the permit;

2 (3) establish requirements for the shielding of
3 outdoor lighting; and

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

6 (c) The commissioners court may adopt an order under this
7 subchapter only after conducting a public hearing on the proposed
8 order. The court shall give at least two weeks' public notice of
9 the hearing.

10 Sec. 240.044. INJUNCTION. The county, in a suit brought by
11 the county attorney or other prosecuting attorney representing the
12 county in district court, is entitled to appropriate injunctive
13 relief to prevent the violation or threatened violation of an order
14 adopted under this subchapter from continuing or occurring.

15 Sec. 240.045. GRANDFATHERED FACILITIES. This subchapter
16 does not apply to outdoor lighting owned and maintained by a utility
17 or to the use of outdoor lighting for the purpose of the operations
18 of an electric utility, a power generation company, or a
19 transmission and distribution utility, as defined by Section
20 31.002, Utilities Code, a gas utility, as defined by Section
21 101.003 or 121.001, Utilities Code, or surface coal mining and
22 reclamation operations as defined by Section 134.004, Natural
23 Resources Code, existing prior to September 1, 2005.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.