

By: Wentworth

S.B. No. 768

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of counties to regulate the use of outdoor
3 lighting; providing a penalty.

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

5 SECTION 1. Section 232.003, Local Government Code, is
6 amended to read as follows:

7 Sec. 232.003. SUBDIVISION REQUIREMENTS. By an order
8 adopted and entered in the minutes of the commissioners court, and
9 after a notice is published in a newspaper of general circulation in
10 the county, the commissioners court may:

11 (1) require a right-of-way on a street or road that
12 functions as a main artery in a subdivision, of a width of not less
13 than 50 feet or more than 100 feet;

14 (2) require a right-of-way on any other street or road
15 in a subdivision of not less than 40 feet or more than 70 feet;

16 (3) require that the shoulder-to-shoulder width on
17 collectors or main arteries within the right-of-way be not less
18 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder
19 width on any other street or road be not less than 25 feet or more
20 than 35 feet;

21 (4) adopt, based on the amount and kind of travel over
22 each street or road in a subdivision, reasonable specifications
23 relating to the construction of each street or road;

24 (5) adopt reasonable specifications to provide

1 adequate drainage for each street or road in a subdivision in
2 accordance with standard engineering practices;

3 (6) require that each purchase contract made between a
4 subdivider and a purchaser of land in the subdivision contain a
5 statement describing the extent to which water will be made
6 available to the subdivision and, if it will be made available, how
7 and when;

8 (7) require that the owner of the tract to be
9 subdivided execute a good and sufficient bond in the manner
10 provided by Section 232.004;

11 (8) adopt reasonable specifications that provide for
12 drainage in the subdivision to:

13 (A) efficiently manage the flow of stormwater
14 runoff in the subdivision; and

15 (B) coordinate subdivision drainage with the
16 general storm drainage pattern for the area; ~~and~~

17 (9) require lot and block monumentation to be set by a
18 registered professional surveyor before recordation of the plat;
19 and

20 (10) adopt reasonable specifications applicable in
21 the subdivision to minimize the negative effects of outdoor
22 lighting.

23 SECTION 2. Chapter 240, Local Government Code, is amended
24 by adding Subchapter C to read as follows:

25 SUBCHAPTER C. OUTDOOR LIGHTING GENERALLY

26 Sec. 240.051. DEFINITIONS. In this subchapter:

27 (1) "Outdoor lighting" and "person" have the meanings

1 assigned by Section 240.031.

2 (2) "Utility" means a person that provides to the
3 public gas, light, power, telephone, sewage, or water service.

4 Sec. 240.052. COUNTY REGULATORY AUTHORITY; ADOPTION OF
5 ORDERS. (a) The commissioners court of a county may adopt orders
6 regulating the installation and use of outdoor lighting in any
7 unincorporated territory of the county.

8 (b) The orders must be designed to protect against the use
9 of outdoor lighting in a manner that causes excessive glare, light
10 trespass, skyglow, environmental concerns, or any other negative
11 effect on public safety or the ability of another person to use and
12 enjoy the person's private property.

13 (c) In the orders, the commissioners court may:

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

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

18 (3) prohibit the use of certain types of outdoor
19 lighting;

20 (4) establish requirements for the shielding of
21 outdoor lighting; and

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

24 (d) The commissioners court may adopt orders that provide
25 more stringent standards for certain areas of the county, as
26 determined appropriate by the commissioners court.

27 (e) The commissioners court may adopt an order under this

1 subchapter only after conducting a public hearing on the proposed
2 order. The court shall give at least two weeks' public notice of
3 the hearing.

4 Sec. 240.053. ENFORCEMENT; PENALTY. (a) A county or
5 district attorney may sue in the district court to enjoin a
6 violation of this subchapter.

7 (b) A person who knowingly violates an order adopted under
8 this subchapter commits an offense. An offense under this section
9 is a Class C misdemeanor.

10 (c) Both civil and criminal enforcement may be used against
11 the same conduct.

12 Sec. 240.054. APPLICABILITY OF SUBCHAPTER. The
13 commissioners court may not adopt an order under this subchapter
14 regulating the installation and use of outdoor lighting that was
15 installed or used before the effective date of the order and is:

16 (1) owned or maintained by a utility; or

17 (2) related to the operations of:

18 (A) an electric utility, power generation
19 company, or transmission and distribution utility, as those terms
20 are defined by Section 31.002, Utilities Code;

21 (B) a gas utility, as defined by Section 101.003
22 or 121.001, Utilities Code; or

23 (C) surface coal mining and reclamation
24 operations, as defined by Section 134.004, Natural Resources Code.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 768

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.