

By: Wentworth

S.B. No. 768

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(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, the terms
27 "outdoor lighting" and "person" have the meanings assigned by

1 Section 240.031.

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

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

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

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

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

16 (3) prohibit the use of certain types of outdoor
17 lighting;

18 (4) establish requirements for the shielding of
19 outdoor lighting; and

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

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

25 (e) The commissioners court may adopt an order under this
26 subchapter only after conducting a public hearing on the proposed
27 order. The court shall give at least two weeks' public notice of

1 the hearing.

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

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

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

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.