

By: Gallego

H.B. No. 2857

Substitute the following for H.B. No. 2857:

By: Marquez

C.S.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:

(1) in existence or under construction on September 1,
2011; or

(2) installed, maintained, repaired, or replaced by an
electric utility regulated by the Public Utility Commission of
Texas.

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

1 to protect against the use of outdoor lighting in a way that
2 interferes with scientific astronomical research of an
3 observatory.

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

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

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

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

12 (4) establish requirements for the shielding of
13 outdoor lighting; and

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

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

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

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

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

4 Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality
5 may sue in any court to enjoin a violation of this subchapter.

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

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

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

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

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

26 (c) The commissioners court of a county, any part of which
27 is located [~~or~~] within five miles of a major astronomical

1 observatory at the George Observatory or the Stephen F. Austin
2 State University Observatory, may adopt orders establishing
3 standards relating to proposed subdivisions [~~in order~~] to minimize
4 the interference with observatory activities caused by outdoor
5 lighting.

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

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

12 SUBCHAPTER A. REGULATION OF FIREARMS AND EXPLOSIVES

13 SECTION 5. Section 240.031(3), Local Government Code, is
14 repealed.

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