

By: Zwiener

H.B. No. 298

Substitute the following for H.B. No. 298:

By: Campos

C.S.H.B. No. 298

A BILL TO BE ENTITLED

AN ACT

relating to regulation of outdoor lighting by certain municipalities; authorizing the imposition of a civil penalty.

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

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

SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING NEAR MAJOR ASTRONOMICAL OBSERVATORY

SECTION 2. Chapter 229, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. GENERAL REGULATION OF OUTDOOR LIGHTING BY CERTAIN MUNICIPALITIES

Sec. 229.101. DEFINITION. In this subchapter, "outdoor lighting" has the meaning assigned by Section 240.031.

Sec. 229.102. NO LIMITATION ON OTHER AUTHORITY. This subchapter does not limit the authority of a municipality to regulate outdoor lighting under other law or authority.

Sec. 229.103. REGULATION OF OUTDOOR LIGHTING. (a) Except as provided by Subsection (c) and subject to Subsection (b), the governing body of a municipality that has received an International Dark Sky Community designation by ordinance may regulate the installation and use of outdoor lighting in the municipality and the municipality's extraterritorial jurisdiction.

(b) An ordinance adopted under this section may not require

1 outdoor lighting constructed before the date the ordinance is  
2 adopted to be brought into compliance with the ordinance before the  
3 later of September 1, 2026, or the fifth anniversary of the date the  
4 ordinance is adopted.

5 (c) Except as provided by Subsection (d), an ordinance under  
6 this section may not apply to outdoor lighting that is:

7 (1) constructed before the date the ordinance is  
8 adopted; and

9 (2) located on residential property with four or fewer  
10 dwelling units located in the extraterritorial jurisdiction of the  
11 municipality.

12 (d) A municipality may apply an ordinance under this section  
13 to outdoor lighting described by Subsection (c) that is part of a  
14 renovation of a property.

15 Sec. 229.104. ENFORCEMENT; CIVIL PENALTY. (a) A  
16 municipality may sue in any court to enjoin a violation of an  
17 ordinance adopted under this subchapter.

18 (b) A person who violates an ordinance adopted under this  
19 subchapter is liable for a civil penalty not to exceed \$500.

20 (c) A municipal court has original jurisdiction over a  
21 violation of an ordinance adopted under Section 229.103 alleged to  
22 have occurred in the extraterritorial jurisdiction of the  
23 municipality.

24 SECTION 3. This Act takes effect September 1, 2021.