

**City of West University Place  
Harris County, Texas**

**ORDINANCE NO. 3004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE 8, ADDITIONAL REGULATIONS, SECTION 8-107, OUTDOOR LIGHTING, TO REMOVE THE OUTDOOR LIGHTING REGULATIONS FOUND IN SECTION 8-107 AND ADD A REFERENCE TO THE NEW OUTDOOR LIGHTING REGULATIONS FOUND IN CHAPTER 54, OFFENCES AND MISCELLANEOUS PROVISIONS, ARTICLE IX, OUTDOOR LIGHTING REGULATIONS, OF THE CODE OF ORDINANCES OF WEST UNIVERSITY PLACE, TEXAS AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT.**

**WHEREAS**, the City Council of the City of West University Place, Texas ("City") has adopted new outdoor lighting regulations which are now found in Chapter 54, Offenses and Miscellaneous Provisions, Article IX, Outdoor Lighting Regulations of the City's Code of Ordinances; and

**WHEREAS**, this amendment has been proposed to clarify the location of outdoor lighting regulations within the City's Code of Ordinances and removes ambiguity and conflicts with the Zoning Ordinance; and

**WHEREAS**, the City Council and the Zoning and Planning Commission of the City held a joint public hearing on November 16, 2020 that provided an opportunity for parties in interest and citizens to be heard in relation to the proposed amendment; and

**WHEREAS**, the City Council has received the recommendation of the Zoning and Planning Commission with respect to the proposed amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:**

**Section 1.** Appendix A, Zoning Ordinance, Article 8, Additional Regulations, Section 8-107, Outdoor Lighting, of the Code of Ordinances of the City of West University Place, Texas is amended to read as set out in Appendix A, attached hereto. All other portions of Appendix A of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 2.** All ordinances and parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict only.

**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the 16<sup>th</sup> day of November, 2020.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED,**  
on the 7<sup>th</sup> day of December, 2020.

**Attest:** \_\_\_\_\_ **Signed:** \_\_\_\_\_  
City Secretary (Seal) Mayor

Recommended: \_\_\_\_\_  
City Manager

Approved as to legal form: \_\_\_\_\_  
City Attorney

Exhibit A

## Section 8-107. - Outdoor lighting.

[Note all outdoor lighting regulations have been moved to Chapter 54, Article IX. Outdoor Lighting Regulations]

- ~~(a) *Intent* The intent of this section is to require outdoor lighting to use "full cut-off" fixtures, low-output bulbs, shields or other methods to reduce light trespass, glare and light pollution and to encourage energy conservation.~~
- ~~(b) *In general.* Any lighting device installed outdoors (or on the exterior of a structure) must be designed, constructed and operated so that the bulb or light source (diffused or not) is not visible from within a door or window of an occupied building on another building site used for residential purposes.~~
- ~~(c) *Certain defenses.* It is an affirmative defense to prosecution under this section that the device in question is:
  - ~~(1) a streetlight approved by the City;~~
  - ~~(2) an official traffic light or signal;~~
  - ~~(3) an emergency light used temporarily (not longer than the emergency conditions involved);~~
  - ~~(4) a decorative holiday light used temporarily (not more than 45 days out of any 365-day period);~~
  - ~~(5) a security light requested or consented to by the current owner of (or person in control of) the building (on another building site) that is illuminated;~~
  - ~~(6) a light located in a front yard or street side yard (or on a building facing such a yard), if: (i) all the lights in—or facing—that yard emit, in the aggregate, no more than 4,000 lumens, and (ii) no individual bulb in—or facing—that yard emits more than 1,000 lumens; or~~
  - ~~(7) a device illuminating a sports field.~~~~