

**ORDINANCE NO. 779-2023-08**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 12 “ENVIRONMENT” BY ADDING ARTICLE VI., “LIGHT”; CREATING REGULATIONS FOR LIGHTING; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; INCLUDING A PENALTY CLAUSE; INCLUDING A REPEALING CLAUSE; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of Venus (“City Council”) seeks to provide for the regulation of lighting within the corporate limits of Venus (“City”); and

**WHEREAS,** glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; reduction in safety; the diminishing ability to view the night sky; and, unattractive townscape; and

**WHEREAS,** light trespass can eliminate the full use, and enjoyment of property, causing substantial interference; and

**WHEREAS,** wasted resources can add to any strain that might be placed on the electric grid; and

**WHEREAS,** these lighting regulations will not sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient, and more cost-effective lighting; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** proposed lighting ordinance is designed to benefit residents and businesses in Venus by constituting better nighttime visibility, public safety, energy efficiency; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of Venus to adopt an ordinance regulating light trespass.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

## **2. ENACTMENT**

Chapter 12, "Environment", Venus Code of Ordinances is hereby amended to add and include the attached Exhibit "A" and incorporated into this Ordinance for all intents and purposes as if fully recited, and designated as "Article VI., Light".

## **3. REPEALER**

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

## **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

## **5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

## **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication of caption.

## **7. PENALTY**

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed five hundred dollars (\$500.00). Each day of violation shall constitute a separate offense.

**8. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this 14<sup>th</sup> day of August 2023.



APPROVED:

By:

  
Alejandro Galaviz, Mayor

ATTEST:

By:

  
Callie Green, City Secretary

**EXHIBIT "A"**

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**ARTICLE VI. LIGHT**

Sec. 12-133. - Title, purpose, and scope.

- (a) This article shall be known and cited as the "Light Trespass Ordinance."
- (b) The purpose of this article is:
  - (1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces;
  - (2) To encourage efficient, controlled lighting that conserves energy;
  - (3) To protect properties from light trespass;
  - (4) To have lights at night that are directed where light is wanted, are a warm color, and the appropriate amount of light.
  - (5) To prevent light at night from being wasted offsite, off property, or into the night sky.
- (c) Scope
  - (1) This article shall apply within the City limits, hereinafter referred to as "City".

Sec. 12-134. - Definitions.

- (a) The following definitions are hereby adopted for the purposes of this article:

**Glare** means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

**Light source** means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

**Light trespass** means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eye, or upwards toward the sky. If the light appears star-like from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties. Exhibit 1 of Section 12.137 is a sample educational illustration about light trespass.

Sec. 12-135. - General Provisions

(a) Light Trespass.

- (1) Light trespass is prohibited. No light installed within the City limits, except governmental owned streetlights, shall create conditions of light trespass.

Sec. 12-136. - Exemptions, amendments, enforcement, and public nuisance.

(a) This article shall not apply to the following:

- (1) Lighting required by law to be installed on surface vehicles and aircraft;
- (2) Airport lighting required by law;
- (3) Lighting required by federal or state laws or regulations;
- (4) Temporary emergency lighting needed by law enforcement, fire, and other emergency services as well as building egress lighting whose electric power is provided by either battery or generator;
- (5) Lighting employed during emergency repairs of roads and utilities provided such lighting is deployed, positioned, and aimed such that the resulting glare is not directed toward any roadway or highway or residence;
- (6) Temporary lighting at construction projects provided such lighting is deployed, positioned, and aimed such that the resulting glare is not directed toward any roadway or highway or residence;

(b) Enforcement.

- (1) The City Administrator is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents, with examples such as Exhibit 1 of Section 12.137, shall be educational only and shall not constitute regulations, amendments, or exceptions.
- (2) Violations.
  1. The City shall have the power to administer and enforce the provisions of this Article as may be required by governing law.
  2. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this Article. Any person violating any provision of this article shall be guilty of a Class C misdemeanor.

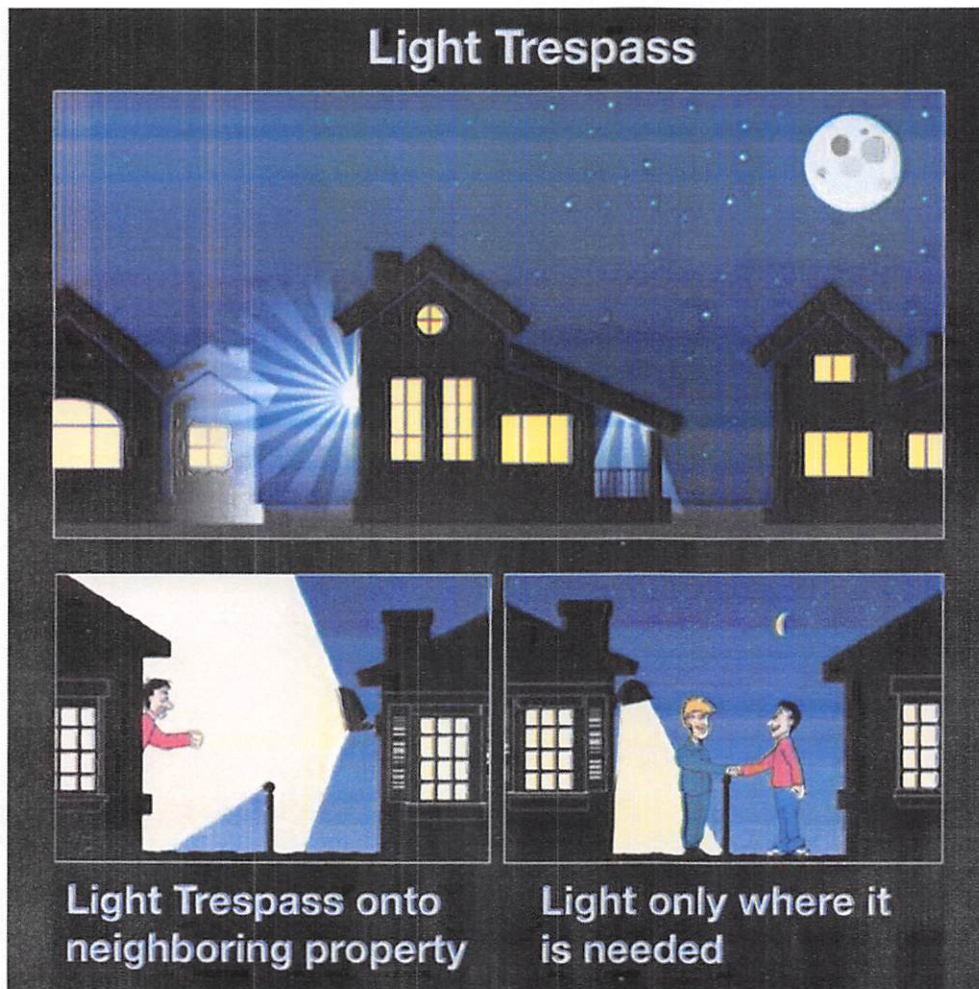
3. Each and every day during which the illegal use of such lighting continues shall be considered to constitute a separate offense.
4. A reporting party of a light trespassing offense related to light trespassing on private property would need to be an owner, resident, or a legal representative of the owner or resident of the property that is being trespassed upon.
5. Any person who fails to comply with these provisions may be issued a warning notice.

(c) Civil remedies. Nothing in this article shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass.

(d) Public nuisance. Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of any other property is hereby declared to be a public nuisance.

Sec. 12-137- Exhibits.

Exhibit 1. Light Trespass



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