

## THE STARS AT NIGHT: OUTDOOR LIGHTING ORDINANCES IN TEXAS



Since Dripping Springs became the first “Dark Sky Community” in the state, more Texas cities are seeking to achieve dark-sky designation from the International Dark-Sky Association. By enacting Outdoor Lighting Ordinances, these cities aim to reduce the adverse effects of light pollution often to not only boost the quality of its stargazing and increase tourism, but also to avoid the health issues related to light pollution.

Cities may enact Outdoor Lighting Ordinances through their health and safety authority. All cities have the power to enact zoning regulations "for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance." The regulation of outdoor lighting is a reasonable application of this authority. Furthermore, cities draw authority to

enact the ordinance through their powers to regulate building codes, signs, historic preservation, development agreements, and nuisance.

The procedures for enacting Outdoor Lighting Ordinances, however, will vary depending on the authority the city relies upon for its implementation. For example, relying upon its zoning authority to enact the regulations requires cities to post public notices and to host public hearings under state law. Regardless of state law mandates, a city should determine upfront how it wants to facilitate public input and public education to invest the community in the ordinance.

A crucial decision for potential ordinances is the scope of the outdoor lighting ordinance and its application. A city should consider whether its Outdoor Lighting Ordinance applies to:

- ★ all or only particular zones;
- ★ existing or new construction;
- ★ residential and commercial construction; and
- ★ all or only some areas on a building, structure, or parcel.

The city also needs to determine who will perform lighting reviews and at what stage will they occur. These practical and policy considerations, along with the administration and enforcement, of an Outdoor Lighting Ordinance require time and planning. Consult your city attorney if you are interested in enacting your own Outdoor Lighting Ordinance to join the ranks of Texas Dark Sky Communities.

*This educational message was sent to clients, friends and colleagues of the Firm. If you do not wish to receive such email messages in the future, please reply to the sender, or e-mail your request to be removed from this mailing list to [Info@TexasMunicipalLawyers.com](mailto:Info@TexasMunicipalLawyers.com). This document does not constitute legal advice.*