

§§ 240.021 to 240.025. Redesignated as V.T.C.A., Local Government Code §§ 235.021 to 235.025 by Acts 2001, 77th Leg., ch. 1420, § 12.003(9), eff. Sept. 1, 2001

**Historical and Statutory Notes**

These sections were part of a former Subchapter B, Regulation of Discharge of Firearms, that was redesignated as Chapter 235, Subchapter B, consisting of V.T.C.A., Local Government Code §§ 235.021 to 235.025, by Acts 2001, 67th Leg., ch. 1420, § 12.003(9).

[Sections 240.026 to 240.030 reserved for expansion]

**§ 240.031. Definitions**

In this subchapter:

(1) "Major astronomical observatory" means a facility that is established to conduct scientific observations of astronomical phenomena and is equipped with one or more telescopes that:

- (A) have objective diameters that total 69 inches or more; and
- (B) are permanently mounted in enclosed buildings.

(2) "Outdoor lighting" means any type of fixed or movable lighting equipment that is designed or used for illumination out of doors. The term includes billboard lighting, street lights, searchlights and other lighting used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.

(3) "Person" means an individual, corporation, or association.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 2001, 77th Leg., ch. 975, § 1, eff. June 15, 2001. Redesignated from V.T.C.A., Local Government Code § 234.001 and amended by Acts 2001, 77th Leg., ch. 1420, § 12.003(11), eff. Sept. 1, 2001.

**Historical and Statutory Notes**

Acts 2001, 77th Leg., ch. 975, in subd. (1), substituted "one or more telescopes" for "a telescope"; inserted pars. (A) and (B) designations; and deleted "has an aperture at least 75 inches in diameter".

Acts 2001, 77th Leg., ch. 1420 redesignated V.T.C.A., Local Government Code § 234.001 as

this section, and as redesignated, made nonsubstantive changes.

**Prior Laws:**

Acts 1975, 64th Leg., p. 102, ch. 44.  
Vernon's Ann.Civ.St. art. 2372u, § 1.

**Library References**

Zoning and Planning ☞ 11.1.  
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 46, 48 to 55, 60 to 61.

**Research References**

**Treatises and Practice Aids**

Brooks, 36A Tex. Prac. Series § 43.12, Regulation of Lighting Near Observatories.

§ 240.032

LAND USE REGULATION  
Title 7

§ 240.032. County Regulatory Authority; Adoption of Orders

(a) On the request of the director of McDonald Observatory, the commissioners court of a county, any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory, may adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county.

(b) On the request of the director of the George Observatory or the Stephen F. Austin State University Observatory, the commissioners court of a county, any part of which is located within five miles of a major astronomical observatory at the George Observatory or the Stephen F. Austin State University Observatory, may adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county.

(c) The orders must be designed to protect against the use of outdoor lighting in a way that interferes with scientific astronomical research. In the orders, the commissioners court may:

- (1) require that a permit be obtained from the county before the installation and use of certain types of outdoor lighting in a regulated area;
- (2) establish a fee for the issuance of the permit;
- (3) prohibit the use of a type of outdoor lighting that is incompatible with the effective use of the observatory;
- (4) establish requirements for the shielding of outdoor lighting; and
- (5) regulate the times during which certain types of outdoor lighting may be used.

(d) The commissioners court may apply more stringent standards for areas in which the use of outdoor lighting has a greater impact on observatory activities.

(e) The commissioners court may adopt an order under this subchapter only after conducting a public hearing on the proposed order. The court shall give at least two weeks' public notice of the hearing.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 182, § 1, eff. May 26, 1989; Acts 2001, 77th Leg., ch. 975, § 2, eff. June 15, 2001. Redesignated from V.T.C.A., Local Government Code § 234.002 and amended by Acts 2001, 77th Leg., ch. 1420, § 12.003(11), eff. Sept. 1, 2001.

**Historical and Statutory Notes**

Acts 1989, 71st Leg., ch. 182, in the first sentence of subsec. (a) inserted "any part of which is located within 57 miles of a major astronomical observatory," following "commissioners court of a county", deleted "that is" preceding "in any unincorporated", substituted "the" for "a" following "territory of", and deleted "and that is within 75 miles of a major astronomical observatory".

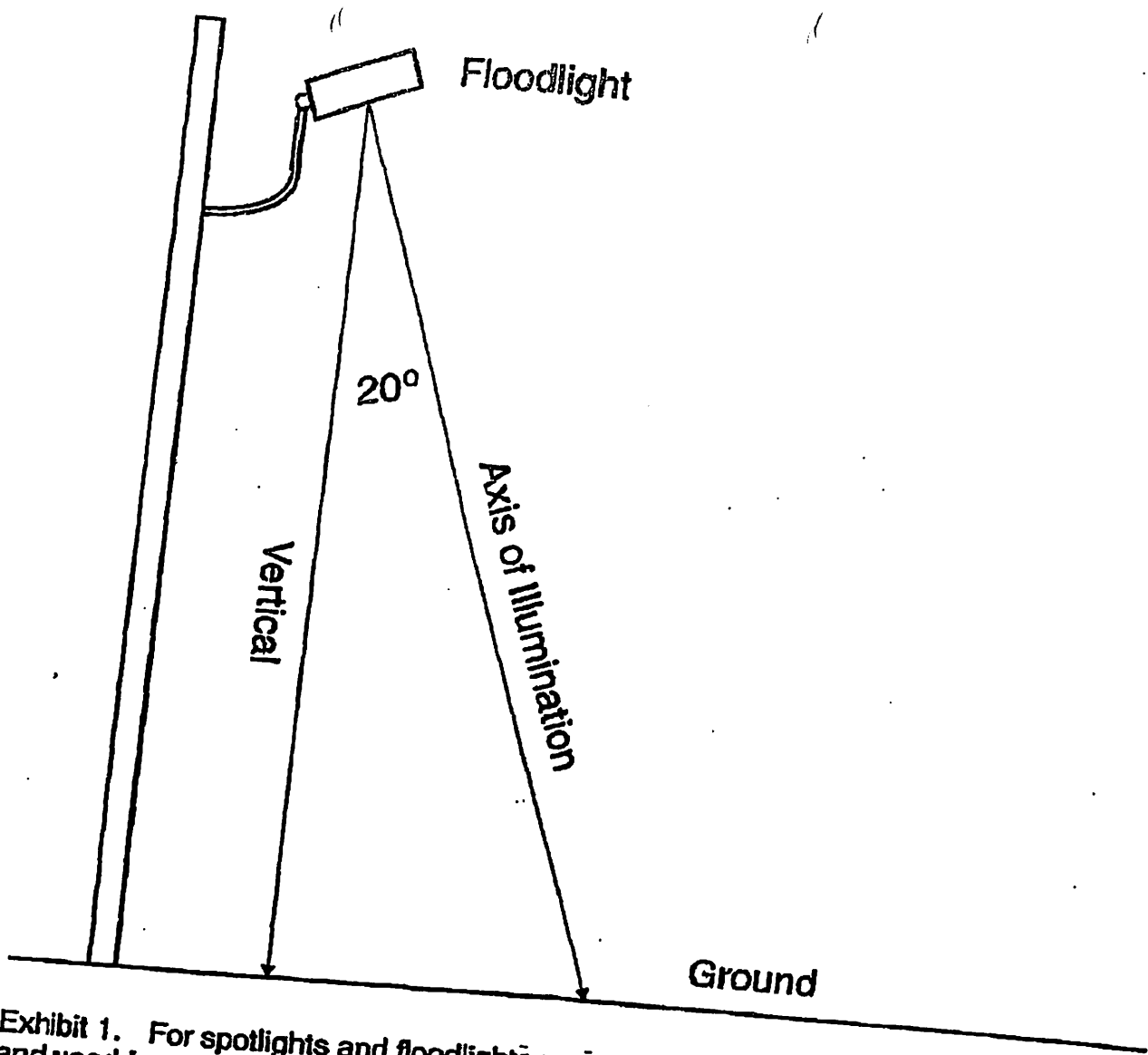
Acts 2001, 77th Leg., ch. 975, in subsec. (a), inserted "at the McDonald Observatory" and redesignated the second sentence as the first

sentence of subsec. (c); inserted a new subsec. (b); and redesignated former subsecs. (b) to (d) as subsecs. (c) to (e).

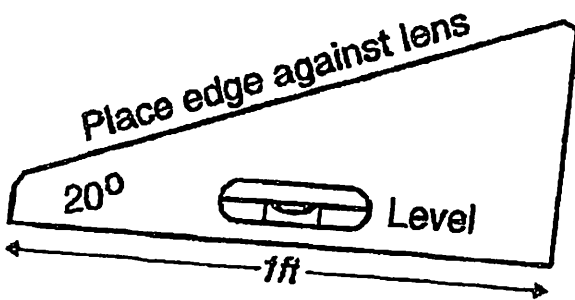
Acts 2001, 77th Leg., ch. 1420 redesignated V.T.C.A., Local Government Code § 234.002 as this section, and as redesignated, made nonsubstantive changes.

**Prior Laws:**

Acts 1975, 64th Leg., p. 102, ch. 44.  
Vernon's Ann.Civ.St. art. 2372u, §§ 2, 4, 5.



**Exhibit 1.** For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.



**Exhibit 2.** A tool for aiming lights as in Exhibit 1, above. Place the upper edge of the tool against the lens, and adjust the fixture so the bubble shows level.