

## ORDINANCE NO. 754

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS ADOPTING ARTICLE V OF CHAPTER 30, ENVIRONMENT, TO REGULATE OUTDOOR LIGHTING, FOR THE PURPOSE OF PREVENTING LIGHT POLLUTION AND LIGHT TRESPASS WITHIN THE CITY OF HEDWIG VILLAGE.**

**WHEREAS**, The City of Hedwig Village, Texas (the "City") intends to permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce; and

**WHEREAS**, The City intends to minimize the adverse impacts of lighting such as light trespass and obtrusive light; and

**WHEREAS**, This proposed ordinance will curtail light pollution, reduce skyglow and improve the nighttime environment; and

**WHEREAS**, The residents of the City will be protected from the adverse effects of night lighting from gas or electric sources;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:**

**Section 1.** The Recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

**Section 2.** Article V, Outdoor Lighting Regulations, of Chapter 30, Environment, of the City of Hedwig Village, Texas Code of Ordinances is hereby adopted to read as set out in Appendix A, attached hereto. All other portions of Chapter 30, Environment, not specifically amended hereby remain in full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 4.** 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, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 5.** The City Council officially finds, determines and declares that a 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 Texas Open Meetings Act, as amended, and that each 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 6.** This Ordinance shall be effective immediately upon its passage and adoption, following the publication of notice as required by law.

**PASSED, APPROVED and ADOPTED** this, the 18<sup>th</sup> day of July, 2019.

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Matt Woodruff, Mayor Pro-Tem  
City of Hedwig Village, Texas

ATTEST:

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Kelly Johnson, City Secretary  
City of Hedwig Village, Texas

## Appendix A

### **Article V. Outdoor Lighting Regulations**

#### **Sec. 30-190 – Purpose of Outdoor Lighting.**

The purpose of this article is to provide regulations for outdoor lighting that will:

- (1) Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- (2) Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.

#### **Sec. 30-191 - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings

*Lighting* means any electric, manmade, or artificial lighting equipment.

*Light pollution* means any adverse effect of artificial light, including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

*Light trespass* means light that falls beyond the light owner's property. For purposes of this article, it is presumed that lighting is not intended to illuminate beyond the property line of the property on which the lighting is located, and that light emitted from a luminaire is presumed to fall beyond the property line if the lamp is visible, either directly or indirectly by reflection or otherwise, from beyond the property line (This lighting does not include seasonal lighting).

#### **Sec. 30-192. - Nuisance declared.**

*Light pollution* and *Light trespass* are hereby declared to be a public nuisance and is hereby prohibited.

#### **Sec. 30-193. – Penalty**

Any person, corporation, or association violating any provision of this article shall be charged with a misdemeanor and if convicted shall be punished by a fine of not more than \$500.00. Each occurrence of any such violation of this article shall constitute a separate offense. Each day on which any such violation of this article occurs shall constitute a separate offense.