

ORDINANCE # 711B
*(Amending Regulations for Political Signs and Establishing
Regulations for Electioneering at Polling Locations)*

AN ORDINANCE OF THE CITY OF PARKER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 153 TITLED "SIGN CONTROL" BY AMENDING SECTION 153.05 TITLED "AUTHORIZED SIGNS" BY AMENDING SECTION 153.05(c) TITLED "TEMPORARY POLITICAL SIGNS" BY MODIFYING SUB-SECTION 153.05(c)(3) AND ADDING SECTION 153.05(c)(5) TITLED "ELECTIONEERING AT POLLING LOCATIONS" IN ORDER TO PROVIDE REGULATIONS FOR ELECTIONEERING AT POLLING PLACES LOCATED ON CITY OWNED OR CONTROLLED PUBLIC PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Parker, Texas, deems it in the best interest of the health, safety, and welfare of the citizens of the City to regulate signs, including signs that may be placed on public property; and

WHEREAS, the Texas Legislature recently enacted House Bill 259 which provides that a public entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code; and

WHEREAS, the new law does permit the City to enact reasonable regulations concerning the time, place, and manner of electioneering on the public building's premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code; and

WHEREAS, the City has reviewed the new law and its existing sign regulations and has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to adopt reasonable regulations to continue to regulate electioneering or political signs that may be placed on certain areas of particular public property; and

WHEREAS, the City finds that the amendments to the Code of Ordinances herein are necessary to regulate signs and electioneering on public property, including the regulation of signs that may be placed on public property, and the following regulations are reasonable as to time, manner, and place; and

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WHEREAS, the City Council desires to amend Chapter 153 titled "Sign Control" by amending section 153.05 titled "Authorized Signs" by amending section 153.05(c) titled "Temporary Political Signs" by modifying sub-section 153.05(c)(3) and adding Section 153.05(5) titled "Electioneering at Polling Locations" in order to provide regulations for electioneering at polling places located on city owned or controlled public property.

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

Section 1. That the Code of Ordinances of the City of Parker, Texas be, and the same is, hereby amended by amending section 153.05 titled "Authorized Signs" by amending section 153.05(c) titled "Temporary Political Signs" by modifying sub-sections as follows:

- 153.05 (c)(1) by modifying the prohibition on signs which are placed in a manner to create a visual hazard for traffic,
- 153(c)(2) by adding the citation to the new law contained in the Election Code Section 61.003,
- 153.05(c)(3) by incorporating the new electioneering regulations of section 153.05(c)(5)
- and adding Section 153.05(5) titled "Electioneering at Polling Locations" in order to provide regulations for electioneering at polling locations located on city owned or controlled public property, to read as follows:

"CHAPTER 153

SIGN CONTROL

SECTION 153.05 AUTHORIZED SIGNS

Sec. 153.05 Temporary Political Signs

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(C) Temporary political signs.

(1) No political sign may be placed in any location that obstructs vision for traffic. Any sign in violation of the provision of this section may be removed by the city staff if the sign creates a hazardous condition.

(2) All political signs shall comply with all state and federal requirements, including Tex. Election Code, Chapter 255 and Section 61.003, and Tex. Trans. Code, Chapters 392 and 393.

(3) No political sign may be placed on public property, including city right of way and road easements, except in compliance with section 153.05(c)(5), Electioneering at Polling Locations, below.

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(4) No political sign may be: larger than 36 square feet, and/or more than 8 feet high, illuminated and/or have any moving elements.”

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“Sec. 153.05(c)(5) Electioneering at Polling Locations

(a) Purpose. The purpose of this article is to provide reasonable regulations for electioneering on City owned or controlled public property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for its patrons who use the facilities other than for election purposes.

(b) Definitions. For purposes of this article, the following terms shall have the following meanings:

Electioneering. The posting, use, or distribution of political signs or literature.

Prohibited Area. The area within which Texas Election Code Section 85.036(a), as amended, prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or voting.

Voting period. The period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later on election day and early voting days. The period for a runoff election shall be considered to be a separate voting period.

(c) Regulations and exceptions.

(1) The following regulations apply to electioneering on the premises of public property that occurs outside the Prohibited Area during the voting period.

(A) It is an offense for any person to leave any electioneering sign or literature on public property that is used as a polling place other than during the voting period and for seventy-two (72) hours before and/or after the voting period.

(B) It is an offense for any person to attach, place or otherwise affix or erect any electioneering sign, literature or material in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location.

- (C) It is an offense for any person to place any electioneering sign or literature within ten (10) feet of the public road way adjacent to the public property where a polling location is located.
- (D) It is an offense for any person to place an electioneering sign on the premises of a polling location that exceeds thirty-six (36) square feet and is more than eight (8) feet in height.
- (E) In addition to imposing any criminal penalty, electioneering sign(s) located in violation of this section may be removed and disposed of by the entity in control of the public property.
- (F) The authority to conduct electioneering on public property under this section is limited to the property on the premises where the voting is conducted and only for the voting period.

(2) The regulations set forth in (1) above shall not apply to any City of Parker authorized signs, materials or other messages on its property.”

Section 2. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 3. That all provisions of the ordinances of the City of Parker, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ON THIS 15th DAY OF APRIL, 2014.

APPROVED:



ATTEST:

Carrie L. Smith, City Secretary

Z Marshall, Mayor

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

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