

ORDINANCE NO. 2012

AN ORDINANCE AMENDING CHAPTER 84, “UNIFIED DEVELOPMENT CODE”, OF THE CITY OF EULESS, TEXAS BY AMENDING ARTICLE VI, “SIGNS AND STREET GRAPHICS REGULATIONS”, SECTION 84-232, “DEFINITIONS AND REQUIREMENTS”, SUBSECTION (68) “POLITICAL SIGNS”, BY PROVIDING FOR THE PLACEMENT OF POLITICAL SIGNS ON PUBLIC PROPERTY IN CERTAIN CIRCUMSTANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the 83rd session of the Texas Legislature (2013) passed House Bill 259 which amends Sections 61.003 and 85.036 of the Texas Election Code to allow entities that own public buildings that are used as polling places to enact reasonable time, place and manner restrictions on electioneering, including the placement of political signs; and

WHEREAS, the City of Euless currently has regulations in place governing the placement of political signs; and

WHEREAS, the City Council finds that the City’s regulations governing political signs should be amended to comply with state law; and

WHEREAS, the City Council finds that regulations addressing these concerns are in the best interest of the health, safety and welfare of the citizens of Euless.

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

SECTION 1.

Chapter 84, “Unified Development Code”, Article VI, “Signs and Street Graphics Regulations”, Division I, “Generally”, Section 84-232, “Definitions and Requirements” of the Code of Ordinances of the City of Euless, Texas is hereby amended by amending subsection sixty eight (68) to read as follows:

“...

(68) *Political sign.* A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

- a. *Time.* No sign permit required. Signs shall be removed within seven calendar days after the completion of the election. If a sign is permitted to be placed at a polling site pursuant to Section 61.003 or Section 85.036 of the Texas Election Code, as amended, it must be removed from the polling site within twenty four (24) hours after the close of the polls on Election Day and within twenty four (24) hours after the close of the early voting period.
- b. *Place.* Political signs shall be located only on private property with the consent of the property owner. A political sign shall not be erected: i) closer than ten feet from the edge of the street pavement; ii) located on any public property; or iii) within a public easement or right-of-way. Notwithstanding the regulations in this subsection and pursuant to Section 61.003 or Section 85.036 of the Texas Election Code, as amended, the posting, use, or distribution of political signs is permitted only in designated locations on the City's property that are approved by the City Council and only during the voting period or the early voting period. City staff shall provide a description of the approved locations for permitted electioneering pursuant to this subsection and Section 61.003 or Section 85.036 of the Texas Election Code, as amended.
- c. *Manner.* Political signs shall not exceed eight feet in height measured from the ground to the highest point of the sign. Political signs shall not exceed 36 square feet in area. Political signs shall not be illuminated. Political signs shall not contain any moving elements or parts. Political signs shall not be dilapidated or cause a hazard.

If a sign is permitted to be placed at a polling site pursuant to Section 61.003 or Section 85.036 of the Texas Election Code, as amended, the sign shall not be larger than six (6) square feet (2'x3') and must be attached to a stake driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake. Additionally, each supporting stake(s) must not exceed a 9 gauge diameter (American Wire Gauge standard (AWG)).

...”

SECTION 2. CUMULATIVE

This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3. SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4. SAVINGS

All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating political signs that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. PENALTY

Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Section 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 6. PUBLICATION

The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the 8th day of October 2013, by a vote of ___ ayes, ___ nays and ___ abstentions.

APPROVED:

ATTEST:

Mary Lib Saleh, Mayor

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney