

ORDINANCE O-23-2236

AMENDING CHAPTER 7, SECTION 7-190.H TEMPORARY BUSINESS SIGNS – POLITICAL SIGNS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council desires to amend the City's sign regulations governing placement of political signs upon City-owned property, public rights-of-way and at designated election polling places; and

WHEREAS, Texas Election Code Sections 61.003 and 85.036 authorizes the City to enact reasonable regulations concerning the time, place and manner of electioneering at public polling places, including the posting, use or distribution of political signs; and

WHEREAS, the City Council finds that the regulations governing political signs set forth in Chapter 7 of the Land Development Code, as amended by this ordinance, are the least restrictive means necessary to protect the safety and welfare of the public; including, the safety of vehicles, pedestrians, persons voting at public polling locations, users of the City's public facilities and parks, and the general public; and

WHEREAS, Resolution R-20-4563 (Electioneering Regulations) shall be repealed in its entirety upon passage and approval of this ordinance.

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

- Sec. 1. THAT *Chapter 7, Section 7-190.H Temporary Business Signs – Political Signs* of the Land Development Code is hereby amended to read as set forth in Exhibit "A", attached.
- Sec. 2. THAT Resolution R-20-4563 is hereby repealed in its entirety.
- Sec. 3. THAT 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 Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

- Sec. 4. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 5. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 6. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of March 2023.

The second reading and public hearing being conducted on the 21st day of March 2023.

PASSED AND APPROVED BY A VOTE OF 6 AYES, 0 NAYS, ON THIS THE 21ST DAY OF MARCH 2023.

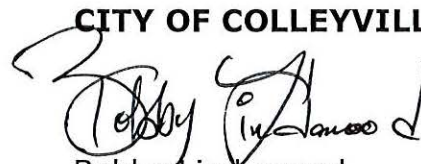
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|------------------------|------------|---------------------------|---------------|
| Mayor Bobby Lindamood | <u>Aye</u> | Mayor Pro Tem Kathy Wheat | <u>Aye</u> |
| Brandi Elder, Place 1 | <u>Aye</u> | George Bond, Place 2 | <u>Aye</u> |
| George Dodson, Place 4 | <u>Aye</u> | Chuck Kelley, Place 5 | <u>Absent</u> |
| Callie Rigney, Place 6 | <u>Aye</u> | | |

ATTEST:



Christine Loven, TRMC
City Secretary

CITY OF COLLEYVILLE



Bobby Lindamood
Mayor

APPROVED AS TO FORM:



Whitt L. Wyatt
City Attorney

Exhibit "A"

Chapter 7 – Sign Regulations

Section 7-190.H – Temporary Business Signs – Political Signs

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H. Political Signs – A political sign that complies with this section shall be allowed in any zoning district and shall not require a permit or permit fee required by this Chapter.

1. Definitions - wherever used in this section, the following terms shall have the meanings set forth below:

- a. *City* means the City of Colleyville, Texas.
- b. *political sign* means a sign comprised of any board, poster, placard, banner, flag, or other medium, including its structure and component parts, which advertises any candidate or measure, or is designed to influence the action of a voter in connection with any candidate or measure on the ballot at any national, state, or local election.
- c. *polling location means* any public property designated as a polling location for any national, state, or local election in accordance with the Texas Election Code, including public property designated as an early voting location.
- d. *private property* means any privately owned property used for non-governmental purposes. For the purposes of this section, the term *private property* does not include real property subject to a public right-of-way, easement, or other encumbrance that allows a municipality, including the City, to use the property for a public purpose.
- e. *public property* means any publicly owned property, including, without limitation, all City-owned real property, parks, streets, buildings, facilities, and public rights-of-way.

2. *Political Signs on Public Property* – Political signs are not permitted to be placed or located on public property owned by the City, except as follows:

- a. Political signs may be temporarily placed on public property designated as a polling location for early voting beginning 12:01 a.m. the day prior to the first (1st) day of early voting and shall be removed by 10:00 a.m. the day following the official election day.
- b. Political signs may be temporarily placed on public property designated as a polling location that is not an early voting location beginning at

6:00 p.m. the day before the official Election Day and shall be removed by 10:00 a.m. the day following the official Election Day.

c. Political signs placed on public property in conformance with this section shall not:

- (1) be placed or located within one hundred feet (100') of the entrance to a polling location or any other area where electioneering is prohibited by the Texas Election Code;
- (2) be secured by or attached to any utility, light, or traffic signal pole.
- (3) be placed or located in such a manner as to encroach upon or interfere with the public's use of any public street, parking lot, sidewalk, or right-of-way.
- (4) be placed or located in such a manner as to obstruct the view of, or conflict with any traffic or pedestrian sign, signal, or device.
- (5) be placed or located in such a manner that it will, or reasonably may be expected to obstruct, the view of pedestrian or vehicular traffic, including such traffic within any public or private parking lot.
- (6) be illuminated.
- (7) encroach upon any public or private tree roots, irrigation lines, utilities, or any other underground vegetation or structure.
- (8) encroach upon or extend over any public or private sidewalk, street, or driveway.
- (9) be placed or located within twenty (20) feet of an identical sign.
- (10) be attached to a metal stake, not exceeding 9-gauge diameter, driven into the ground so as to reasonably secure the sign to such property.
- (11) exceed four (4) square feet in area.
- (12) be placed or located upon any parking lot within the polling location, including, without limitation any median, island, or interior landscaped area located within the parking lot.
- (13) be placed or located within any public property designated as a public park.

d. Temporary canopies, tents, and flags may be temporarily placed on public property designated as a polling location during the same times as political signs and subject to the regulations set forth in this Section 2, subject to the following additional regulations:

- (1) canopies, tents, and flags shall only be placed in areas expressly designated by the City for the temporary placement of the same.
- (2) no canopy or tent may occupy a space greater than ten (10) feet by twelve (12) feet in size.
- (3) flags shall not exceed fifteen (15) square feet in area and no flag pole or other structure upon which a flag is attached shall exceed twenty (20) feet in height above ground level.
- (4) there shall be a minimum distance of twenty (20) feet between canopies, tents, and/or flags displaying a political sign for the same candidate or measure.

3. *Political Signs on Private Property* – A political sign situated on private real property shall not exceed thirty-two (32) square feet, nor exceed eight (8) feet in height, and shall not be erected more than sixty (60) days prior to the official election day and shall be removed within seven (7) days after election day. For purposes of this section, "private real property" does not include real property subject to a public right-of-way, easement, or other encumbrance that allows governmental entity to use the property for a public purpose.

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