



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		2/24/14		
Department:		Legal		
Department Head		Paige Mims		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
<p>An Ordinance of the City of Plano, Texas amending Ordinance No. 2013-10-15, by repealing Article XII, Electioneering at Polling Locations, of Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances of the City of Plano and amending Section 6-487 Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): N/A				
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Amending sign Ordinance relates to the City's Goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
To amend the regulations for political sign placement at polling places on public property for elections.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas amending Ordinance No. 2013-10-15, by repealing Article XII, Electioneering at Polling Locations, of Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances of the City of Plano and amending Section 6-487 Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, the City Council adopted Ordinance No. 2013-10-15 on October 14, 2013 amending Section 6-487, Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, and adding Article XII, Electioneering at Polling Locations, of Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, to provide sign regulations on public property; and

WHEREAS, staff recommends amending Ordinance No. 2013-10-15 by repealing Article XII, Electioneering at Polling Locations, of Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances of the City of Plano and amending Section 6-487 Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens to amend Ordinance No. 2013-10-15 by repealing Article XII, Electioneering at Polling Locations, of Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances of the City of Plano and amending Section 6-487 Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano.

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

Section I. Section 6-487(7) of the Code of Ordinances of the City of Plano is amended to read as follows:

“Sec. 6-487. Prohibited signs.

- (7) Signs located on public property including, but not limited to, signs attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property.”

Section II. Section 6-491 of the Code of Ordinances of the City of Plano is amended to read in its entirety as follows:

“Sec. 6-491. Political signs/noncommercial purpose signs.

- (1) Political and noncommercial purpose signs thirty-six (36) square feet or less are allowed on private property with the consent of the property owner.
- (2) Political and noncommercial signs are prohibited on public property except as follows:

- (a) Political signs thirty-six (36) square feet or less may be placed on the premises of City owned or controlled buildings being used as polling places except where otherwise prohibited by state law or this ordinance. Political signs erected pursuant to this subsection may be placed at a polling place no earlier than one (1) day prior to the initial day of early voting and must be removed within three (3) days following the Election Day for each primary, general and special election.
- (b) Political and noncommercial purpose signs are prohibited in the rights-of-way at all times.
- (c) City personnel may remove and dispose of any sign placed on public property or within the rights-of-way in violation of this Ordinance.”

Section III. Section III of Ordinance No. 2013-10-15, Article XII, Electioneering at Polling Locations, of Chapter 14 Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, is hereby repealed in its entirety.

Section IV. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section VI. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 24th day of February, 2014.

Harry LaRosilliere, MAYOR

ATTEST:

Alice D. Snyder, INTERIM CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY