



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:		10/14/13		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, 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, Prohibited Signs on Public Property, to Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, to provide sign regulations on public property; and providing repealer, severability, savings, penalty, and publication clauses and setting 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				
<p>The Texas Legislature passed a bill that allows electioneering on public property used as a voting location. Cities may adopt reasonable regulations to address any concerns as a result of electioneering at those locations. Currently, political signs are not permitted on any public property and those ordinances must be amended to accommodate the new law. This ordinance includes those amendments and also establishes regulations for City property used for voting. These regulations address safety concerns, need to preserve parking spaces for the users of the facilities, prevent destruction of public property, and places reasonable time limits for leaving signs on the public property.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas, 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, Prohibited Signs on Public Property, to Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, to provide sign regulations on public property; and providing repealer, severability, savings, penalty, and publication clauses and setting an effective date.

WHEREAS, on June 14, 2013, the Texas Legislature passed H.B. 259, modifying the Texas Election Code and requiring a public entity that controls or owns a building used as a polling place, to allow electioneering on the premises subject to reasonable regulations; and

WHEREAS, according to this new law, “electioneering” includes the posting, use, or distribution of political signs or literature; and

WHEREAS, the polling places in the City include facilities that are simultaneously used for various other purposes and for which adequate and safe parking and access thereto must be maintained in order for those facilities to operate in a safe and effective manner; and

WHEREAS, electioneering includes posting of signs and, and in order to further the general health, safety and welfare of the community, electioneering signs and literature should not be present outside of the time for voting except for a limited period to erect and remove the signs, and not be attached to improvements and landscaping; and

WHEREAS, the City Council further finds that the size of electioneering signs shall be limited and they should be set back from the public roadway in order to further traffic safety and remove visual clutter; and

WHEREAS, current City of Plano regulations prohibit signs, including political signs, on public property, therefore, those regulations must be amended to comply with the new law; and

WHEREAS, the City Council deems it is in the best interest of the citizens of the City of Plano that the current sign regulations be amended and additional regulations be adopted to address concerns that may result from electioneering on public property, including damage to property, traffic safety concerns, and blight; and

WHEREAS, the City Council finds that the adoption of regulations is needed and that they further the public health, safety and welfare of the community.

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

Section I. Subsection (7) of Section 6-487, Prohibited signs, of Chapter 6, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety 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, except as allowed in Chapter 14, Article XII.”

Section II. Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

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

Political and noncommercial purpose signs thirty-six (36) square feet or less are allowed on private property with the consent of the property owner, but are prohibited on public property, including the rights-of-way, except as allowed in Chapter 14, Article XII.

Political signs may be placed on private property no earlier than one hundred twenty (120) days prior to the election for which the sign is applicable and must be removed no later than the 15th day following the election. City personnel may remove and dispose of any sign placed on public property or within the rights-of-way.”

Section III. Chapter 14, Offenses - Miscellaneous, of the Code of Ordinances of the City of Plano, is hereby amended by adding new Article XII to read in its entirety as follows:

“ARTICLE XII. ELECTIONEERING AT POLLING LOCATIONS

Sec. 14-130. 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.

Sec. 14-131. Definitions.

The following words and phrases as used in this article shall have the meanings as set forth in this section:

Electioneering shall mean the posting, use, or distribution of political signs or literature, including the use of tents, chairs, booths, tables or other furniture or devices to post, use or distribute political signs or literature.

Voting period shall mean 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.

Sec. 14-132. Regulations and Exceptions.

(a) The following regulations apply to electioneering on the premises of public property during the voting period.

(1) 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 thirty minutes before and after the voting period.

(2) It is an offense for any person to engage in electioneering on driveways, parking areas, on medians within parking areas, or driveways on the premises of a polling location. This restriction shall not apply to electioneering signs that are attached to vehicles that are lawfully parked at the premises of a polling location.

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

(4) It is an offense for any person to place any electioneering sign or literature within twenty-five (25) feet of the public road way adjacent to the public property where a polling location is located.

(5) It is an offense for any person to place an electioneering sign on the premises that exceeds thirty six square feet and is more than eight feet in height, including any supporting poles.

(6) 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.

(7) The authority to conduct electioneering on public property under this Article is limited to the property on the premises where the voting is conducted and only for the voting period.

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

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 14th day of October, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY