

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 62 – SIGNS, DIVISION 7. – TEMPORARY SIGNS, BY REPEALING SECTION 62-247 – POLITICAL SIGNS, OF THE CODE OF ORDINANCES AND BY ADOPTING A NEW SECTION 62-247 – POLITICAL SIGNS, TO REGULATE SUCH SIGNS IN THE PUBLIC RIGHT-OF-WAY, ON TOWN-OWNED PROPERTY AND ADOPTING RELATED PROVISIONS; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas previously adopted regulations allowing political signs in the public Right-of-Way; and

WHEREAS, the City Council has reviewed its current sign regulations and desires to adopt new regulations that prohibit political signs in the public Right-of-Way and on Town-owned property and to regulate the placement of political signage at polling places; and

WHEREAS, Texas Election Code Sections 61.003 and 85.036 authorize an entity (such as the City) who owns or controls a public building being used as a polling place to enact reasonable regulations concerning the time, place and manner of electioneering (which includes the posting, use or distribution of political signs); and

WHEREAS, the City Council has investigated and finds that the amendments set forth herein provide reasonable regulation of the placement and use of political signs and serve the interests of public health, safety and welfare.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct findings of the City Council and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. Chapter 62 – Signs, Division 7. – Temporary Signs, Section 62247 – Political Signs, of the Code of Ordinances, is repealed and a new Section 62-247 – Political Signs of Chapter 62, Division 7 of the Code of Ordinances is hereby adopted to be and read in its

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entirety as follows:

Sec. 62-247. – Political Signs

- (a) A political sign that conforms to the provisions of this section is permitted. For a political sign, no permit shall be required and no fee shall be required for the sign to be placed.
- (b) A political sign that is permitted by subsection (a) of this section must:
 - (1) Be located on private real property with the consent of the property owner;
 - (2) Not have an effective area greater than 36 square feet;
 - (3) Not be more than eight feet in height;
 - (4) Not be illuminated;
 - (5) Not have any moving elements.
- (c) For purposes of this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality, including the town, to use the property for a public purpose.
- (d) Political signs are not permitted within the public right-of-way or on any real property owned by the Town of Addison, with the following exceptions:
 - (1) In single family neighborhoods, political signs may be placed in any portion of the front or side yard that may include the public right-of-way, if the political sign is placed at least three (3) feet away from the edge of the street. In locations with sidewalks, signs must be located behind the sidewalk so as to not obstruct the sidewalk.
 - (2) On any Town-owned property that has been designated as an election polling place, two (2) political signs per candidate, proposition or measure may be placed in an area designated by Town staff while the property is serving as an active polling place. Such signs may not:
 - Have an effective area greater than 3 square feet
 - Exceed 18 inches tall and 24 inches wide
 - Be illuminated
 - Have any moving elements
- (e) This section does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

Section 3. Penalty. 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 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 4. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts, and to this end, the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 13th day of August, 2019.

Joe Chow, Mayor

ATTEST:

Irma Parker, City Secretary

PUBLISHED ON: _____

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

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