

Ordinance No. 14-009

**An ordinance amending the “Municipal Elections” Chapter of the Code of the City of Arlington, Texas, 1987, at Article IV, entitled, Conducting Elections, through the amendment of Section 4.04, Temporary Signs Near Polling Places; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for publication and becoming effective ten days after first publication**

WHEREAS, the City Council deems it in the best interest of the health, safety, and welfare of the citizens of the City to regulate signs, including signs that may be placed on public property; and

WHEREAS, the Texas Legislature recently amended Sections 61.003 and 85.036 of the Texas Election Code to provide that an entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building’s premises, outside of the 100 foot prohibited electioneering area prescribed by the Texas Election Code; and

WHEREAS, Sections 61.003 and 85.036 of the Texas Election Code define “electioneering” to include the posting, use, or distribution of political signs or literature; and

WHEREAS, Sections 61.003 and 85.036 of the Texas Election Code permits the City to enact reasonable regulations concerning the time, place, and manner of electioneering; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to adopt reasonable time, place, and manner regulations relative to the placement of temporary signs at polling places; and

WHEREAS, the City Council finds that the amendments to the “Municipal Elections” Chapter of the City Code are necessary to regulate the placement of signs on public property, and the following regulations are reasonable as to time, manner and place; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Municipal Elections**” Chapter of the Code of the City of Arlington, Texas, 1987, is amended at **Article IV, Conducting Elections**, by the amendment of

**Section 4.04, Temporary Signs Near Polling Places**, so that said section shall be and read as follows:

**Section 4.04 Temporary Signs Near Polling Places**

- A. No temporary sign shall be placed, erected, constructed or maintained at a size greater than six (6) square feet nor at a height greater than eight (8) feet in the area within the property lines of the property in which a polling place is located during the voting period, except as otherwise provided by state law. "Voting period" means the period beginning when a poll opens for early voting and election day voting and ending when the poll closes or the last voter has voted, whichever is later. Signs shall not be located in City right-of-way.
  
- B. During the voting period, the placement of temporary signs at the polling place located within the Bob Duncan Center shall be limited to a designated area within the property lines of the Bob Duncan Center provided:
  - 1. the designated area shall be a minimum of 1,500 square feet;
  - 2. the designated area shall be located near or adjacent to a polling place entry or parking area such that temporary signage is visible to voters accessing the polling place;
  - 3. signage and other available means shall clearly delineate the boundary of the designated area; and
  - 4. a map delineating the boundary of the designated area is available in the City Secretary's Office.

In no event may any portion of the designated area be located within 100 feet of an outside door through which a voter may enter the building in which the polling place is located. No sign shall be installed, erected or constructed outside the designated area meeting the above criteria.

- C. A sign which is installed, erected or constructed in violation of this section is subject to removal and disposal without prior notice to the owner of such sign.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

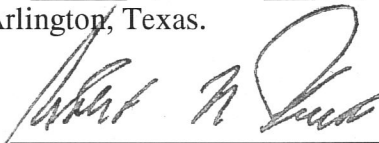
5.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

6.

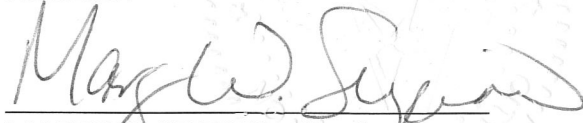
This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 21<sup>st</sup> day of January, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 11<sup>th</sup> day of February, 2014, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY 