

ORDINANCE NO. 2017-2566

AN ORDINANCE OF THE CITY OF WHITE SETTLEMENT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 34 ARTICLE X11 “ELECTIONEERING AT POLLING LOCATIONS”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

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, 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 deems it is in the best interest of the citizens of the City of White Settlement that the current sign regulations be amended to address concerns that may result from electioneering on public property;

WHEREAS, the City Council finds that the adoption of amendments 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 WHITE SETTLEMENT, TEXAS:

SECTION 1. Chapter 34, Article XII, “Electioneering at Polling Locations” Section 34-221 “Definitions” shall be amended to read as follows:

Sec. 34-221. 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.

Political sign means a temporary sign pertaining to any national, state, county or local election. The term "political sign" includes a sign that supports an announced candidate, a political party, or an issue of political significance.

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 for all Elections whether they be Local, County, School District, State, and/or National Election(s).

SECTION 2. Chapter 34, Article XII, "Electioneering at Polling Locations" Section 34-222 "Regulations and exceptions" shall be amended to read as follows:

Sec. 34-222. 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 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 leave any electioneering sign on public property that is used as a polling place, other than during the voting period, no earlier than fourteen (14) hours prior to and no later than twenty-four (24) hours after the voting period.
 - (3) 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.
 - (4) It is an offense for any person to attach, place or otherwise affix or erect any electioneering sign, literature or material in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location.
 - (5) It is an offense for any person to place more than twenty (20) political signs at the polling location during the voting period referenced in section (2) above for any candidate, political action committee, or proposition in

opposition to or in support of any candidate, political action committee or proposition.

- (6) It is an offense for any person to place electioneering sign on the premises that exceeds two-feet x two-feet (2ft x 2ft) as listed in Chapter 11 Section 11.106 of the Code of Ordinances, or to utilize any stake more than ten-inches (10”) in height or one-inch (1”) diameter.
 - (7) It is an offense for any person to place a tent/canopy, portable table, chairs or other seating devices used for the purpose of electioneering 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. (locations for tents/canopy’s will be provided to candidates during each election and are subject to change).
 - (8) It is an offense for any person to post, use, or distribute political signs or literature in any area of the premises of the City Hall.
 - (9) 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.
 - (10) 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 White Settlement authorized signs, materials or other messages on its property.

SECTION 3. That all provisions of the ordinances of the City of White Settlement in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of White Settlement not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other


than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. 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 Code of Ordinances of the City of White Settlement as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

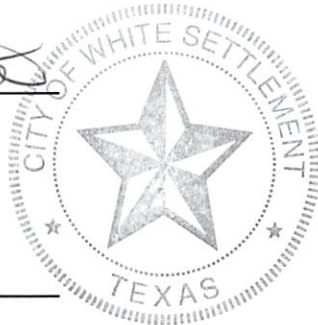
SECTION 6. That this Ordinance shall take effect immediately from and after its passage.

DULY PASSED by the City Council of the City of White Settlement, Texas, on the 10th day of October, 2017.

APPROVED:



Ronald A. White, Mayor



ATTEST:



Amy Arnold, TRMC
City Secretary

APPROVED AS TO FORM:



Warren Spencer, City Attorney