

ORDINANCE NO. 19-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING CHAPTER 90, SECTION 168 REGARDING THE LOCATION OF POLITICAL SIGNS; PROVIDING A SAVINGS CLAUSE; PRESCRIBING A PENALTY FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to update its existing political sign ordinance to comply with Texas law and to eliminate any ambiguities in the ordinance; and

WHEREAS, the City Council finds and determines that the changes to the City's existing political sign ordinance are in the best interests of the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Brownwood, Texas, that:

SECTION I. ENACTMENT.

Section 90-168 shall be amended in its entirety to read as follows:

“(1) *Size*. Political signs in residential districts shall not exceed 36 square feet in area and shall not exceed eight feet in height.

(2) *Location*.

(a) *Prohibited locations*. Political signs shall not be located, placed and/or posted in or on:

(i) City right-of-way, including, without limitation, roadway medians, and City sidewalks. No poles, posts, portable tents, tables used to support or place signs or distribute political literature, or other sign support structure, including, without limitation, motor vehicles or trailers, shall be placed in the City right-of-way, roadway medians and City sidewalks. This prohibition does not preclude the use of City sidewalks for distribution of political literature or other electioneering efforts; or the placing of a sign on a motor vehicle or trailer while being driven on City right-of-way.

(ii) City-owned property such as City parks, fire stations, City Hall and other City-owned buildings and property, except as set forth below in subsection (2)(b)(ii). This prohibition does not preclude the use of City parks for distribution of political literature or other electioneering efforts;

(iii) Traffic signs or signals and/or utility poles; and

(iv) Political signs shall not be installed on private real property in any manner that create a potential safety hazard by restricting the line of sight for approaching traffic.

(b) Permitted locations.

(i) Political signs may be placed on private real property only with the permission of the property owner;

(ii) Political signs may be placed on public property designated as an official polling place provided such signs shall conform to the following: (a) signs must be located outside the specified distance from the polling place entrance as required by state law; (b) signs may not be larger than nine (9) square feet in area, shall not exceed five (5) feet in height, shall not be illuminated, nor have any moving elements; (c) signs must have wire stands only; wooden or angle iron stakes are prohibited; and (d) signs may be erected no earlier than one (1) day before early voting and must be removed within two (2) days following the election. In the case of a runoff election, signs advertising those candidates who are in the runoff election may continue to be displayed during the interim period, but must be removed within two (2) days after the runoff election.

(3) *Removal.* Political signs shall be removed from all zoning districts within seven days following the election to which the sign pertains.”

SECTION II. MISCELLANEOUS

A. Severability. If any provision of this Ordinance or the application of any provision of this Ordinance to any person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other persons or circumstance shall not be affected by such holding. In case of such event, this Ordinance and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an Ordinance provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflict with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.

B. Savings. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of the Credit Card Ordinance is hereby saved from repeal.

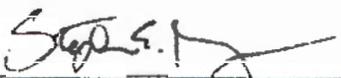
SECTION III. PENALTY

Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine in accordance with Section 1-14 of the Brownwood Code of Ordinances.

SECTION IV. EFFECTIVE DATE

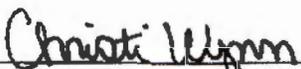
This Ordinance shall be in full force and effect from and after the date of its passage and approval and its publication in the local newspaper.

PASSED AND APPROVED on First Reading this the 8th day of January, 2019.
PASSED AND APPROVED on Second Reading this the 22nd day of January, 2019.
PASSED AND APPROVED on Third/Final Reading this the 22nd day of January, 2019.



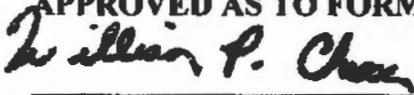
STEPHEN HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary



APPROVED AS TO FORM:


PAT CHESSER, City Attorney