

ORDINANCE NO. 1309-2021

AN ORDINANCE OF THE CITY OF RIVER OAKS, AMENDING CHAPTER 3 "BUILDING REGULATIONS" ARTICLE 3.12 "SIGNS" IN SECTION 3.12.135 "POLITICAL SIGNS" SPECIFICALLY IN SUBSECTION (c)(1) ESTABLISHING THE REASONABLE REGULATION OF ELECTIONEERING ON PUBLIC PROPERTY USED AS A POLLING PLACE, BY RELOCATING THE ELECTIONEERING ZONE THAT WAS PROVIDED FOR AS EXHIBIT A TO ORDINANCE # 1022-2014 THAT IS NOW LOCATED WITHIN 100-FEET OF THE POLLING PLACE IN VIOLATION OF THE ELECTION CODE AND SHALL BE RELOCATED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the 83rd session of the Texas Legislature (2013) passed House Bill 259 which amends Sections 61.003 and 85.036 of the Texas Election Code to allow entities that own public buildings that are used as polling places to enact reasonable time, place and manner restrictions on electioneering, including the placement of political signs; and

WHEREAS, the City of River Oaks currently has regulations in place governing the placement of political signs; and

WHEREAS, with the change of the polling site location from the city hall to the Annex Building (Library), the former designated Electioneering Zone would be within the 100-foot prohibited area for electioneering according to state law necessitated that the location be moved where it is outside the 100-foot limit; and

WHEREAS, the City Council finds that the City's regulations governing political electioneering and political signs should be amended to comply with state law; and

WHEREAS, the City Council finds that regulations addressing these concerns are in the best interest of the health, safety and welfare of the citizens of River Oaks.

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

SECTION 1.

Section 3.12.135 "Political Signs" specifically under Section 3.12.135 (c) (1) of Article 3.12 "Signs" of Chapter 3 "Building Regulations" is hereby amended to now read as follows:

"(c) Political signs are prohibited on property owned, leased or operated by the city except as provided in this subsection. During early voting or on an election day, electioneering (to include the posting, use, or distribution of political signs or literature or campaigning for or against a candidate or measure) is permitted on the premises of a publically owned or controlled building that is used as a polling place according to the following regulations:

- (1) State law prohibits electioneering within 100 feet of an outside door through which a voter may enter a building in which a polling place is located. Outside of that area at City hall, electioneering shall only be permitted in the areas designated on Exhibit "A" of Ordinance # 1309-2021."

SECTION 2. CUMULATIVE

This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3. SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4. SAVINGS

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating political signs that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

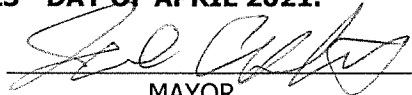
SECTION 6. PUBLICATION

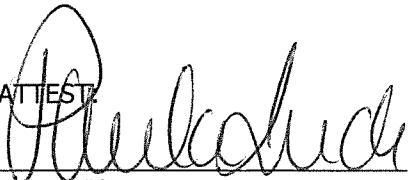
The City Secretary of the City of River Oaks is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of River Oaks, as required by Section 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 23rd DAY OF APRIL 2021.


MAYOR

ATTEST

CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

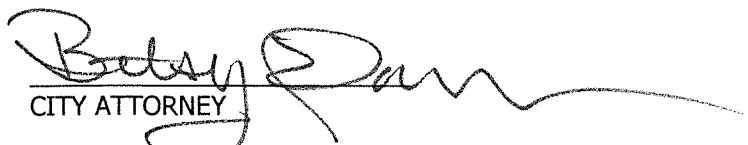
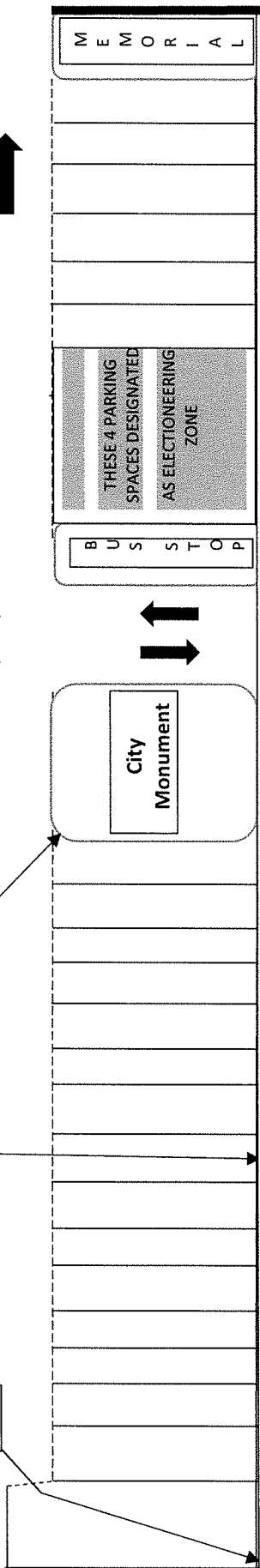
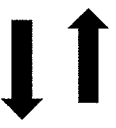
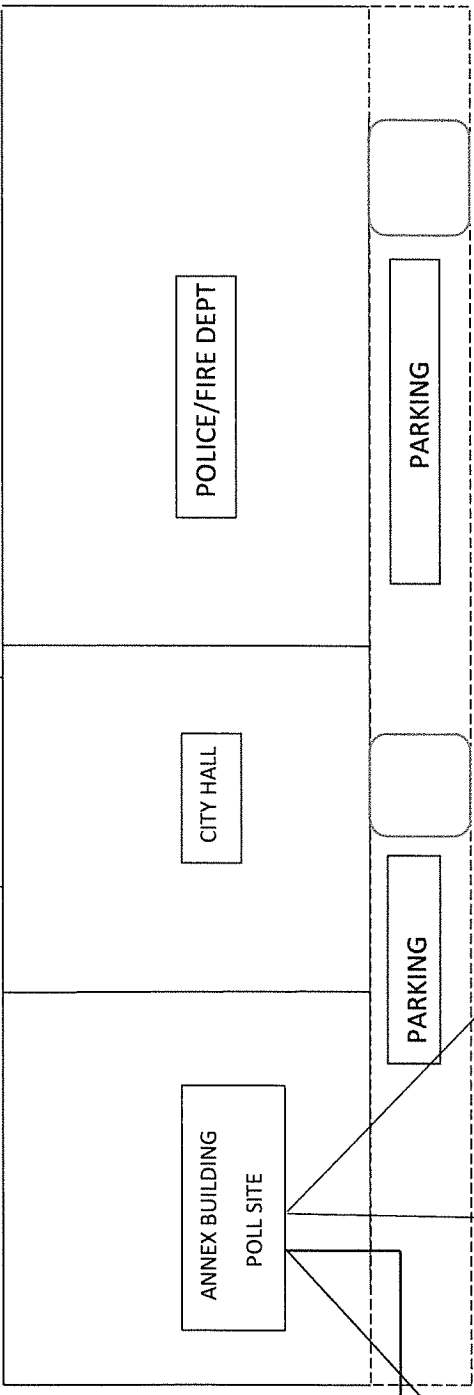
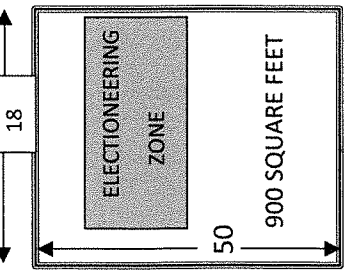

CITY ATTORNEY

EXHIBIT A

G L E N W I C K D R I V E



STATE RIGHT OF WAY ("NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE POLITICAL ADVERTISEMENT SIGNS IN THE RIGHT-OF-WAY OF A HIGHWAY.



RIVER OAKS BOULEVARD (HIGHWAY 183)

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