

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SUBPART (H), "POLITICAL SIGN," CONTAINED IN SUBSECTION 2, "FREESTANDING SIGNAGE," OF SECTION 3.14.012, "CRITERIA FOR PERMISSIBLE SIGNS," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY AMENDING THE LOCATION WHERE POLITICAL SIGNS MAY BE PLACED ON TOWN PROPERTY WHERE A POLLING PLACE HAS BEEN DESIGNATED; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the Town possesses the full power of self-government, as authorized by the Texas Constitution and the Town's duly adopted Charter; and

WHEREAS, the Town Council has determined that certain restrictions relative to political signs being placed at Town facilities where a polling place has been designated should be enacted due to damage that has occurred to Town landscaping and irrigation systems in the past; and

WHEREAS, the Town Council, on behalf of Prosper and its citizens, further has determined that the following restrictions will decrease the damage that has occurred to Town landscaping and irrigation systems.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Subpart (H), "Political Sign," contained in Subsection 2, "Freestanding Signage," of Section 3.14.012, "Criteria for Permissible Signs," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by addressing the location of political signs on Town property being utilized as a polling place, to read as follows:

“Sec. 3.14.012

Criteria for permissible signs

The following signs are permissible, subject to the following conditions listed in Section 3.14.008 of this article. Signs that do not comply with the following conditions and specifications or are not covered within this article are considered prohibited.

* * *

(2) *Freestanding signage.*

* * *

(H) *Political sign.*

(i) Location and standards.

- a. State law provides certain restrictions on political signage at polling places as well as on private real property. The town hereby incorporates applicable provisions of such state law into this sign article. V.C.T.A. Local Government Code, § 216.903, as amended, authorizes, among others, the placement of signs that contain primarily a political message on private real property with the consent of the property owner; subject to the following:
 1. Shall not have an area greater than 36 square feet;
 2. Shall not be more than eight feet in height;
 3. Shall not be illuminated; or
 4. Shall not have any moving elements.
- b. Signs are not permitted on town property or within any right-of-way, except as required by V.T.C.A. Election Code, §§ 61.003 or 85.036, both as amended.
- c. Polling place: The town recognizes that on occasion, town buildings may be utilized as polling places. V.T.C.A. Election Code, §§ 61.003 and 85.036, both as amended, authorize, among others, the town to enact reasonable regulations concerning the time, place, and manner of electioneering, which includes the posting, use, or distribution of political signs on election days and during the early voting period. No political signs at polling places shall:
 1. Be located, affixed, or placed on any utility pole or structure, light structure, traffic signal, or sign pole;
 2. Be located in or on any public right-of-way;

3. Be placed in a location so as to impede pedestrian or vehicular access; or
 4. Otherwise create a traffic or safety hazard.
- d. A political sign at a polling place at a Town building is allowed in the grass at least eighteen inches (18") from the curb or concrete edge. Signs are prohibited in landscaped areas, which include areas with plants, mulch, rocks, or crushed granite.
 - e. A political sign at a polling place at a Town building shall not exceed four feet in height or have a total sign area in excess of six square feet. Political signs shall not utilize any stake that penetrates the ground more than six inches or is greater than one inch in diameter and shall not be illuminated or have any moving elements.



(ii) Timeframe.

Polling place: Signs may be placed any time during the first day of early voting or election day, whichever is applicable. The sign may remain during the entire period of early voting. Should the polling location also be the site of the election day voting, the sign may remain on the site between the dates of early voting and election day voting.

(iii) Removal.

- a. Private property: Signs shall be removed within ten days after the election day.
- b. Polling place: Signs shall be removed within 24 hours of the closing of the early voting or election day polling location as provided above.

- (iv) Permit required. No permit is required, but all political candidates and campaigns shall comply with the above conditions.”

SECTION 3

As authorized by Chapter 216 of the Texas Local Government Code, as amended, and other applicable law, the Town Council of the Town of Prosper hereby extends to the extraterritorial jurisdiction of the Town the application of the Sign Ordinance incorporated and referenced herein, to the extent authorized by said Chapter.

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 7

This Ordinance shall become effective from and after its passage and publication.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 13TH DAY OF AUGUST, 2024.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney