

**CITY OF LAKEWAY, TEXAS**

**ORDINANCE NO. 2020-07-06-02**

**AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, ADDING TO THE CODE OF ORDINANCES, TITLE I: GENERAL ORDINANCES; CHAPTER 16: PUBLIC WAYS AND PLACES; ARTICLE 16.05: POLITICAL SIGNS ON CITY PROPERTY; AND AMENDING THE CODE OF ORDINANCES, TITLE II: BUILDING AND DEVELOPMENT; CHAPTER 26: SIGNS; ARTICLE 26.04: AUTHORIZED AND PROHIBITED SIGNS; SECTION 26.04.002: PROHIBITED SIGNS IN ALL DISTRICTS; AND PROVIDING FOR SAVINGS, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Lakeway, Texas (“City”) seeks to provide for the health, safety, and welfare of its citizens and provide for the orderly development and use of land within its corporate limits and its extraterritorial jurisdiction; and

**WHEREAS,** signs are often placed in close proximity to public rights-of-way, and such placement creates visual obstruction of oncoming pedestrian and vehicular traffic; and

**WHEREAS,** uncontrolled placement of signs could have a negative impact on the health, safety, and welfare of local residents; and

**WHEREAS,** regulations of signs in the City will also substantially promote the City's interest in preserving the aesthetic beauty of the City; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an Ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs within the city limits and the extraterritorial jurisdiction (ETJ); and

**WHEREAS,** the City has the right to generally prohibit the posting of signs on all public property not considered a traditional public forum; and

**WHEREAS,** the City has the right to create a limited public forum on its property for particular categories of expression; and

**WHEREAS**, there are times that City facilities are used as polling places; and

**WHEREAS**, candidates for public office, proponents and opponents of measures that are on the ballot, and persons generally interested in engaging in political expression regarding upcoming elections traditionally place signs near polling places; and

**WHEREAS**, the City must remain politically neutral and not favor one political position over another when persons post signs near polling places that are located in City facilities; and

**WHEREAS**, the City has an interest in keeping property owned by the City safe and uncluttered.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Lakeway, Texas:

## **1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

## **2. AMENDMENTS**

The City of Lakeway Code of Ordinances, Title I (General Ordinances), Chapter 16 (Public Ways and Places), Article 16.05 (Political Signs on City Property) is hereby added as follows, and Title II (Building and Development), Chapter 26 (Signs), Article 26.04 (Authorized and prohibited signs), Section 26.04.002 (Prohibited signs in all districts) is hereby amended as follows:

### **“ARTICLE 16.05 POLITICAL SIGNS ON CITY PROPERTY**

#### **16.05.001 Exception to Prohibition of signs on City Property**

As noted in Section 26.04.002(21), signs are generally prohibited from being posted on City property. Political signs for candidates for public office or for measures on the ballot shall not be permitted on City property being used as a polling place prior to the day of the election or the day early voting begins, except as provided for herein.

#### **16.05.002 Permitted Political Signs on City Property**

After 5:00 p.m. on the day preceding an election, political signs may be posted on City property if the City property is being used as a polling place for that election. If a City facility is being used as an early voting location, signs and campaign literature may be posted on such City property starting at 5:00 pm the day before the early voting period begins.

#### **16.05.003 Limitations on Permitted Political Signs on City Property**

Political signs posted on City property as permitted herein shall be limited to yard signs (no larger than 24 inches by 24 inches), and such signs shall not be attached to structures, fences, or trees. Political signs posted on City property shall be posted in accordance with

the provisions of the Texas Election Code governing political advertising, including specifically the limitations on proximity to a polling place as enforced by the election judge of the polling place.

#### **16.05.004 Removal of Permitted Political Signs on City Property**

(a) All political signs posted on City property as permitted herein shall be removed from the City property by 5:00 pm the day following the election at which the City property is used as a polling place, or in the case of an early voting location, by 5:00 pm the day following the last day of early voting.

(b) Any political signs remaining on City property beyond the time permitted herein may be removed and disposed of by the City.”

#### **“Sec. 26.04.002 Prohibited signs in all districts**

Any sign not expressly authorized by this chapter is prohibited. Examples of prohibited signs include, but are not limited to:

...  
(21) Signs posted on City property, unless prior approval for placement of the sign is obtained from the City Manager or designee, such as signs advertising an event for which City property or facilities have been properly reserved, or signs posted on City property by the City to provide notice of a public event or public information to citizens.”

### **3. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

### **4. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or word 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.

### **5. REPEALER**

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for

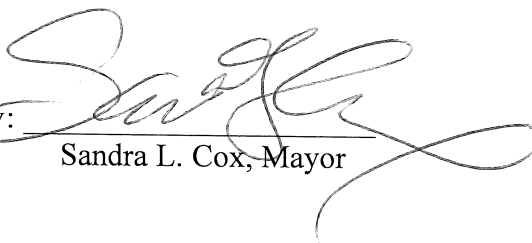
by law.

**7. PROPER NOTICE & MEETING**

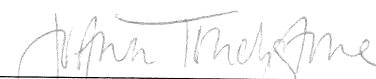
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this 6<sup>th</sup> day of July, 2020, by the City Council of Lakeway, Texas.

**CITY OF LAKEWAY:**

By:   
Sandra L. Cox, Mayor

**ATTEST:**

  
Jo Ann Touchstone, City Secretary

