

## **ARTICLE IV. ELECTIONEERING**

### **Sec. 38-70. Purpose and scope.**

- (a) It is the purpose of this article to:
  - (1) Provide reasonable regulations concerning the time, place, and manner of "Electioneering," as defined below, on City-owned or City-controlled public property when such property is used as a polling place location during a "Voting Period," defined below.
  - (2) Ensure that electioneering does not occur on City-owned or City-controlled public property that is not used as a polling place location during a Voting Period.
  - (3) Establish an Electioneering-free zone, within 100 feet of any outside door through which a voter may enter a City-controlled building containing a polling place during any "Voting Period," against persons Electioneering for or against any candidate, measure, or political party.
  - (4) Prevent nuisances to the public who access a City-owned or City-controlled building or property, which is serving as a polling place location, for business other than for voting.
  - (5) Prevent damage to City-owned or City-controlled public property that is serving as a polling place location and to ensure that a polling place location is sufficiently available during a Voting Period for those who use the facilities other than for election purposes.
  - (6) Protect the public health, safety, and welfare of the city.
  - (7) Protect the voters, the volunteers working at the polling place location, and the integrity of the election process.
- (b) The provisions of this article shall not be construed in violation of any City ordinance, state or federal statute, or other applicable rule, regulation or law.
- (c) All Electioneering shall comply with applicable local, state, and federal election laws.

### **Sec. 38-71. Administration.**

- (a) The provisions of this article shall be administered and enforced by the City Secretary, a designated election officer, a code compliance official, or any law enforcement official.

### **Sec. 38-72. Definitions.**

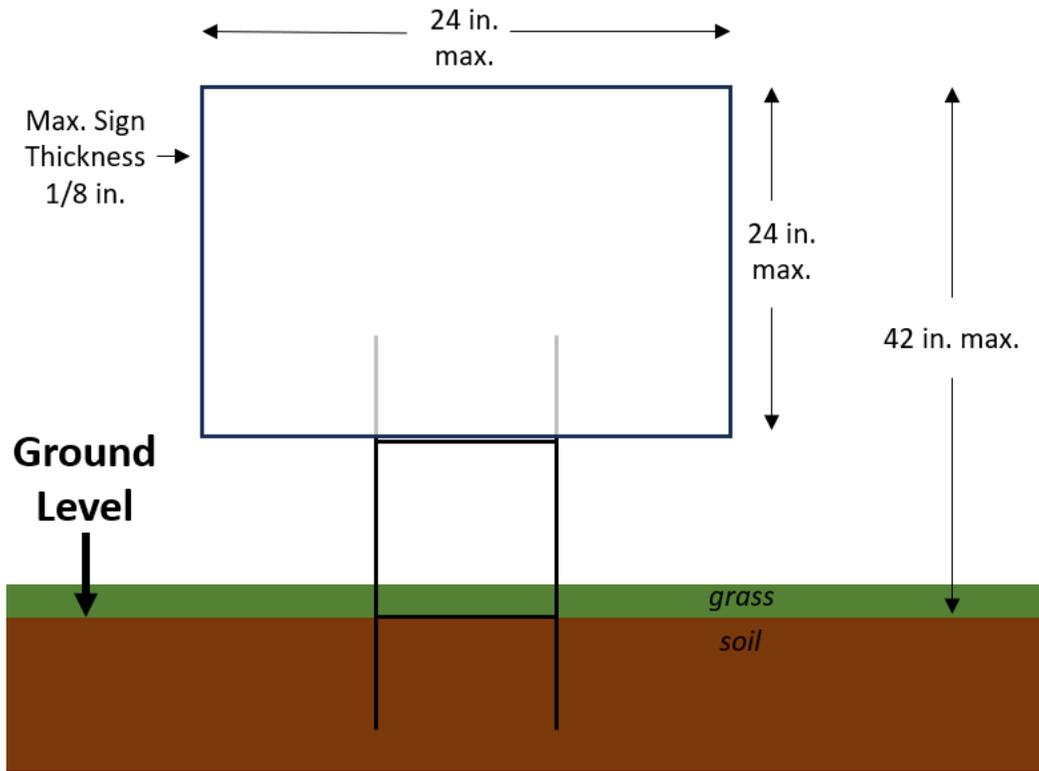
- (a) *Early Voting Period* means:
  - (1) The period for early voting by personal appearance as prescribed by the Texas Election Code § 85.001 or by other applicable state law.
  - (2) If because of the date for which an election is ordered it is not possible to begin early voting by personal appearance on the prescribed date, the early voting period shall begin on the earliest date practicable after the prescribed date as set by the authority ordering the election.
- (b) *Electioneering* means the posting, use, or distribution of political signs, literature, or material.

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- (c) *Post or Posting* means to display a sign by holding or installing it into the ground.
  - (d) *Premises* means the area inside a lot, property boundary, or other designated area of City-owned or City-controlled property, excluding any Prohibited Area, that is the site of a City-owned or City-controlled building which is used as a polling place location during a Voting Period. The Premises of the John and Judy Gay Library and the Old Settler's Recreation Center are more fully depicted in Section 38-76 of this article.
  - (e) *Prohibited area* means the area within which Texas Election Code § 85.036(a), as amended, prohibits electioneering during the time an early voting place or election day voting place is open for the conduct of early voting or election day voting, respectively.
  - (e) *Voting Period* means the period beginning when the polls open for voting and ending when the polls close to additional voters on election day and any day in an early voting period. The period for a run-off election shall be considered to be a separate voting period.

### **Sec. 38-73. Permitted signage and posting methods.**

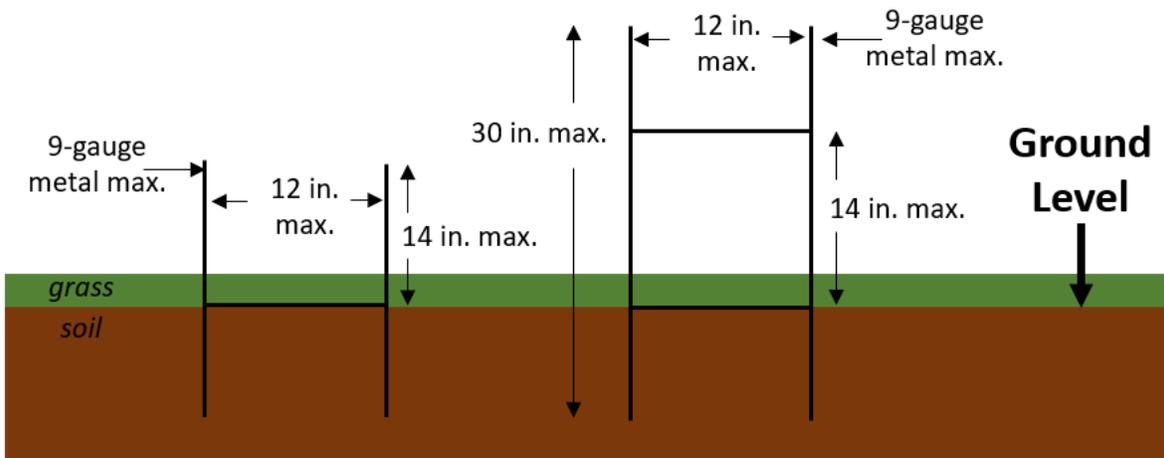
- (a) It shall be unlawful to post any signage on City-owned or City-controlled property that is used as a polling place location, except as described below:
  - (1) Signs shall no earlier than 24 hours before any Voting Period begins, and signs shall be removed no later than 24 hours after a Voting Period ends;
  - (2) Signs may only be posted on and within the Premises but outside of Prohibited Areas;
  - (3) Posted signs must strictly comply with the size, height, and thickness standards contained within ILLUSTRATION I, below; A person may hold no more than one (1) sign that complies with the size standards contained within ILLUSTRATION I, below, and no more than one (1) posted sign may be mounted to each H-frame; and
  - (3) Signs may only be posted using a metal H-frame or held by a person. Metal H-frames and their posting must strictly comply with the standards contained within ILLUSTRATION II, below. The use of t-posts, rebar, wooden stakes, or any other types of frames or sign mounting apparatuses shall be prohibited.

ILLUSTRATION I.



**Election Sign Standard Detail**

ILLUSTRATION II.



**Election Sign Stand Standard Detail**

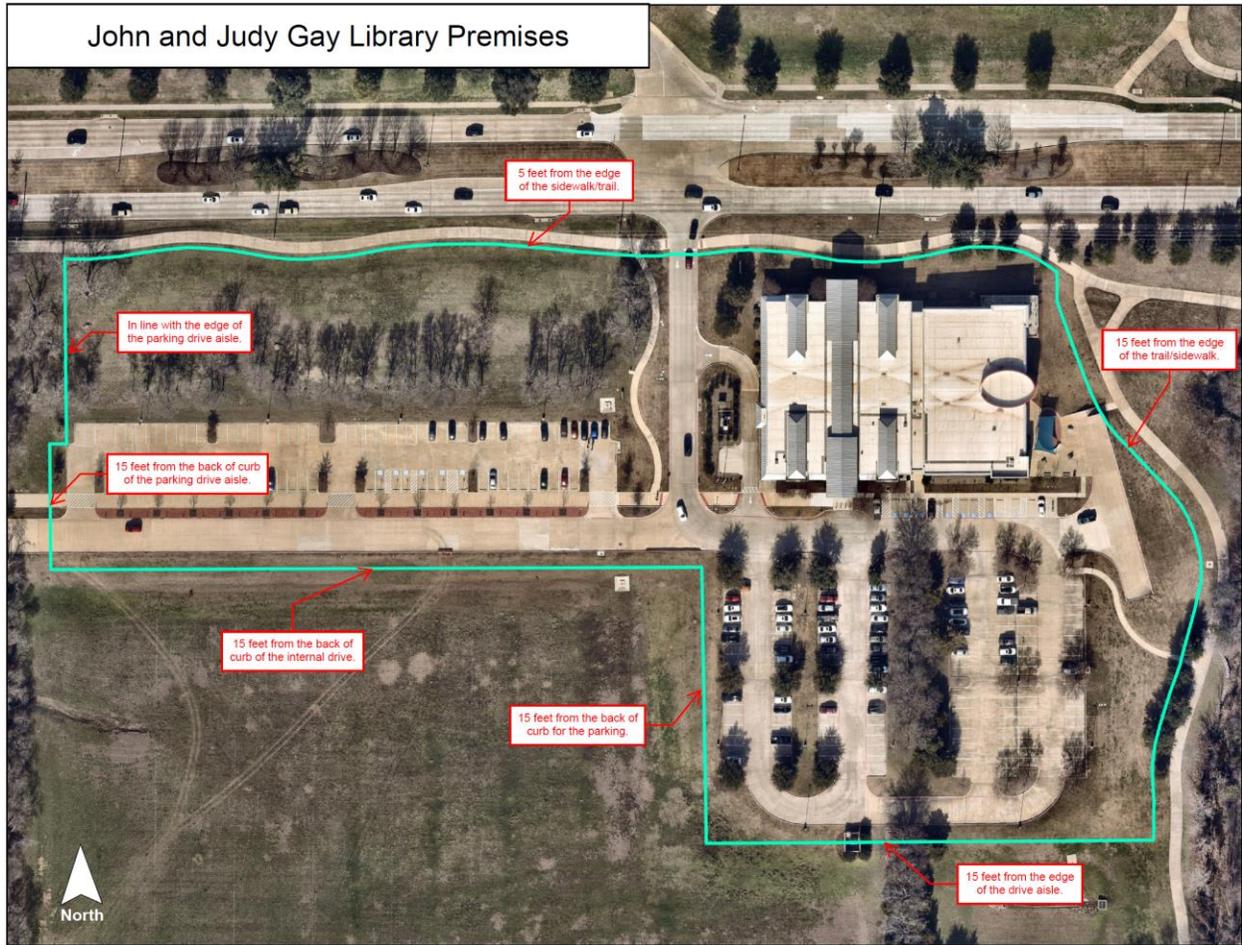
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**Sec. 38-74. Prohibited activities and conduct.**

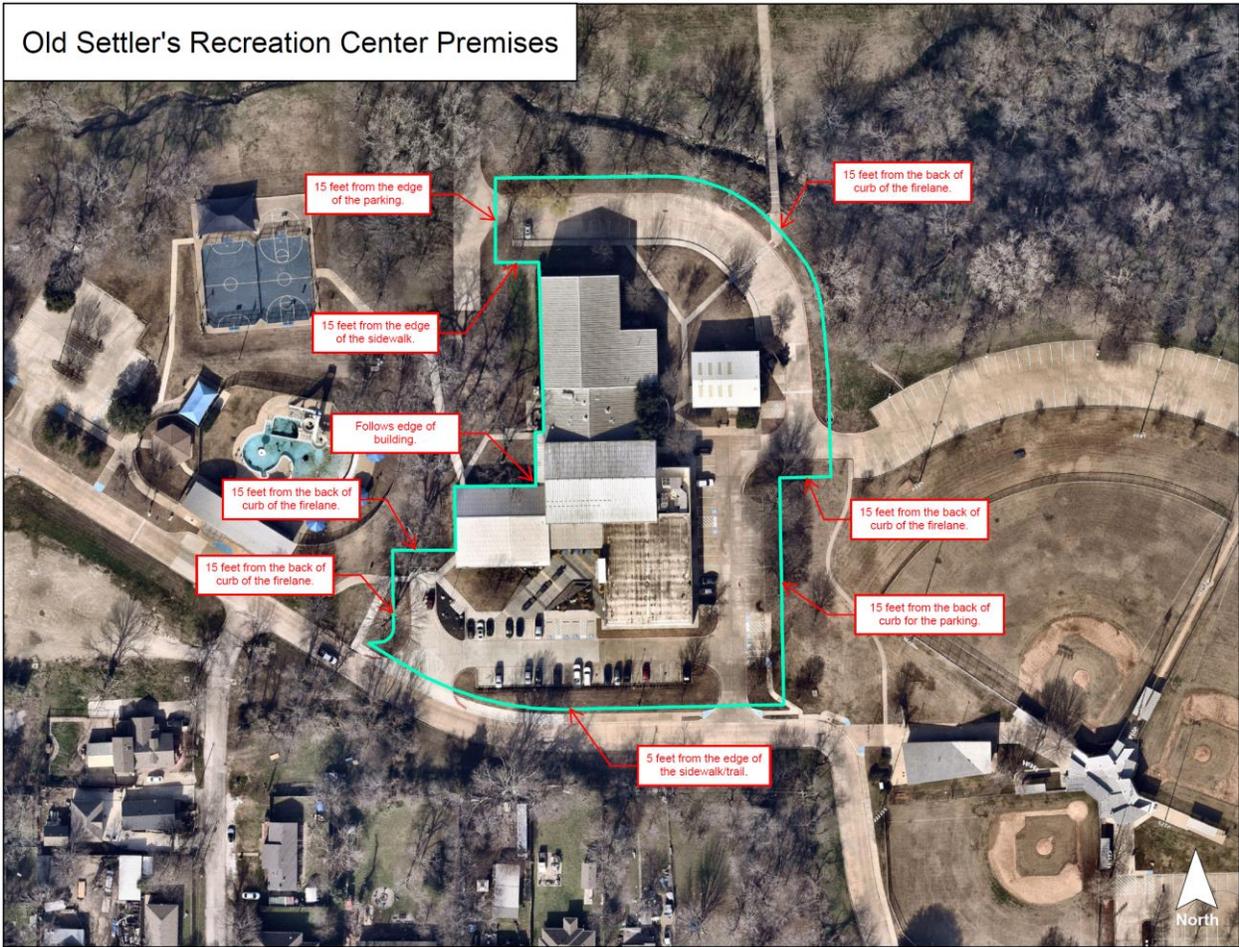
- (a) It shall be unlawful for any person to engage in any of the following activities or conduct on City-owned or City-controlled property that is used as a polling place location:
  - (1) Engaging in electioneering within a Prohibited Area or outside the polling place location's Premises during any Voting Period;
  - (2) Attaching, stacking, linking, or otherwise affixing one sign to another;
  - (3) Posting illuminated sign(s), digital sign(s), or sign(s) that contains flashing lights, any moving components, or any other attachments which are intended to draw a person's attention;
  - (4) Posting inflated and deflated balloons or other inflatable items, tents, awnings, shelters, booths, tables, or anything other than a sign described in Section 38-70(a), above, unless otherwise authorized by the city manager;
  - (5) Using megaphones within one thousand (1,000) feet of a polling place's entrance during any Voting Period; and
  - (6) Operating, stopping, standing or parking a golf cart, motor vehicle, toy, or other vehicle or device of any kind, style or nature customarily used for transportation or pleasure, in a fire lane, driveway, sidewalk, trail, area or other surface that is not designated for parking or finished with asphalt or concrete;
  - (7) Engaging in electioneering on any driveway or in any area that a duly authorized representative of the City determines is unsafe for Electioneering; and
  - (8) Engaging in Electioneering in a manner that obstructs or interferes with the general public's use of the City-owned or City-controlled property for its intended non-election purposes; or,
  - (9) Engaging in Electioneering in a manner that obstructs or interferes with the official duties of an agent or employee of the City, including the City's firefighting, police, or code compliance activities.
- (b) It shall be unlawful for any person to engage in Electioneering activities or conduct or post any sign on City-owned or City-controlled property which is not being used as a polling place location.
- (c) The regulations set forth in this section shall not apply to any City-authorized activities, conduct, signs, literature, materials, or other messages on CSity-owned or City-controlled property.

**Sec. 38-75. Premises Exhibits.**

- (a) The John and Judy Gay Library's Premises are reflected below:



(b) The Old Settler's Recreation Center's Premises are reflected below:



**Sec. 38-76. Penalty.**

- (a) Any person who violates any provision or term of this article shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of \$500.00 for each offense, and each and every day such violation occurs or continues shall be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this article.
- (b) In addition to the imposition of any criminal penalty, the city, without prior notification, may remove or dispose of any sign, in its entirety, which is located or placed in violation of this article.
- (c) In addition to the imposition of any criminal penalty, the city, without prior notification, may tow or impound vehicles, carts, or devices which are located, placed, or used in violation of this article in accordance with state law.

**UNIFIED DEVELOPMENT CODE (Chapter 150 of the Code of Ordinances)**

**501.D. Removal of Certain Signs**

**1. Unlawful Signs**

- The following signs shall be considered unlawful:
- a. Any sign erected without a required permit, either prior to or after the adoption of this Article;
  - b. Any sign erected in violation of the provisions of this Article; and
  - c. Any sign that is dangerous due to being electrically or structurally defective.

**2. Removal of Unlawful and Abandoned Signs**

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a. Unless otherwise stated by this Article, signs described in §subsection 1. above shall be removed from the property or premises where they are located, or defects as specified shall be remedied, upon written notification by the Chief Building Official to the owner of the property on which the sign is located and/or the permit holder for the sign. The notification required by this provision shall state that if the sign is not removed or the specified defect is not remedied within the prescribed time frame from the date of the notice, a citation may be issued.

b. Abandoned signs shall be removed from the site within 30 days after the associated business or activity ceases.

### **3. Removal of Public Nuisance or Hazardous Signs**

a. The Chief Building Official or the Director of Code Services shall, without the requirement of notification or impoundment, order the immediate removal and disposal of the following signs:

I. Any non-permanent sign erected or existing that constitutes a traffic hazard; or

II. Any sign erected in, on or over a public right-of-way or easement or designated fire lane, either prior to or after the adoption of this section, except those non-permanent signs permitted as described in §404F, *Signs in the MTC -- McKinney Town Center Zoning District*.

b. A person is responsible for the violation if the person is the permit holder, owner, agent, or person having the beneficial use of the sign and a citation may be issued.

### **4. Removal of Temporary Signs**

The Director of Code Services shall promptly remove any unlawful temporary sign(s) erected in, on, or over a public right-of-way or any other City-owned or City-controlled property.

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## **UNIFIED DEVELOPMENT CODE (Chapter 150 of the Code of Ordinances)**

### **507 Prohibited Signage**

The following signs are specifically prohibited, except as otherwise prescribed within this section:

#### **A. Billboards**

All new billboard signs are prohibited. Billboards permitted prior to July 1, 2012, may remain in accordance with the regulations of this Article regarding nonconforming signs, as described in §506B, *Billboard Signs*.

#### **B. Certain Illuminated Signs**

Any illuminated sign that operates at brightness levels of more than 0.3 foot-candles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign x 100 ( $\sqrt{\text{Area of Sign in Sq. Ft.} \times 100}$ ), whichever is closer to the sign, as measured using a foot-candle meter.

Illumination levels shall be measured at an approximate height of five feet above grade.

#### **C. Handbills**

Distribution of handbills shall be in accordance with Chapter 78 of the Code of Ordinances.

#### **D. Inflatable Signs**

Inflatable signs are prohibited in all zoning districts, except as permitted as part of a change in occupancy or ownership event as described in §504E.1, *Change in Occupancy or Ownership Temporary Event Signage*.

#### **E. Painting, Marking Streets, Sidewalks, Buildings, Utility Poles, Trees**

No person shall attach any sign, paper, or other material to, or paint, stencil, or write on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this section or by the City Council or its delegated representatives. See Figure 4-15.

#### **F. Portable and/or Display Signs**

Portable and/or display signs, except as described in §504E, *Temporary Signs*.

#### **G. Roof Signs**

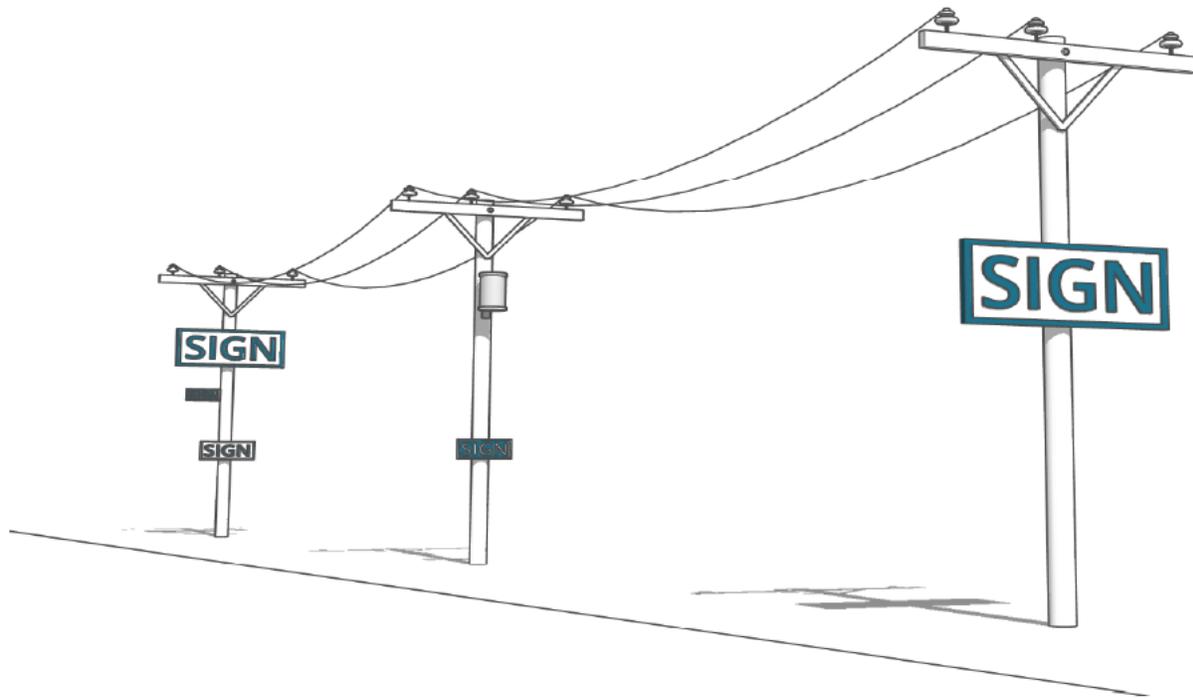
Signs that are erected upon or applied to any roof are prohibited. A mansard-style roof shall be considered as part of the building facade and not the roof for the purpose of attached sign location. The term "sign" in this section shall not apply to the cornice, tower, or spire of a place of worship.

#### **H. Searchlights**

Searchlights are prohibited, unless specially permitted through the Chief Building Official. An application for such permit shall be submitted to the Chief Building Official 20 days prior to the event for which they are requested, and shall indicate the number of searchlights, time of use, intended purpose, and location.

#### **I. Signs Containing Obscene Matter**

Any sign that contains statements, words, or pictures of an obscene character.



**Figure 4-9: Prohibited Signs Affixed to Utility Poles**

**J. Signs in, on, or over Public Right-Of-Way, Railroad Right-Of-Way, Public Easements or Designated Fire Lanes**

No person shall place, erect, or allow to be placed or erected any sign in, on, or over public rights-of-way and easements, railroad right-of-way, or designated fire lanes except as described in §404F, *Signs in the MTC -- McKinney Town Center Zoning District*, or if erected by the City for public purposes. Detached signs shall maintain a setback as described in §504C.5, *Calculation of Sign Setback*.

**K. Signs Interfering with Traffic**

Any sign that imitates an official traffic sign or signal. Any sign that is of a size, location, movement, coloring, or manner of illumination that may be confused with a traffic control device; or that hides from view any traffic or street sign or signal; or that obstructs the view in any direction at a street or road intersection.

**L. Signs on Fences or Railings**

No person shall paint a sign or attach a sign to the outside of a fence or railing.

**M. Wind-Driven Signs**

Wind-driven signs are prohibited in all zoning districts, except as permitted as part of a change in occupancy or ownership event as described in §504E.1, *Change in Occupancy or Ownership Temporary Event Signage*.