



**City Council Agenda Item Report
JUNE 4, 2013**

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SUBJECT: DISCUSSION AND POSSIBLE ACTION ON CITY POLICY REGARDING THE PLACEMENT OF POLITICAL SIGNAGE.

1. BACKGROUND/HISTORY

City regulations and policies regarding the placement of political signage have varied over the years, adjusting with statutory and public interest changes as time has gone by. The purpose of this item is to review current law and city practice and allow the City Council an opportunity to discuss current City practice.

2. FINDINGS/CURRENT ACTIVITY

Regulation of the placement of political signage is generally divided into three categories: Placement on private property, placement on state rights of way/property, and placement on city rights of way and property. Each area is discussed below.

Private Property

Generally, state law prohibits the City from regulating political signage on private property. Although the community has experienced issues in the past with “bandit” political signs being placed on private property, there is very little the City can do to address this issue. However, property owners are within their rights to remove and dispose of any political sign that is on their property without their consent.

State Rights of Way

The Texas Transportation Code prohibits a person from placing any sign, including political signs, on the right-of-way of a public road unless the placement of the sign is authorized by state law. It is a Class C misdemeanor to place a sign in the right-of-way in violation of the Transportation Code and a person who places or commissions the placement of a sign on the right-of-way of a public road may be liable for a civil penalty. However, a municipality does not have any authority to regulate the use of a public road right-of-way maintained by TXDoT unless such authority is granted by TXDoT.

City Rights of Way

Transportation Code Section 393.0025 prohibits a person from placing a sign on the right-of-way of a road or highway maintained by a municipality unless the placement is authorized by the municipality. Currently, the City's Development Code prohibits all signs in the City's right of way unless specifically permitted by the City. The City's policy regarding political signs in the rights of way has generally been to prohibit signs in the rights of way, with the sole exception of the eastern side of Main St. that borders on the City Hall property. Generally, signs have been allowed at the intersection of FM 967 from the beginning of early voting through Election Day, while signs have been allowed on the south side of City Hall on days that voting is actually taking place. This practice was established many years ago, but staff has not been able to determine if it has ever been officially sanctioned or formalized by the City Council. In recent years City staff has experienced, with increasing regularity, the need to intervene with candidates & campaigns to ensure that City property is not damaged and that the City's guidelines are observed by all parties.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends that the City Council discuss the City's policy regarding the placement of political signage on City rights of way and provide direction to staff if they feel changes should be made to current practices.