

VILLAGE OF BRIARCLIFF

ORDINANCE NO. 2024-01-31-07

AN ORDINANCE PROVIDING FOR THE RESTRICTIONS OF POLITICAL SIGNS ON PROPERTY OWNED BY THE VILLAGE OF BRIARCLIFF DEFINING POLITICAL SIGNS: PROVIDING FOR TIME FOR SIGNS TO BE DISPLAYED: PROVIDING FOR THE REMOVAL OR CITATION OF SUCH POLITICAL SIGNS: REGULATING POLITICAL SIGNS; PROVIDING FOR ENFORCEMENT: PROVIDING FOR PENALTIESS: PROVIDING FOR CONFLICT: PROVIDING FOR SEVERABLILITY; PROVIDING FOR CONFLICT: PROVIDING FOR SEVERABLILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Briarcliff (“Village”) is Type A General-Law Municipality with improved roadways, widths of roadways, and rights of way for roadways; and,

WHEREAS, the improved roadways are less than 28 feet in width and do not allow for the safe display of signs in the right of way; and,

WHEREAS, the Village has determined that the placement of political signs in the right of way are a public nuisance, are dangerous to persons and property, and are a serious threath to the life, health, and safety of persons traveling on the improved roadways of the Village; and,

WHEREAS, the Village has determined that regulation and abatement of such nuisances is to the benefit of the public health, safety, and general welfare, and,

WHEARAS, the Village owns and maintains certain roads, streets, and rights of way in the Village; and,

WHEREAS, pursuant to Chapter 393, Texas Transportation Code, Chapter 259, Texas Election Code, and other applicable law, political and other signs are not allowed in the right of way and must have certain notices under applicable law; and,

WHEREAS, the Village is empowered to adopt an ordinance, act law, or regulation that is necessary for the government, interest, welfare, or good order of the municipality as a body politic;

WHEREAS, the Village, under applicable law, has exclusive control over the highways, streets, and alleys of the municipality and may abate or remove an encroachment or obstruction on a highway, street, or alley, open, change, regulate, or improve a street;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BRIARCLIFF, TEXAS:

Section 1. FINDINGS

083.12615/Ordinances/Political Sign Ordinance rev.kpc 011624

The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the Board of Aldermen of the Village of Briarcliff and made a part hereof for all purposes.

Section 2. Chapter 8, the Village of Briarcliff Code of Ordinances is hereby amended to add Article 8.07, Political Signs, to read as follows:

“8.08.001 Purpose

The provisions of this article are deemed necessary to promote the health, safety, property, and general welfare of the residents of and visitors to the Village.

8.08.002 Definitions

Words used in this article and not defined herein shall have their ordinarily accepted meaning or other meaning as set forth in applicable statute, ordinance, law, rule, or regulation. For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Person. An individual, entity, including, but not limited to, the State, a political subdivision of the state, a corporation, partnership, association, or other legal entity.

Political Sign. A written form of political advertising designed to be seen from a road, including, but not limited to, communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party, supporting or opposing an officeholder, a political party, or a measure, but does not include a bumper sticker.

Right of Way. The portion of a right of street, highway, or roadway that is adjacent to the roadway, designed or ordinarily used for parking; distinguished from the roadway by different design, construction, marking, and is not improved, designed, or ordinarily used for vehicle traffic which includes the right of way.

Roadway or Highway. A portion of a street in the Village of Briarcliff, Texas, specifically including the right of way owned by the Village.

Village. The Village of Briarcliff, Texas.

Village Official. An employee or contractor of the Village authorized to enforce ordinances of the Village, specifically including this Ordinance.

Village Property. Any real property owned by the Village.

8.08.003 Nuisance Declared and Prohibition or Regulation of Placement of Political Signs.

The following are hereby declared a nuisance and violation of applicable law and this Ordinance:

- (a) The placement of a political sign on or in a roadway or highway, the right of way, or Village property.
- (b) The use of a political sign in violation of Chapter 259, Texas Election Code, including, but not limited to, Section 259.001, Texas Election Code, and other applicable law.
- (c) Maintaining a political sign earlier than ninety days before an election to which that sign relates or ten days after an election after that election date.
- (d) Has an effective area greater than 36 square feet, is more than eight feet high, is illuminated, or has any moving elements.
- (e) Maintain more than three signs for each political candidate or measure on any single lot.

8.08.004 Citation and Removal of Political Signs in Violation of the Ordinance.

- (a) An authorized Village Official or a law enforcement officer may provide for the citation of a person in violation of this Ordinance, including, but not limited to, the owner of a lot in the Village, and any violation of this ordinance may be prosecuted in the Municipal Court of the Village as provided for herein.
- (b) An authorized Village Official or a law enforcement officer may remove political signs in violation of this Ordinance. If a political sign is removed hereunder, the Village may hold the sign for five calendar days and then if not claimed by the owner, such political sign may be destroyed by the Village.

8.08.005 Penalty

- (a) Unless specifically provided for herein, an offense under this Article or any Article amended hereby shall not require a culpable mental state. It is the intent of this Article to impose strict liability for a violation of this Article, and a specific culpable mental state is hereby dispensed with and not required.
- (b) The violation of any provision of this Article shall be a Class C misdemeanor and punished by a fine not to exceed \$500.00 for each violation, and each day such a violation occurs shall be counted as a separate offense.
- (c) Any duly authorized law enforcement officer of the State of Texas, Travis County, or authorized Village Official of the Village may issue a citation for any violation of this Ordinance, which shall be prosecuted by the Municipal Court of the

Village. An individual may report a violation of this Ordinance to the appropriate Village Official for further prosecution as allowed by law.

(d) In addition to any criminal penalty hereunder, the Village may seek any civil, legal, or equitable relief, including injunctive relief, to which it may be entitled in a court of appropriate jurisdiction.

8.08.006 Presumption

It is presumed and deemed that the owner of a lot or property in the Village on which a violation of this Ordinance has occurred is the owner of the political sign.”

Section 3. Conflict

Whenever any provisions of this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall control.

Section 4. Severability


If any article, section, or provision of this Ordinance is found invalid, unconstitutional, or inoperative by any court with jurisdiction to determine same, then the other articles, sections, or provisions herein shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective from and after the date of its publication, or the publication of a caption summarizing its purpose and stating the penalty for the violation.


PASSED, APPROVED, AND ADOPTED on the 31ST day of January 2024.

VILLAGE OF BRIARCLIFF



Allen Hostetler, Mayor

ATTEST:



Tina Linder, Village Secretary

