

**CITY OF GRANDVIEW
ORDINANCE NO. 2022-0303A**

AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS, AMENDING CHAPTER 36, "OFFENSES," OF THE CODE OF ORDINANCES, GRANDVIEW, TEXAS, BY ADDING ARTICLE IV "ELECTIONEERING" IN ORDER TO REGULATE ELECTIONEERING ACTIVITIES ON CITY PROPERTY WHEN USED AS A POLLING PLACE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Grandview, Texas, is a Type A general-law municipality located in Johnson County, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, polling locations include public facilities that are simultaneously used for various other purposes and for which adequate and safe parking and access must be maintained for those facilities to operate in a safe and effective manner; and

WHEREAS, the City Council further desires to amend the chapter governing signs to clarify intent to avoid content-based regulation and modify permit review and variance procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW:

SECTION 1.

That Chapter 36, "Offenses" of the Code of Ordinances, Grandview, Texas, is hereby add Article IV "Electioneering" to read as follows:

"Article IV. – Electioneering

Sec. 36-101. – Purpose.

The purpose of this article is to provide reasonable regulations for electioneering on City-owned or controlled public property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for its patrons who use the facilities other than for election purposes.

Sec. 36-102. – Definitions.

The following words and phrases as used in this Article shall have the meanings as set forth in this section:

(1) Electioneering shall mean the posting, use, or distribution of political signs or literature, including the use of tents, chairs, booths, tables, or other furniture or devices to post, use, or distribute political signs or literature.

(2) Electioneering Device shall mean tents, chairs, booths, tables, or other furniture or devices used to post or distribute political signs or literature.

(3) Tent shall mean a tent, canopy, covering, or similar item that does not exceed ten (10) feet by ten (10) feet in size and is temporarily erected to provide shelter from the sun and other weather conditions when engaging in electioneering.

(4) Voting Period shall mean the period beginning the hour the polls open for early voting and ending when the polls close or the last voter has voted on election day, whichever is later.

Sec. 36-103. – Buffer Zone.

- (a) Sections 61.003 and 85.036 of the Texas Election Code deem it an offense if, during the Voting Period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.
- (b) The following diagram detail the 100-foot Buffer zone around the City of Grandview City Hall located at 1100 McDuff Avenue, Grandview, Texas 76050:



Sec. 36-104. – Regulations and Exceptions.

- (a) The following regulations apply to Electioneering on the premises of City-owned or controlled property used as a polling place during the Voting Period.

- (1) It is an offense for any person to leave any Electioneering sign literature, material, Tent, or other Electioneering Device on City-owned or controlled property that is used as a polling place other than during the period beginning on 6:00 p.m. before the Voting Period begins and ending twenty-four (24) hours after the Voting Period ends.
- (2) It is an offense for any person to engage in Electioneering on driveways, walkways, points of ingress/egress, disability access or parking areas on the premises of a polling location or in such areas that the election official or his/her designee determines to be unsafe for Electioneering or determines will interfere with patrons or City employees and staff who use the areas other than for election purposes. This restriction shall not apply to Electioneering signs, literature, or materials that are attached to vehicles lawfully parked at the premises of a polling location.
- (3) It is an offense for any person to attach, place, or otherwise affix any Electioneering sign, literature, material, Tent, or other Electioneering Device to any building, tree, shrub, pole, or other improvement on City-owned or controlled property used as a polling location.
- (4) It is an offense for any person to place any Electioneering sign, literature, or material on the premises that exceeds four (4) square feet and is more than four (4) feet in height, including any supporting poles.
- (5) It is an offense for any person to place any Electioneering sign, literature, material, Tent, or other Electioneering Device within ten (10) feet of a public roadway adjacent to City-owned or controlled property used as a polling location.
- (6) During the Voting Period and for thirty (30) minutes before and after the Voting Period each day, Tents and other Electioneering Devices may be placed on City-owned or controlled property used as a polling location where otherwise permitted under this section and other law on a first-come, first-served basis when space is available. It is an offense for any person to place a Tent or other Electioneering Device that exceeds ten (10) feet by ten (10) feet in size or in a location or manner that violates this section or other law.
- (7) In addition to imposing any criminal penalty, Electioneering signs, literature, materials, Tents, or other Electioneering Devices located in violation of this section or other law may be removed and disposed of by the City.
- (8) The authority to conduct Electioneering on City-owned or controlled property under this Article is limited to the property on the premises where the voting is conducted and only for the Voting Period.

- (b) The regulations set forth in (a) above shall not apply to any City-authorized signs, materials, or other messages on City-owned or controlled property.
- (c) Notwithstanding any provision in this article to the contrary, if a political sign is authorized to be placed or erected under this article, a temporary sign with any other noncommercial message is allowed to be erected in its place provided it otherwise complies with the provisions of this article.”

SECTION 2.

That Article III, “Juvenile Curfew,” of Chapter 36, “Offenses,” of the Code of Ordinances, Grandview, Texas, is hereby amended to add the following notation of reserved sections:

“Secs. 36-70—100. – Reserved.”

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Grandview, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any other ordinance regulating electioneering within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Grandview is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 8.

The City Secretary of the City of Grandview is hereby directed to publish in the official newspaper of the City of Grandview, the caption and effective date clause of this ordinance as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this 3rd day of March, 2022.

CITY OF GRANDVIEW


Zachary Stewart, Mayor

ATTEST:


Karen Fuller, City Secretary