



Date: September 13, 2019

To: All Interested Parties

From: Jim Hinderaker, Assistant City Manager *JH*

RE: Policy Memo – Determination of ROW Line for Political Sign Placement

1.0 Purpose:

This policy memo provides guidance for determining the location of the public street right-of-way line for the enforcement of regulations regarding the placement of a political sign.

2.0 Issue:

- 2.1 Section 17.92.060 of Chapter 17.92 - Sign Regulations, Benbrook Municipal Code prohibits the placement of a political sign in the public right-of-way.
- 2.2 Section 393.002 of Chapter 393 – Outdoor Signs on Public Rights-of-Way, Texas Transportation Code prohibits the placement of signs within the public rights-of-way.

3.0 Policy:

- 3.1 It is difficult, without the aid of a surveyor, to determine the exact physical location of the public street right-of-way line when either placing a political sign or enforcing the placement of said political sign. It is hereby the policy of the City of Benbrook to establish as a rebuttable presumption the effective public street right-of way line as a line located a distance of 10-feet from the back of street curb and running parallel to said street curb line.
- 3.2 Notwithstanding the above policy, any person or persons placing a political sign on private property located adjacent to public street right-of-way, whether or not said private property is located 10-feet from the back of the street curb, shall first obtain permission from the owner or owners of said private property.
- 3.3 From an enforcement perspective, it shall be assumed that a political sign placed a minimum of 10-feet from the back of street curb and running parallel to said street curb line, was placed legally, unless evidence to the contrary is provided.