

RESOLUTION NO. 16-0211-01

**RESOLUTION APPROVING POLICY CONCERNING INSTALLATION OF SIGNS IN
MEDIANS AND ON DISTRICT LANDS**

WHEREAS, Brushy Creek Municipal Utility District (the "District") is a conservation and reclamation district, a body corporate and politic and governmental agency of the State of Texas, created under Article XVI, Sec. 59 of the Texas Constitution by order of the Texas Water Commission, now the Texas Commission on Environmental Quality ("TCEQ"), and the District operates under Chapters 49 and 54 of the Texas Water Code, as amended;

WHEREAS, Section 54.205 of the Texas Water Code, as amended, authorizes a municipal utility district to adopt rules and regulations to regulate privileges on any land or any easement owned or controlled by the District;

WHEREAS, Subchapter N, Chapter 49 of the Texas Water Code, as amended, authorize a water district to develop, improve, manage, maintain and operate public right-of-way beautification projects; and

WHEREAS, pursuant to the foregoing authority, the Board of Directors of the District desires to adopt a Policy Concerning the Installation of Signs in Medians and on District Lands.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BRUSHY CREEK MUNICIPAL UTILITY DISTRICT THAT:

Section 1. The matters and facts recited in the preamble to this Resolution are found to be true and correct and the same are incorporated herein as a part of this Resolution.

Section 2. The Board of Directors hereby approves that certain Policy Concerning the Installation of Signs in Public Rights-of-Way and on District Lands in the form attached hereto.

Section 3. The attached Policy shall be effective immediately, and shall replace all prior policies of the District governing the installation of signs in public rights-of-way and on District Lands.

Section 4. The President and Secretary of the Board are hereby authorized and directed to execute this Resolution. After this Resolution is executed, an original Resolution shall be filed in the permanent records of the District.

PASSED AND APPROVED this 11 day of February, 2016.



President, Board of Directors

ATTEST:


Secretary, Board of Directors

(SEAL)

BRUSHY CREEK MUNICIPAL UTILITY DISTRICT

POLICY CONCERNING INSTALLATION OF SIGNS IN PUBLIC RIGHTS-OF-WAY AND ON DISTRICT LANDS

1. Purpose; Findings; Application of Policy.
 - a. The purpose of this Policy Concerning Installation of Signs in Public Rights-of-Way and on District Lands is to set forth the policies of Brushy Creek Municipal Utility District ("District") with respect to the installation, construction, posting or placement of signs, outdoor advertising, flyers and posters (collectively, "Signs") in the following areas: (i) road median areas located in public rights-of-way ("Medians"); and (ii) on any lands or easements owned or controlled by the District (collectively, "District Lands").
 - b. Unless expressly modified or waived by the Board for good cause determined by the Board, all of the terms and provisions of this Policy shall apply to all Signs constructed, installed, posted, or placed within the Medians or within District Lands. It is the District's intention that this Policy be applied in a non-discriminatory manner, while taking into consideration circumstances that are unique to each Sign proposed to be placed within the Medians or on District Lands. This Policy shall not apply to the installation of any improvements in Medians by Williamson County, Texas or the City of Round Rock, Texas, and shall also not apply to the installation of any Signs within Medians that are specifically authorized by Williamson County, Texas.
 - c. The Board hereby finds that the installation of Signs in Medians or on District Lands interferes with, or adversely affects, the District's pending and proposed beautification projects, potentially damages irrigation lines constructed within the Medians or District Lands, and compromises the District's ability to maintain District Lands and the Medians.
 - d. Nothing in this Policy shall be deemed to supersede, alter or amend the authority of Williamson County, Texas or the City of Round Rock, Texas to regulate Signs in public rights-of-way or other areas within the District, and any person who seeks to install Signs in the District shall remain subject to the applicable ordinances of Williamson County and Round Rock for all purposes.
2. Legal Construction of Policy; Amendments.
 - a. Neither this Policy, its adoption by the Board of Directors (the "Board"), any amendment or supplement hereto, nor any statements made during

meetings or consultations shall be construed as an agreement by the District to allow improvements to be constructed within the Medians or on District Lands.

- b. This Policy may be amended and supplemented from time to time by the District regardless of the status of any request for a variance or appeal of a decision by the District relating to a specific Sign.
3. **Legal Authority.** This Policy is being adopted pursuant to the following authority:
 - (i) Section 54.205 of the Texas Water Code, as amended, which authorizes a municipal utility district to adopt rules and regulations to regulate privileges on any land or any easement owned or controlled by the District;
 - (ii) Subchapter N, Chapter 49 of the Texas Water Code, as amended, which authorize a water district to develop, improve, manage, maintain and operate public right-of-way beautification projects; and
 - (iii) that certain Interlocal Agreement with Williamson County pursuant to which Williamson County has agreed that the District may maintain medians within the District.
 4. **Prohibition on Installation of Signs and Improvements.**
 - a. From and after adoption of this Policy, no Signs may be constructed or installed on any District Lands except a temporary political campaign Sign may be placed at the Community Center provided it serves as an early voting location or an election day voting location. Any such Signs located at the Community Center must comply with the following requirements:
 - (i) No Sign may be placed on the premises earlier than 24 hours before the commencement of early voting;
 - (ii) Signs may remain at the Community Center between the time early voting ends and election day, and must be removed within forty-eight (48) hours after election day;
 - (iii) Signs are to be no larger than 18" x 24", no higher than 30" from the ground and may not be stacked;
 - (iv) Signs must be at least 20 feet away from the Community Center LED sign;

- (v) Signs must not be further than 10 feet from the Community Center sidewalk along Great Oaks Drive;
 - (vi) Signs may not be posted in the shaded areas on the attached map of the Community Center grounds;
 - (vii) In the event any Signs are located outside the authorized area, the District will remove the sign and contact the responsible person (defined below) to request pick up of the removed signs. If the Sign(s) are not picked up within twenty-four (24) hours after the request, the District will dispose of said signs;
 - (viii) Only Signs that refer to a candidate or issue that is on the ballot may be placed at the voting location;
 - (ix) A maximum of ten signs per candidate or issue is authorized; and
 - (x) Each temporary political Sign may not be illuminated or have any moving elements.
- b. In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign Signs, unless he or she first notifies the District General Manager of another person who is responsible. In such cases, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the District General Manager of another person responsible, in the manner described above.
- c. From and after adoption of this Policy, no Signs may be constructed within the Medians except Signs installed by residents of the District for garage sales, open houses, and other temporary events are hereby authorized, provided such Signs may be installed no earlier than Friday in any week, and all such Signs must be removed no later than the immediately subsequent Sunday.

5. Unauthorized Construction.

- a. Any unauthorized Sign constructed on District Lands or within the Medians in violation of this Policy shall be removed immediately at the sole cost and expense of the owner. In the event the District is not able to identify the owner of any Sign, or the person deemed responsible fails to remove the Sign

in accordance with the District's request, then the District's staff is hereby authorized to remove and dispose of said property.

- b. All Signs installed within Medians or in District Lands in violation of this Policy shall be deemed to be abandoned and shall become the property of the District and may be disposed of at the discretion of the District.
- c. Any authorized Sign that is not timely removed shall be subject to removal and disposal by the District.

6. Application for Variance.

- a. Any person seeking authorization to construct or install Signs or other improvements in the Medians or on District Lands that are otherwise prohibited hereunder may request a variance from the District's General Manager. In connection with making such a request, the person shall submit the following information to the District:
 - (i) The location of the proposed Sign(s);
 - (ii) the size and dimensions of the proposed Sign(s) and the proposed method of installation;
 - (iii) the number of Signs;
 - (iv) a description of its purpose;
 - (v) the proposed time period during which the Signs shall remain in the Medians or on District Lands; and
 - (vi) any other information requested by the District.

7. Approval

- a. The approval of any request for variance shall be made in the sole discretion of the General Manager based on whether the proposed Sign(s) may interfere with the District's operation and maintenance of the Medians and District Lands, whether the improvement may damage irrigation lines or other District property, whether the Sign(s) is consistent with the District's current or proposed beautification projects, and whether the Sign(s) would have an adverse impact on District property values.
- b. Any applicant that desires to appeal the decision of the District's General Manager may do so by filing a written request that the matter be considered

by the Board of Directors of the District. Upon receipt of such a request, the matter shall be placed on the next regular meeting agenda of the Board of Directors at which such request may be considered.

- c. Approval by the District of any request for variance does not constitute legal authority for any person or entity to place Signs within the Medians or on District Lands. Instead, approval means that the District will not exercise its authority to remove and dispose of the Signs provided the Sign(s) are installed and removed in accordance with the terms and conditions of approval and this Policy. The District expressly disclaims any representation that such sign or improvement may legally be constructed within the Medians or District Lands. Any person or entity that installs Signs within the Medians or District Lands without prior express authorization from Williamson County, the City of Round Rock, and any other governmental entity with relevant jurisdiction, does so at its sole risk.

8. Conditions

- a. In granting a variance and authorizing the installation of any Sign within the Medians or on District Lands, the District may impose conditions including, by way of example, limitations on the size or number of the Signs, authorized locations, requirements relating to acceptable materials, time limits regarding how long the Signs will be authorized to remain, and other matters deemed necessary by the District in connection with its operation and maintenance of the Medians.
- b. As a condition of approval of any variance, the District may require that the owner or applicant provide fiscal security in an amount sufficient to ensure that the Sign(s) will be removed at the end of the authorized period.

**SIGNS MUST BE NO LARGER THAN 18" X 24"
SIGNS MUST BE NO HIGHER THAN 30" AT TOP
NO STACKING OF SIGNS
NO SIGNS IN OR ALONG SIDEWALK AT FLOWER BEDS**

