

ORDINANCE NO. 2011-04-XX

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 42 "FIRE PREVENTION AND PROTECTION", ARTICLE II, SECTION 42-26, "FIRE CODE AMENDMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATIVE TO FIRE CODE AMENDMENTS; ESTABLISHING HAZARDOUS MATERIALS INCIDENT RESPONSE COST RECOVERY FEES; AMENDING APPENDIX A, "SCHEDULE OF FEES" RELATIVE TO SUCH FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT

WHEREAS, the City of McKinney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the V.T.C.A., Local Government Code, and the Home Rule Charter for the City of McKinney, Texas; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), finds, determines, and declares that certain charges and fees are necessary to provide for efficient government services; and

WHEREAS, the City Council finds and determines that the City needs to recover the cost of providing various fire department services, including the costs of responding to hazardous materials incidents; and

WHEREAS, the City Council desires to adopt a fee schedule based upon the costs incurred during such circumstances by the City to provide good and efficient government for the benefit of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The City Council of the City of McKinney, Texas hereby finds all of the above premises to be true and correct and such premises are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Chapter 42, Article II, Section 42-26, "Fire Code Amendments," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended, in part, to read as follows:

"(6) 105.1.4 Fees. The fire chief shall administer the following charges:

(a) 105.1.4.5 Hazardous Materials Incident Response Cost Recovery Fee:

(1) A hazardous materials incident response cost recovery fee, as specified in Appendix A of the Code of Ordinances, which may be amended from time to time, will be charged to the Primary Responsible Party for the causation of an incident involving a hazardous material, as defined by the Fire Code, within the City or the fire response ETJ of the City and responded to by City of McKinney personnel and equipment. This fee-for-service is the reasonable and documented cost of providing accident response services within the city limits.

(A) This fee is similar to but in addition to any ambulance/EMS fees the city currently charges and is not a publication of fees for those

incident services where an ambulance fee is currently charged.

- (2) The following hazardous materials incident response recovery fees will be charged for fire service response, other than ambulance services charges, to:
 - (A) Fire engine, per hour (one-half hour minimum)...378.00
 - (B) Ladder truck/aerial, per hour (one-half hour minimum) ...498.00
 - (C) ARFF truck, per hour (one-half hour minimum) ...489.00
 - (D) Med unit (not used for ambulance/EMS service, per hour (one-half hour minimum)...103.00
 - (E) Battalion chief vehicle, per hour (one-half-hour minimum)...32.00
 - (F) Staff vehicle, per hour (one-half hour minimum)...25.00
 - (G) Firefighter, per hour (one-half-hour minimum)...19.00
 - (H) Fire Captain, per hour (one-half-hour minimum)...27.00
 - (I) Battalion chief, per hour (one-half hour minimum)...33.00
- (3) Payment of the hazardous materials incident response cost recovery fee will be the responsibility of the Primary Responsible Party for the hazardous materials incident responded to by city personnel and equipment.

Section 3. It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, 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 words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified verified and affirmed.

Section 5. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS ON THE 5th DAY OF APRIL, 2011.

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney