

ORDINANCE NO. 2013-____ - _____

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS RESCINDING AND REPEALING ORDINANCE NO. 2012-11-056 IN ITS ENTIRETY AND REINSTATING ALL OF THOSE PORTIONS OF SECTIONS 138-429, 142-5, 142-8, 142-9, 142-73, 142-74, 142-75, 142-76, 142-77, 142-78, 142-79, 142-81, 142-99, 142-106, 146-40, 146-41, 146-42, 146-44, 146-45, 146-67, 146-68, 146-69, 146-70, 146-71, 146-73, 146-74, 146-75, 146-77, 146-78, 146-79, 146-80, 146-81, 146-83, 146-84, 146-85, 146-86, 146-87, 146-88, 146-89, 146-90, 146-91, 146-95, 146-96, 146-132, 146-133, 146-134, 146-137, 146-162, 146-164, AND 146-165, TOGETHER WITH APPENDIX C TO CHAPTER 146, APPENDIX F-1 TO CHAPTER 146, AND APPENDIX F-2 TO CHAPTER 146 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY THAT WERE AMENDED BY ORDINANCE NO. 2012-11-056, AND BY DELETING SECTIONS 142-42, 142-82, AND 146-141, WHICH ORDINANCE PROVISIONS WERE CREATED BY ORDINANCE NO. 2012-11-056, IN THEIR ENTIRETY, SO AS TO RETURN ALL OF THE FOREGOING IDENTIFIED SECTIONS AND APPENDICES OF THE CODE OF ORDINANCES TO THE WORDING THAT EXISTED IMMEDIATELY PRIOR TO THE APPROVAL OF ORDINANCE NO. 2012-11-056 BY THE CITY COUNCIL ON NOVEMBER 5, 2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas ("City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, on November 5, 2012, the City Council of the City of McKinney, Texas adopted Ordinance No. 2012-11-056; and

WHEREAS, after further discussion and deliberation, the City Council has concluded that it is in the best interest of the residents of the City of McKinney, Texas that Ordinance No. 2012-11-056 should be rescinded and repealed in its entirety;

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Ordinance No. 2012-11-056 should be rescinded and repealed in its entirety.

Section 3. From and after the effective date of this Ordinance, the amendments that were made to Sections 138-429, 142-5, 142-8, 142-9, 142-73, 142-74, 142-75, 142-76, 142-77, 142-78, 142-79, 142-81, 142-99, 142-106, 146-40, 146-41, 146-42, 146-44, 146-45, 146-67, 146-68, 146-69, 146-70, 146-71, 146-73, 146-74, 146-75, 146-77, 146-78, 146-79, 146-80, 146-81, 146-83, 146-84, 146-85, 146-86, 146-87, 146-88, 146-89, 146-90, 146-91, 146-95, 146-96, 146-132, 146-133, 146-134, 146-137, 146-162, 146-164, and 146-165 of the Code of Ordinances, City of McKinney, Texas, by Ordinance No. 2012-11-056 are hereby rescinded and repealed and the wording of the sections identified herein-above that was altered by Ordinance No. 2012-11-056 is hereby restored and reinstated to the

wording that said sections contained immediately prior to the approval of Ordinance No. 2012-11-056 by the City Council on November 5, 2012.

- Section 4. From and after the effective date of this Ordinance, the amendments that were made to Appendix C to Chapter 146, Appendix F-1 to Chapter 146, and Appendix F-2 to Chapter 146 of the Code of Ordinances, City of McKinney, Texas, by Ordinance No. 2012-11-056 are hereby rescinded and repealed and the wording of the appendices identified herein-above that was altered by Ordinance No. 2012-11-056 is hereby restored and reinstated to the wording that said appendices contained immediately prior to the approval of Ordinance No. 2012-11-056 by the City Council on November 5, 2012.
- Section 5. From and after the effective date of this Ordinance, Sections 142-42, 142-82, and 146-141 that were created by Ordinance No. 2012-11-056 are hereby deleted in their entirety.
- Section 6. 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 7. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.
- Section 8. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.
- Section 9. Any person, firm or corporation who violates any section of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not in excess of \$2,000.00, and assessed court costs as provided by law.
- Section 10. Any violation of this Ordinance may be enjoined, and this remedy shall be in addition to any penal provision in this Ordinance.
- Section 11. 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 ___ DAY OF _____, 2013.**

CITY OF McKinNEY, TEXAS

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