

ORDINANCE NO. 2022-05-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY AMENDING THE CODE OF ORDINANCES OF THE CITY THROUGH THE AMENDMENT OF ARTICLE XI, "JUNKED VEHICLES," OF CHAPTER 62, "MOTOR VEHICLES AND TRAFFIC," BY AMENDING SECTION 62-620, "DEFINITIONS," BY AMENDING THE DEFINITION OF "JUNKED VEHICLE" TO REFLECT THE STATE OF TEXAS' CHANGE TO A SINGLE-STICKER SYSTEM; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "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, the City adopted the Code of Ordinances, City of McKinney, Texas ("City Code") for the protection of the public health and general welfare; and

WHEREAS, the City Code declares junk vehicles to be a public nuisance, creates a penalty for maintaining a public nuisance and, provides the City a mechanism by which to abate a public nuisance; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), is of the opinion that Article XI, "Junked Vehicles," of Chapter 62, "Motor Vehicles and Traffic" of the Code of Ordinances, City of McKinney, Texas, should be amended to amend the definition of "Junked Vehicles" to reflect the State's changes in licensing and inspections to a single-sticker system; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City of McKinney to revise the ordinances of the City to align the Junk Vehicle ordinance with the State of Texas' move to a single-sticker system.

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 legislative determinations 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, Chapter 62, "Motor Vehicles and Traffic," is hereby amended by amending Article XI, "Junked Vehicles," by amending Section 62-620, "Definitions," by amending the definition of "Junked Vehicle" to hereafter read as follows:

"Junked vehicle means a vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it valid proof of registration for the registration period then in effect;
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or
- (3) Is inoperable and has remained inoperable for:
 - a. More than 72 consecutive hours, if the vehicle is on public property; or

b. More than 30 consecutive days, if the vehicle is on private property.”

Section 3. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 5. 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 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law.

Section 7. This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of McKinney, Texas.

DULY PASSED APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 17th DAY OF MAY, 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney