

ORDINANCE NO. 2016-02-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 138-418 (DEFINITIONS) OF THE CODE OF ORDINANCES; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and,

**WHEREAS**, the City Council has recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and,

**WHEREAS**, amendments to these provisions have been proposed and the City Council of the City of McKinney is of the opinion that this chapter should be amended.

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

Section 1. That the Definition for an "Adult Bookstore or Adult Video Store" contained within Section 138-418 of Code of Ordinances, City of McKinney, Texas, is hereby amended and shall read as follows:

*"Adult bookstore or adult video store means a commercial establishment that openly advertises or displays or offers for sale or rental for any form of consideration any one or more of the following:*

(1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; except those films and motion pictures which have received ratings by the Motion Picture Association of America of G, PG, PG-13, or R; or

(2) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

Section 2. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. 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 4. 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 THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2016.

CITY OF McKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney