

**ORDINANCE NO. 2022-XX-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 14, "ALCOHOLIC BEVERAGES," ARTICLE III, "LAWFUL SALE OF ALCOHOLIC BEVERAGES," BY AMENDING SECTION 14-52, ENTITLED "PERMIT; PERMIT FEE," OF THE MCKINNEY CODE OF ORDINANCES; ESTABLISHING VIOLATIONS AND PENALTIES; 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 Council of the City of McKinney, Texas, finds and determines that current fee schedule is inefficient; and

**WHEREAS**, the City Council of the City of McKinney, Texas, desires to adopt fee schedules necessary for 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. 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, Section 14-52, entitled "Permit; Permit Fee," of Article III, "Lawful Sale of Alcoholic Beverages," of Chapter 14, "Alcoholic Beverages," of the Code of Ordinances of the City of McKinney, Texas, is hereby deleted in its entirety and replaced with a new Section 14-52, entitled "Permit; Permit Fee," to hereafter read as follows:

**"Sec. 14-52. Permit; Permit Fee.**

(a) All permits or license fees shall be paid to the City at the same time the state license and permit fees are paid to the state.

(b) The City shall require payment of a fee by all establishments selling alcoholic beverages within the City. This fee shall be equal to one-half of the state fee required by the state alcoholic beverage commission of every person that may be issued any state permit or license for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any alcoholic beverage except for permits or licenses that are exempt from the city permit or license fee, or different fee is allowed or required by state law.

(c) The city secretary may cancel a permit if a permittee fails to pay the permit or license fee. The city secretary shall send notice of such cancellation to the address on file with the permit application.

(d) A permittee who sells an alcoholic beverage without first having paid the permit fee under this section commits a misdemeanor punishable by a fine of up to \$200.00.”

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 \_\_\_ DAY OF \_\_\_\_\_, 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