

ORDINANCE NO. 2016-04-____

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 2, ENTITLED "ADMINISTRATION," BY AMENDING SECTION 2-1, "FEES FOR PUBLIC WORKS DEPARTMENT OR ENGINEERING DEPARTMENT SERVICES," BY AMENDING THE TITLE OF SECTION 2-1 AND DELETING PARAGRAPH (C) OF SECTION 2-1 IN ITS ENTIRETY AND REPLACING SAID PARAGRAPH (C) WITH A NEW PARAGRAPH (C) TO MORE CLEARLY IDENTIFY THE DEPARTMENTS AND TYPES OF AGREEMENTS INVOLVED, AND BY AMENDING APPENDIX A – SCHEDULE OF FEES TO REFLECT THE CHANGES MADE TO SECTION 2-1 BY THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney, Texas, (the "City") is a Home-Rule City possessing the full power of local self-governance 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 Council has recognized that certain provisions of the Code of Ordinances should be reviewed and updated from time to time; and

WHEREAS, the City Council of the City of McKinney, Texas finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of McKinney, Texas, to amend the title of Section 2-1 and replace Paragraph (c) of said Section 2-1 in its entirety and to amend Appendix A to reflect such changes to promote operational excellence and improve the clarity of such provisions.

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

Section 1. **FINDINGS**

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

Section 2. **AMENDMENT OF CHAPTER 2, ENTITLED "ADMINISTRATION," BY AMENDING THE TITLE OF SECTION 2-1**

From and after the effective date of this Ordinance, Chapter 2, entitled "Administration," of the McKinney Code is hereby amended by deleting the current title of Section 2-1 in its entirety and replacing said title with a new title that reads as follows:

"Sec. 2-1. Fees for special services provided by public works, development services, and parks and recreation departments."

Section 3. **AMENDMENT OF CHAPTER 2, ENTITLED "ADMINISTRATION," BY DELETING PARAGRAPH (C) OF SECTION 2-1 IN ITS ENTIRETY AND REPLACING SAID PARAGRAPH (C) WITH A NEW PARAGRAPH (C)**

From and after the effective date of this Ordinance, Chapter 2, entitled "Administration," of the McKinney Code is hereby amended by amending Section 2-1 by deleting existing Paragraph (c) of Section 2-1 in its entirety and replacing said Paragraph (c) with a new Paragraph (c) to read as follows:

“(c) All persons requesting services that require one or more standard or non-standard facilities agreements and/or development agreements (referred to collectively herein as “agreement” or “agreements”) shall be charged as specified in Appendix A of the Code of Ordinances, which charge(s) may be amended from time to time by ordinance, for the processing of such standard and/or non-standard agreements. Standard agreements are defined as those agreements that have been previously approved by city council to serve as a basis for future agreements. A non-standard agreement is defined as an agreement in which the wording of a standard agreement is modified.”

Section 4. **AMENDMENT OF APPENDIX A – SCHEDULE OF FEES TO REFLECT THE CHANGES MADE TO THE TITLE OF SECTION 2-1 BY THIS ORDINANCE**

From and after the effective date of this Ordinance, Appendix A – Schedule of Fees of the McKinney Code is hereby amended by changing the title of Section 2-1 to reflect the changes made by this Ordinance, to read as follows:

“Sec. 2-1. Fees for special services provided by public works, development services, and parks and recreation departments.”

Section 5. **AMENDMENT OF APPENDIX A – SCHEDULE OF FEES TO REFLECT THE CHANGES MADE TO PARAGRAPH (C) OF SECTION 2-1 BY THIS ORDINANCE**

From and after the effective date of this Ordinance, Appendix A – Schedule of Fees of the McKinney Code is hereby amended by deleting existing Paragraph (c) of Section 2-1 in its entirety and replacing said Paragraph (c) with a new Paragraph (c), to reflect the changes made by this Ordinance, to read as follows:

“(c) All persons requesting services that require one or more non-standard facilities agreement and/or development agreements shall be charged \$500.00 per agreement. Standard facilities agreements and/or development agreements shall be charged \$150.00 per agreement.”

Section 6. **SEVERABILITY CLAUSE**

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 7. **REPEALER CLAUSE**

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 8. **EFFECTIVE DATE**

This Ordinance shall become effective from and after its adoption and is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 19TH DAY OF APRIL, 2016.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney