

ORDINANCE NO. 2018-02-_____

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 98, ENTITLED "TAXATION," BY DELETING SUBSECTION (4), "AGGREGATE CAP (PER YEAR)," OF SECTION 98-84, "HISTORIC NEIGHBORHOOD IMPROVEMENT ZONE PROGRAM," IN ITS ENTIRETY AND REPLACING SAID SUBSECTION WITH A NEW SUBSECTION (4) THAT IS ALSO TITLED "AGGREGATE CAP (PER YEAR)" TO INCREASE THE AMOUNT OF THE AGGREGATE CAP ON EXEMPTED AD VALOREM TAXES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

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 delete Subsection (4), "Aggregate Cap (Per Year)," of Section 98-84, "Historic Neighborhood Improvement Zone Program," in its entirety and replacing said subsection with a new Subsection (4) that is also titled "Aggregate Cap (Per Year)" to increase the amount of the aggregate cap on exempted ad valorem taxes.

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 98, ENTITLED "TAXATION," BY DELETING SUBSECTION (4), "AGGREGATE CAP (PER YEAR)," OF SECTION 98-84, HISTORIC NEIGHBORHOOD IMPROVEMENT ZONE PROGRAM," IN ITS ENTIRETY AND REPLACING SAID SUBSECTION WITH A NEW SUBSECTION (4) THAT IS ALSO TITLED "AGGREGATE CAP (PER YEAR)" TO INCREASE THE AMOUNT OF THE AGGREGATE CAP ON EXEMPTED AD VALOREM TAXES**

From and after the effective date of this Ordinance, Chapter 98, entitled "taxation," is hereby amended by deleting Subsection (4), "Aggregate Cap (Per Year)," OF Section 98-84, Historic Neighborhood Improvement Zone Program," in its entirety and replacing said subsection with a new Subsection (4) that is also titled "Aggregate Cap (Per Year)" to read as follows:

"(4) Aggregate Cap (per year): The City Council may impose an aggregate cap on the total amount of ad valorem taxes which would be exempted in any budget year under any or all of the levels set forth in subsections (a) – (c) of this Section. The annual cap

shall be exhausted on a “first come, first served” basis, as determined by the actual date the City receives a completed application. The cap shall be a tool to limit any budgetary concerns based on yearly fluctuations in tax revenues, and as such, the annual cap may be raised or lowered each year by the City Council. For calendar year 2018 and continuing annually thereafter until otherwise adjusted by the City Council, the aggregate cap on exempted ad valorem taxes shall be \$250,000 per year.”

Section 3. **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 4. **SEVERABILITY CLAUSE**

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 5. **RESERVATION OF EXISTING RIGHTS AND REMEDIES**

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. **IMMUNITY**

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 7. **INJUNCTIONS**

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of McKinney in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of McKinney.

Section 8. **PENALTY**

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the penalty provisions set forth in Chapter 98

of the McKinney Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 9. **PUBLICATION**

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 10. **EFFECTIVE DATE**

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 6th DAY OF FEBRUARY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE FULLER
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