

ORDINANCE NO. 2011-02-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 82, "POLICE" OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY ADDING SECTION 82-3, "MOTOR VEHICLE ACCIDENT RESPONSE COST RECOVERY FEES" WHICH ESTABLISHES THE ASSESSMENT OF ADMINISTRATIVE FEES TO NON-RESIDENTS OF MCKINNEY FOR AT-FAULT MOTOR VEHICLE ACCIDENTS; ADDING APPENDIX A, "SCHEDULE OF FEES", SECTION 82-3; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.

WHEREAS, the City of McKinney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the V.T.C.A., Local Government Code, and the Home Rule Charter for the City of McKinney, Texas; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), finds, determines, and declares that certain charges and fees are necessary to provide for efficient government services; and

WHEREAS, the City Council finds and determines that the City needs to assess non-residents of McKinney deemed to be at fault for motor vehicle accident within the City administrative fees to cover the costs of related administrative services undertaken by the City; and

WHEREAS, the City Council desires to adopt a fee schedule dependent upon the severity of the motor vehicle accident 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. **ADDITION OF SECTION 82-3, "MOTOR VEHICLE ACCIDENT RESPONSE COST RECOVERY FEES"**

Chapter 82, "Police", of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by adding Section 82-3, "Motor Vehicle Accident Response Cost Recovery Fees" which new paragraph is to read as follows:

- (a) A motor vehicle accident response cost recovery fee as specified in Appendix A of the Code of Ordinances, which may be amended from time to time, will be charged to any non-resident of McKinney, Texas deemed to be at fault for the causation of a motor vehicle accident within the City. This fee-for-service is the reasonable and documented cost of providing accident response services within the city limits.
- (b) The following fees will be charged for motor vehicle accident response recovery fees:
 - (i) Non-Injury Accident: \$110.00.
 - (ii) Injury Accident: \$215.00.
- (c) Payment of the motor vehicle accident response cost recovery fee will be the responsibility of any non-resident of McKinney, Texas deemed to be at-fault for the causation of a motor vehicle accident within the City."

Section 2. **ADDITION OF APPENDIX A, "SCHEDULE OF FEES", SECTION 82-3**
Appendix A, "Schedule of Fees", Section 82-3 of the Code of Ordinances
of the City of McKinney is hereby amended as follows:

**"SECTION 82-3. MOTOR VEHICLE ACCIDENT RESPONSE COST
RECOVERY FEES.**

"A motor vehicle accident response cost recovery fee shall be charged a
fee to be determined by city council."

Section 3. **SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the words,
phrases, clauses, sentences, paragraphs and sections of this Ordinance
are severable, and if any word, phrase, clause, sentence, paragraph or
section of this Ordinance shall be declared unconstitutional by the valid
judgment or decree of any court of competent jurisdiction, such
unconstitutionality shall not affect any of the remaining words, phrases,
clauses, sentences, paragraphs and sections of this Ordinance, since the
same would have been enacted by the City Council without the
incorporation of any such unconstitutional word, phrase, clause, sentence,
paragraph or section.

Section 4. **EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage
and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS ON THE 15TH DAY OF FEBRUARY 2011.**

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney