

ORDINANCE NO. 2018-04-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 62, ENTITLED "MOTOR VEHICLES AND TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTIONS 62-3 AND 62-5 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE V, ENTITLED "SCHOOL ZONES," BY AMENDING SECTION 62-326 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE VI, ENTITLED "PARKING," BY AMENDING SECTION 62-381.1 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE VII, ENTITLED "TRUCK ROUTES," BY AMENDING SECTION 62-480 AS SET FORTH HEREIN; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of McKinney, Texas 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 Texas Local Government Code and its Home Rule Charter; and

**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 of the City of McKinney, Texas enacted Chapter 62 of the Code of Ordinances, City of McKinney, Texas ("McKinney Code"), adopting the terms for regulating traffic in the city limits and has recognized that certain provisions of the McKinney Code should be reviewed and updated from time to time; and

**WHEREAS**, the City of McKinney, Texas has updated its design criteria and policies through the adoption and implementation of a new Engineering Design Manual for the City of McKinney that will take effect on or about April 4, 2018 ("Engineering Design Manual") and replace City of McKinney Street, Stormwater, and Water and Wastewater Design Manuals that were previously adopted; and

**WHEREAS**, Chapter 62 of the McKinney Code must be consistent with the requirements, terms, and standards of the Engineering Design Manual; and

**WHEREAS**, the purpose of the Engineering Design Manual is to protect the health, safety, and welfare of the public by establishing standard engineering practices and minimum engineering criteria for application throughout the City of McKinney, Texas, and to the fullest extent allowed by law in its extraterritorial jurisdiction; 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 certain provisions of Chapter 62, entitled "Motor Vehicles and Traffic," of the McKinney Code as provided herein below.

**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 set forth in their entirety.

Section 2. From and after the effective date of this Ordinance, Section 62-3, "Signs, Markings and Other Traffic Control Devices; Responsibility for Traffic Regulation," of the McKinney Code, is hereby deleted in its entirety and replaced with a new Section 62-3 also entitled "Signs, Markings and Other Traffic Control Devices; Responsibility for Traffic Regulation" to hereafter read as follows:

"Sec. 62-3. - Signs, markings and other traffic control devices; responsibility for traffic regulation.

(a) The Director of Engineering shall cause their designee to plainly mark, and keep marked, all traffic lanes, parking places and loading zones, and have traffic signs and traffic signals maintained as called for by this chapter or other city ordinances.

(b) The city manager shall cause the chief of police to enforce traffic laws."

Section 3. From and after the effective date of this Ordinance, Section 62-5, "Traffic and Transportation Department Established; Traffic Engineer; Manual on Uniform Traffic Control Devices Adopted," of the McKinney Code, is hereby deleted in its entirety and replaced with a new Section 62-5 entitled "Director of Engineering Responsible for Traffic Control Devices and Regulations; Manual on Uniform Traffic Control Devices Adopted" to hereafter read as follows:

"Sec. 62-5. – Director of Engineering responsible for traffic control devices and regulations; manual on uniform traffic control devices adopted.

(a) The Director of Engineering or designated representative shall, under the direction of the City Manager, and unless otherwise required or prohibited by law, have full and complete control over all traffic control devices and regulations in the City. The Director of Engineering or their designee are herein granted the authority to cause the installation, removal, replacement, and maintenance of all traffic control devices within the City in accordance with professional engineering principles, the Texas Manual on Uniform Traffic Control Devices, current edition, and any other applicable laws, rules, or regulations.

(b) That document entitled "Texas Manual on Uniform Traffic Control Devices," current edition, as presently constituted or hereafter amended, hereinafter referred to as the Manual, is herewith adopted by reference. On and after the effective date of this section, all traffic control devices hereafter erected shall be in strict conformity with such manual. All persons shall conduct their activities in compliance therewith and shall strictly comply with such devices. Nothing contained herein shall be construed to invalidate any such presently existing devices, to refute required compliance therewith, or to preclude prosecution for failure of such compliance."

Section 4. From and after the effective date of this Ordinance, Section 62-326, "McGowen Elementary School—Zone Designated," of the McKinney Code, is hereby deleted in its entirety and replaced with a new Section 62-326 also entitled "McGowen Elementary School—Zone Designated" to hereafter read as follows:

“Sec. 62-326. - McGowen Elementary School—Zone designated.

The McGowen Elementary School zone shall be:

- (1) On McKinney Ranch Parkway beginning 300 feet east of Columbus Drive and extending 300 feet west of Columbus Drive.
- (2) On Columbus Drive beginning 110 feet south of Farrington Lane and extending south to Maidstone Way.
- (3) On Aylesbury Court beginning at Columbus Drive and extending west to the west school property line.
- (4) On Maidstone Way beginning at Columbus Drive and extending west to Leeds Drive.
- (5) On Leeds Drive beginning 220 feet north of Brighton Drive to Maidstone Way.”

Section 5. From and after the effective date of this Ordinance, Section 62-381.1, “Authority to Establish Parking Restrictions,” of the McKinney Code, is hereby deleted in its entirety and replaced with a new Section 62-381.1 also entitled “Authority to Establish Parking Restrictions” to hereafter read as follows:

“Sec. 62-381.1. - Authority to establish parking restrictions.

The director of engineering or designated representative is authorized to install or remove signage to establish parking restrictions as necessary to protect the safety of persons and property and to manage the flow and expeditious handling of traffic.”

Section 6. From and after the effective date of this Ordinance, Section 62-480(b) of the McKinney Code, is hereby deleted in its entirety and replaced with a new Section 62-480(b) to hereafter read as follows:

“(b) The director of engineering or their designated representative shall erect appropriate signs and markings advising motorists of the truck routes established by this division and of streets upon which truck travel is prohibited by this division.”

Section 7. 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. 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 9. 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 10. 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 11. 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 12. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the McKinney Code; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 13. 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 14. 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 3<sup>RD</sup> DAY OF APRIL, 2018.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary

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

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney