

ORDINANCE NO. 2011-04-XX

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 42 "FIRE PREVENTION AND PROTECTION", ARTICLE II, SECTION 42-26, "FIRE CODE AMENDMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATIVE TO FIRE CODE AMENDMENTS; ESTABLISHING FIREWORKS DISPLAY PERMIT COST RECOVERY FEE; AMENDING APPENDIX A, "SCHEDULE OF FEES" RELATIVE TO SUCH FEES; 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 recover the cost of providing various fire department services, including: the cost of providing fire department services for fireworks displays; and

WHEREAS, the City Council desires to adopt a fee schedule based upon the costs incurred during such circumstances by 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. The City Council of the City of McKinney, Texas hereby finds all of the above premises to be true and correct and such premises are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Chapter 42, Article II, Section 42-26, "Fire Code Amendments," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended, in part, to read as follows:

"(6) 105.1.4 Fees. The fire chief shall administer the following charges:

(f) 105.1.4.6 Fireworks Display Permit and Response Cost Recovery Fee:

(1) A fireworks display permit cost recovery fee as specified in Appendix A of the Code of Ordinances, which may be amended from time to time, will be charged for fireworks displays as defined by the Fire Code. This fee for service is the reasonable and documented cost of providing fire department services and includes cost recovery for pre-event plan reviews and site safety zone inspections prior to and after the event and standby and/or fire extinguishment during or after the discharge of the fireworks. This fee includes the cost recovery of at least one Fire Systems Technician or Engineer, two Fire Prevention Branch Inspectors, two Firefighters and associated vehicles assigned to the event.

(2) The following fees will be charged for fireworks display permit and response cost recovery fee:

(A) Fireworks Display Permit and Response Cost Recovery Fee will be \$ 800 per event.”

Section 3. 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. That 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 5. 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 5th DAY OF APRIL, 2011.

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