

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 87, "SPECIAL EVENTS," OF THE CITY OF MCKINNEY CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI, "NEIGHBORHOOD BLOCK PARTY PERMITS"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of McKinney understands the value of building community through local events such as neighborhood block parties; and

**WHEREAS,** the City Council of the City of McKinney seeks to adopt policies and procedures that would permit the closing of residential streets and alleyways for the hosting of such neighborhood block parties; and

**WHEREAS,** the City Council of the City of McKinney believes that the adoption of such policies and procedures will positively impact the health and wellbeing of the residents of the City of McKinney and make the City of McKinney a more desirable place to live.

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

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Chapter 87 of the City of McKinney Code of Ordinance, entitled "Special Events", is hereby amended by adding a new Article VI, entitled "Neighborhood Block Party Permits", to read as follows:

**"ARTICLE VI. - NEIGHBORHOOD BLOCK PARTY PERMITS**

**Sec. 87-62. - Offenses.**

(a) A person commits an offense under this division if he:

- (1) Commences or holds a private closure without a permit issued hereunder by the director of public works, or his designee (hereinafter referred to as "director") or with a permit that has expired or been revoked; or
- (2) Fails to comply with any of the requirements of this division or other ordinances or laws of the city or the state.

- (b) A culpable mental state is not required for the commission of an offense under this division.

**Sec. 87-63. - Penalty.**

- (a) A person who violates a provision of this article or a requirement of a neighborhood block party permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continues.
- (b) Each offense is punishable by a fine not to exceed:
  - (1) Two thousand dollars for a violation of a provision of this article or a requirement of a neighborhood block party permit governing fire safety, zoning, or public health and sanitation, including dumping or refuse; or
  - (2) Five hundred dollars for all other violations of this chapter or requirements of a neighborhood block party permit.

**Sec. 87-64. - Permit required, application; petition.**

All persons seeking to temporarily close a residential street or residential alley for the purpose of holding a neighborhood block party shall file with the director, not less than thirty (30) days prior to the desired closure, an application for a street closure permit and a petition, in a form provided by the city, containing but not limited to the following information:

- (1) Name and location of the residential street to be closed;
- (2) Name, address, and phone number of person(s) requesting and desiring the street closure;
- (3) The date and time for the street closure; block parties must be held between the hours of 9:00 a.m. and 10:00 p.m.;
- (4) The petition, as furnished by the city, shall contain the signatures of seventy-five (75) percent of adult residents of the street to be closed indicating their consent to the proposed street closure. For purposes of computing the above percentage, each lot or property parcel shall have only one (1) vote.

**Sec. 87-65. - Issuance of permit.**

Upon submission, validation, and approval of the application and, if applicable, the petition for street closure, the director shall issue a permit.

**Sec. 87-66. - Denial of permit, appeal.**

The director may deny a street closure permit if in his opinion the closure of the street would cause extreme disruption of the delivery of city services or extreme hardship to the citizens. If a request for a permit is denied, the applicant(s) may appeal to the city council within five (5) days of such denial.

**Sec. 87-67. - Barricades.**

The director shall make arrangements with the street department to furnish and place barricades at the designated location at the appropriate time.

**Sec. 87-68. - Revocation of permit.**

Nothing in this division shall prevent the director, the chief of police, or their designees from revoking a street closure permit at any time before or during the block party in the interest of public safety, health or welfare of the community as a whole.”

- Section 3. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.
- Section 4. All provisions of the Code of Ordinances of the City of McKinney, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effort.
- Section 5. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.
- Section 6. Any person, firm, or corporation violating any of the provisions of this ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of McKinney, Texas, shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense involving fire safety, zoning, or public health and sanitation, including dumping or refuse; or five hundred dollars (\$500.00) for every other offense; and each and every day said violation is continued shall constitute a separate offense.

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
EMPRESS DRANE  
City Secretary  
LISA SEWELL  
Deputy City Secretary

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER  
City Attorney