

## ORDINANCE NO. 2025-12-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 70, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY AMENDING ARTICLE V, "NOISE," -SECTION 70-122, "PENALTY"; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of McKinney, Texas (the "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 Texas Local Government Code, and the City's 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 have recognized that certain noise violations and penalty provisions governing construction activities in the Code of Ordinances should be reviewed and updated; and

**WHEREAS,** the City Council finds that the adoption of this ordinance is in the best interest of the health, safety and welfare of the citizens of the City; and

**WHEREAS,** amendments to these provisions have been proposed and the City Council of the City of McKinney are of the opinion that these chapters should be amended.

**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 found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Chapter 70, "Offenses and Miscellaneous Provisions," Article V, "Noise," of the Code of Ordinances of the City of McKinney is hereby amended to revise and replace Section 70-122, "Penalty" to read as follows:

**"Sec. 70-122. Penalty.**

**I. Criminal Penalties.** Unless otherwise stated in this chapter, any person who violates any provision of this article commits a misdemeanor offense and, upon conviction, may be assessed a fine not to exceed \$500.00. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

**II. Noise Disturbance Construction Violations. Criminal Penalties.** Any person who supervises or controls Construction Activity in violation of 70-121 (I)(b)(6) of this Article commits a misdemeanor and, upon conviction, may be assessed a fine not to exceed \$2,000 for violations of public health. The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-18 of this code.

- III. **Civil penalties.** In addition to imposing the criminal penalty prescribed in Subsection I., the city may, in accordance with Chapter 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.”

Section 3. **SEVERABILITY CLAUSE**

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. **REPEALER CLAUSE**

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. **SAVINGS CLAUSE**

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. **PROVIDING A PENALTY**

Any person, firm, or corporation violating the provisions of Section 70-121(l)(b)(6) 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; and each and every day said violation is continued shall constitute a separate offense.

Section 7. **PUBLICATION OF CAPTION**

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law.

Section 8. **EFFECTIVE DATE**

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 16TH DAY OF DECEMBER, 2025.**

CITY OF MCKINNEY, TEXAS

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BILL COX  
Mayor  
GERÉ FELTUS  
Mayor Pro Tem

CORRECTLY ENROLLED:

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EMPRESS DRANE, TRMC  
City Secretary  
TENITRUS PARCHMAN, TRMC  
Deputy City Secretary

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

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney  
ALAN LATHROM  
Assistant City Attorney