

ORDINANCE NO. 2024-11-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING REVISION 6 OF THE CITY OF MCKINNEY ENGINEERING DESIGN MANUAL THAT UPDATES AND AMENDS THE STANDARD ENGINEERING PRACTICES AND MINIMUM ENGINEERING CRITERIA FOR PROJECTS WITHIN THE CITY OF MCKINNEY, TEXAS, AND ITS EXTRATERRITORIAL JURISDICTION INCLUDING, BUT NOT LIMITED TO, THE ADOPTION OF REASONABLE SPECIFICATIONS RELATING TO THE CONSTRUCTION OF EACH STREET OR ROAD BASED ON THE AMOUNT AND KIND OF TRAVEL THEREON AND ADEQUATE DRAINAGE FOR EACH STREET OR ROAD IN A SUBDIVISION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICES; 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 (“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 Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City adopted the Code of Ordinances, City of McKinney, Texas (“McKinney Code”), for the protection of the public health and general welfare of the people of the City; and

WHEREAS, the City previously updated and incorporated its design criteria and policies set out in the then existing City of McKinney Street, Stormwater, and Water and Wastewater Design Manuals into one volume designated and identified as the City of McKinney Engineering Design Manual that took effect on April 4, 2018 (the “Engineering Design Manual”); and

WHEREAS, the Engineering Design Manual has since been revised five (5) times, with one (1) interim revision, at the direction of the City’s Director of Engineering with the most recent revision (Revision 5) being adopted on or about November 15, 2022, and which Engineering Design Manual, Revision 5, updated, amended, and replaced the preceding revisions of the Engineering Design Manual; and

WHEREAS, during the 88th Legislative Regular Session the Texas Legislature adopted House Bill 3699, now codified at Section 212.0021 of the Texas Local Government Code, requiring that reasonable specifications for public streets or roads and reasonable specifications for drainage for such streets and roads should be adopted by ordinance after notice is published in a newspaper of general circulation; and

WHEREAS, the City desires to adopt Revision 6 of the Engineering Design Manual to update, amend, and replace Revision 5 of the Engineering Design Manual for the purpose of protecting 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, including reasonable specifications for public streets or roads and reasonable specifications for drainage for such streets and roads; and

WHEREAS, public notice has been provided as required by law, and all legal requirements, conditions, and prerequisites related thereto have been complied with prior to the adoption of Revision 6 of the Engineering

Design Manual coming before the City Council of the City of McKinney;
and

WHEREAS, the City Council of the City of McKinney, after public notice as required by law, has determined that the specifications relating to the construction of each type of street or road set out in Revision 6 of the Engineering Design Manual is reasonable based on the amount and kind of travel thereon, drainage for each street or road type in a subdivision as required by Revision 6 of the Engineering Design Manual is adequate and accords with standard engineering practices, and the adoption of Revision 6 of the Engineering Design Manual is in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of McKinney, Texas, 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 Revision 6 of the City of McKinney Engineering Design Manual, attached hereto as Exhibit A, and incorporated herein by reference for all purposes allowed by law, is hereby adopted as the Engineering Design Manual for the City of McKinney, Texas, that shall be applied to all projects within the City and the City's Extraterritorial Jurisdiction including, but not limited to, the specifications relating to the construction of each street or road based on the amount and kind of travel thereon and adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.
- Section 3. From and after the effective date of this Ordinance, earlier revisions of the Engineering Design Manual adopted and applied to projects prior to the adoption of Revision 6 of the Engineering Design Manual by this Ordinance may only be referred to and/or used for those qualifying projects within the City and the City's Extraterritorial Jurisdiction where required by Texas law.
- Section 4. 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. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 19th DAY OF NOVEMBER, 2024.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A

Revision 6 of the City of McKinney Engineering Manual

(See attached 272-page document.)

