

**ORDINANCE NO. 2023-05-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 87 OF THE CITY'S CODE OF ORDINANCES, "SPECIAL EVENTS," BY EXEMPTING FROM THE CITY'S SPECIAL EVENTS PERMIT REQUIREMENTS THOSE EVENTS APPROVED BY THE CITY'S LIBRARY DEPARTMENT DIRECTOR AND WHOLLY LOCATED WITHIN A CITY-CONTROLLED LIBRARY PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of McKinney, Texas ("City Council") previously adopted certain regulations governing special events located within the City of McKinney ("Special Events Ordinance"), as codified in Chapter 87 of the Code of Ordinances of the City of McKinney, Texas; and

**WHEREAS**, the Special Events Ordinance currently exempts several types of events from the regulations of said ordinance, including those events approved by the Director of the McKinney Performing Arts Center ("MPAC") wholly located within MPAC and those events approved by the City's Director of Parks and Recreations located wholly on City-controlled parkland; and

**WHEREAS**, the City's library department regularly hosts events of the size and scope that fall under the regulations contained in the Special Events Ordinance; and

**WHEREAS**, the City Council seeks to further amend the City's Special Events Ordinance to exempt those events that are approved by the City's Library Department Director and wholly located within City-controlled library property; and

**WHEREAS**, the City Council believes it is in the best interest of the residents of the City of McKinney to revise the Special Events Ordinance as provided for herein.

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

**Section 1. FINDINGS**

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 copied in their entirety.

**Section 2.** From and after the effective date of this Ordinance, Chapter 87, "Special Events," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending, Section 87-5, "Exemptions," to read as follows:

**"Sec. 87-5. - Exemptions.**

The following are exempt from the operation, rules, and regulations of this chapter:

- (1) A private party held on private property and to which the public is not invited, provided such party does not impact public rights-of-way or involve activities or facilities not permitted by applicable zoning regulations;
- (2) An event wholly contained on property specifically designed or suited for the event and that holds a certificate of occupancy for such use including adequate parking (e.g., a hotel ballroom);
- (3) Funeral processions;

- (4) Activities approved by the director of the city's parks and recreation department, or his/her designee, that are held under the control of the city's parks and recreation department conducted on city-owned property that do not affect public rights-of-way;
- (5) Unorganized gatherings;
- (6) A demonstration, parade or assembly related to the expression of feelings and beliefs on current political, religious, or social issues at a fixed location other than a public right-of-way (sidewalk or street); and/or
- (7) An event approved by the administrator of the McKinney Performing Arts Center ("MPAC") and wholly located within MPAC.
- (8) An event or programming activity approved by the director of the city's parks and recreation department, or his/her designee, and wholly located within a city-controlled parkland and/or a recreation center.
- (9) An event or programming activity approved by the director of the city's library department, or his/her designee, and wholly located within a city-controlled library property."

### **Section 3. REPEALER CLAUSE**

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, conflict with this Ordinance.

### **Section 4. 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 5. SEVERABILITY CLAUSE**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

### **Section 6. PUBLICATION OF CAPTION**

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 7. EFFECTIVE DATE**

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 16<sup>TH</sup> DAY OF MAY, 2023.

CITY OF McKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary

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

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney