

**ORDINANCE NO. 2022-06-062**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DELETING CHAPTER 122-181 (SIDEWALK USE AND FENCE PERMITS) AND AMENDING CHAPTER 90, ARTICLE VI (PARKLETS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS TO MODIFY AND RELOCATE THE SIDEWALK USE AND FENCE PERMIT PROVISIONS OF SECTION 122-181 TO ANOTHER CHAPTER, CHAPTER 90, ARTICLE VI, THROUGH THE AMENDMENT OF CHAPTER 90 "STREETS AND SIDEWALKS" AS SET FORTH HEREIN BELOW; AND AMENDING SECTION 90-360 (PARKLETS PERMITTED IN CERTAIN USE AREAS) TO ESTABLISH A PERMIT DURATION AND RENEWAL TERM; BY AMENDING SECTION 14-20(2) SIDEWALK USE PERMIT; AND BY AMENDING APPENDIX A "SCHEDULE OF FEES," TO MODIFY THE ADMINISTRATIVE FEES ASSOCIATED WITH THE SIDEWALK LEASE AGREEMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE 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 XI, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code and its Home Rule Charter; and

**WHEREAS,** the City of McKinney adopted a 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 of the City of McKinney recognizes that the downtown area has been revitalized due to the McKinney Performing Arts Center and the reconfiguration of the downtown square; and

**WHEREAS,** the City Council of the City of McKinney permits food service establishments holding a valid food service establishment permit, and/or valid T.A.B.C. permit, to also receive a sidewalk use permit in order to allow outside seating in front of their establishments; and

**WHEREAS,** the City Council of the City of McKinney now desires to allow retail establishments holding a establishment permit, which do not hold a valid T.A.B.C. permit nor a food service permit, to also receive a sidewalk use permit in order to allow outside seating but not retail sales in front of their establishments; and desires for parklet use area to have a limited term.

**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 and factual findings of the City of McKinney and are hereby approved and incorporated into the body of this Ordinance as if restated in their entirety.

**Section 2. THE MCKINNEY CODE OF ORDINANCES, CHAPTER 122, SECTION 181 "SIDEWALK USE AND FENCE PERMITS" IS HEREBY DELETED IN ITS ENTIRETY.**

**Section 3. THE MCKINNEY CODE OF ORDINANCES, CHAPTER 90 (STREETS AND SIDEWALKS), ARTICLE VI, PARKLETS SHALL BE AMENDED**

**AND SHALL READ AS INDICATED IN EXHIBIT “A, ATTACHED HERETO.**

Section 4. From and after the effective date of this ordinance, Section 14-20(2) “Sidewalk Cafes and Parklets of the Code of Ordinances of the City of McKinney, Texas is hereby amended to read as follows: *A Sidewalk Café or Parklet permit has been issued in accordance with section Chapter 90, Article VI of the Code of Ordinances of the City of McKinney, Texas;*”

Section 5. **FEES**  
From and after the effective date of this Ordinance, Appendix A – Schedule of Fees, Section 90-360, “Parklets Permitted in certain areas,” of the Code of Ordinances of the City of McKinney, Texas is hereby amended to retitle that section and to add a provision regarding the fee for a Sidewalk License Agreement such that said provision shall hereafter read as follows:  
“Sec. 90-360 Parklets and Sidewalk Use Areas.  
Parklet Application.....\$250.00  
Parklet Space Rental.....\$250.00 per year per two spaces  
Sidewalk Cafe Application fee .....\$100.00  
Sidewalk Patio Application Fee.....\$100.00  
Right of Way Use fee.....\$1.00 per square foot of licensed area not to exceed \$600 for each 2-year term.

Section 6. **VIOLATIONS**  
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 7. **REPEALER CLAUSE**  
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 8. **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 9. **SEVERABILTY CLAUSE**  
If any section, subsection, paragraph, sentence, phrase, or clause of this Ordinance, shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of the Ordinance are declared to be separable.

Section 10. **PUBLICATION OF CAPTION**  
The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney.

Section 11. **EFFECTIVE DATE**  
This ordinance shall become effective on August 1, 2022.

DULY PASSED APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21<sup>st</sup> DAY OF JUNE, 2022.

CITY OF MCKINNEY, TEXAS

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

CORRECTLY ENROLLED:

\_\_\_\_\_  
EMPRESS DRANE, City Secretary  
JOSHUA STEVENSON, Deputy City Secretary

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

APPROVED AS TO FORM:

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

## **ARTICLE VI. PARKLETS AND SIDEWALK USE AREAS**

### **Section 90-360. Title.**

This article shall be known and cited as the "Parklets and Sidewalk Use Areas Ordinance for the City of McKinney, Texas."

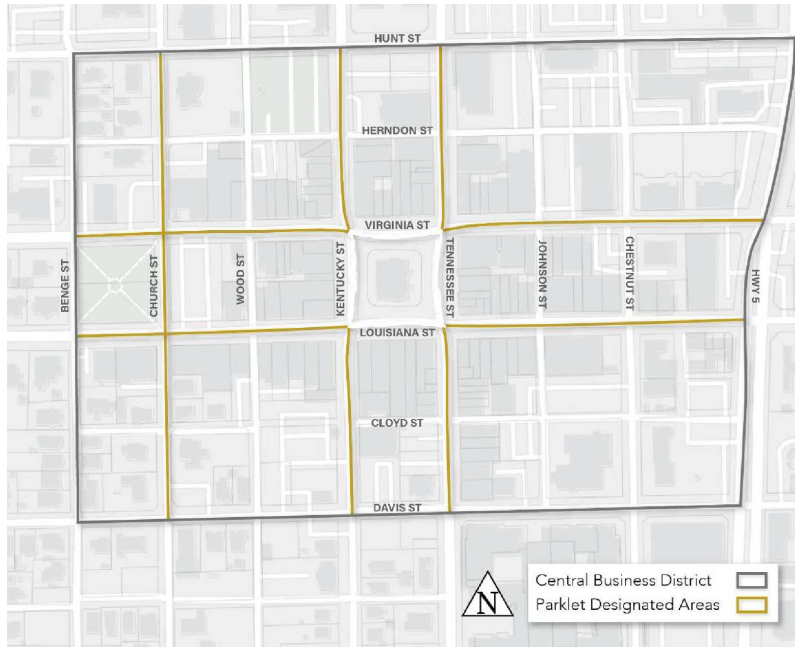
### **Section 90-361. Purpose and Scope**

- (a) The Purpose of this section is to allow businesses within certain areas of downtown McKinney to utilize public sidewalks and spaces for additional retail and restaurant space.
- (b) Sidewalk Use Areas including sidewalk cafés and sidewalk patios, shall be permitted only in the zone identified in figure 1 below.



**Figure 1- Sidewalk Use Zone**

- (c) Parklets shall be permitted only in the area identified in figure 2 below. Parking spaces located on those block-faces directly across from the Historic Collin County Courthouse are not eligible for conversion into parklets.



**Figure 2 – Central Business District and Parklet Designated Area**

### **Section 90-362. Authority**

- (a) The Director of Planning, or their designee, is authorized to administer and enforce the provisions of this article.
- (b) The Director of Planning, at their sole discretion, may forward a Sidewalk Use Area or Parklet permit application to the City Council for review and approval.
- (c) The Director of Planning, or their designee, is authorized to enter a construction site for which a permit is granted under this Article or, where necessary, upon private property adjacent to the construction site for purposes of inspection to determine compliance with the permit and this article.

### **Section 90-363. Outdoor Merchandise Displays**

- (a) Businesses located within the sidewalk use zone shown in Section 90-361, figure 1 shall be allowed to utilize the public sidewalk for the limited outdoor display of freestanding goods and materials immediately adjacent to the business' associated storefront or building façade without the need for a sidewalk patio, sidewalk café or parklet permit or license agreement. Such display shall not be affixed to any portion of the public sidewalk and shall not conflict with any other requirements of this article or any other requirements of the McKinney Code of Ordinances and shall at all times comply with the accessibility requirements contained in applicable state and federal law.

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- (b) Should the Director of Planning, or their designee, determine in their sole opinion that any outdoor display described in subsection (a) herein to be in violation of any local, state, or federal regulation, or to be a detriment to the City's health, safety, and/or wellbeing, said outdoor display shall be removed within twenty-four (24) hours and may return only upon the written approval by the Director of Planning.

### **Section 90-364. Definitions**

- (a) Parklet: An extension of the sidewalk over on-street public parking space(s) that serves as additional restaurant seating and dining space.
- (b) Sidewalk Use Area, Sidewalk Cafe: An outdoor dining area that:
- (1) is located on the public sidewalk;
  - (2) is associated with and directly adjacent to a food establishment as defined in Section 46-2 of the Code of Ordinances, City of McKinney;
  - (3) is open to the air, except for a canopy, and not enclosed by fixed walls; and
  - (4) contains seating, tables, chairs, plants and other appurtenances not exclusively prohibited herein.
- (c) Sidewalk Use Area, Sidewalk Patio: An outdoor seating area that:
- (1) is located on the public sidewalk;
  - (2) is associated with and directly adjacent to a retail business or other establishment that is not a food establishment as such term is defined in Section 46-2 of the Code of Ordinances, City of McKinney; and
  - (3) contains seating, tables, chairs, plants and other appurtenances not exclusively prohibited herein.

### **Section 90-365-369, reserved**

### **Section 90-370. Parklets**

#### **I. Permitting and Licensing**

- (a) Except as otherwise prohibited herein, businesses operating in the parklet designated area shown in Section 90-361, figure 2, herein, may apply for a permit to close off and convert on-street parking spaces directly adjacent to the business into a parklet to allow for additional space for customers.
- (b) Issuance of a parklet permit along with all necessary construction and building permits shall be required prior to installation of a parklet.

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- (c) Contemporaneously with the issuance of a parklet permit, the permit holder shall execute a license agreement with the City of McKinney stating, among other things, that the permit holder will (i) be responsible for the maintenance of the permitted area, (ii) defend, indemnify, and hold the City harmless against all damages, costs, and expenses resulting from any activity carried on under the terms of the permit, (iii) maintain general liability insurance coverage continuously during the term of the license agreement; and (iv) comply with all local, state and federal laws, including compliance with the Americans with Disabilities Act.

## **II. Application Requirements and Terms**

- (a) Application Requirements. A parklet permit application shall include the following:
  - 1. Scaled plans and color elevations of the proposed parklet;
  - 2. Valid copy of T.A.B.C. and City of McKinney alcohol and/or food services licenses and permits;
  - 3. Approved Certificate of Appropriateness or letter of suitability from the Historic Preservation Officer;
  - 4. Letter from immediately adjacent property or business owners indicating no opposition to the proposed parklet; and
  - 5. Proof of ownership or lease that covers the term of the permit.
- (b) Application and Renewal Fees. The fee for a parklet permit and renewal permit required by this Section shall be as determined from time to time by the City Council and shall be paid prior to issuance of a permit.
- (c) Term and Expiration Date. A Parklet permit shall be valid for two years and shall expire on the date indicated in the executed license agreement. Upon expiration of the parklet permit and license agreement, all tables, chairs and other appurtenances associated with the parklet shall be removed from the parklet area unless a renewal permit is issued pursuant to the provisions of this Code.
- (d) Renewals. A parklet permit may be renewed with the submittal of a renewal application at least 60 days prior to the expiration of the permit.
  - 1. Renewal applications shall include:
    - i. Valid T.A.B.C. and City of McKinney alcohol and/or food services licenses and permits;

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- ii. Certificate of insurance compliant with the City's current insurance requirements; and
  - iii. an executed license agreement for the new term.

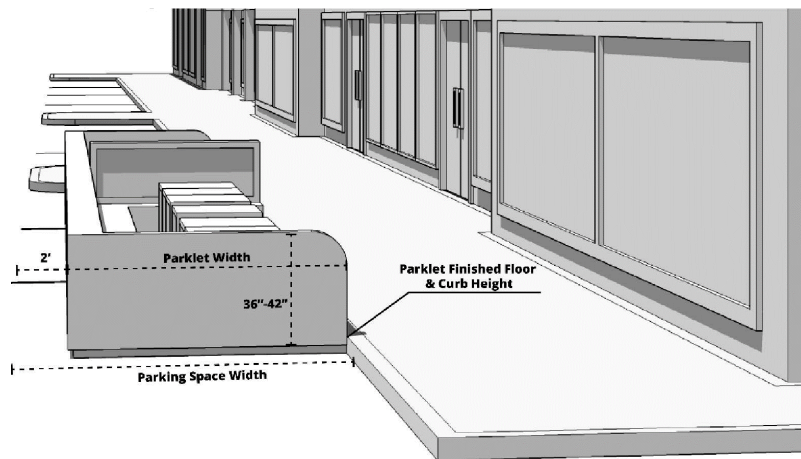
### **III. Transferability, Revocation and Suspension**

- (a) A parklet permit shall not be transferable from one owner or owners to another.
- (b) The city reserves the right to revoke any permit issued under this section should the applicant violate the minimum requirements contained herein, or any other provision of the city's Code of Ordinances or other relevant law, in addition to all other remedies permitted by law, including the issuance of a citation.
- (c) The city reserves the right to suspend any permit issued under this article should the business operating the parklet close or cease operations.

### **IV. Minimum Standards, Parklets**

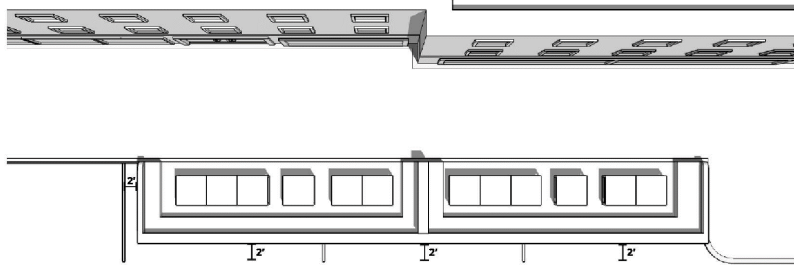
- (a) Parklets must conform to the following requirements:
  - 1. No more than two parking spaces per block-face may be converted into a parklet, except as provided for in subsection (a)(ii), herein;
  - 2. Each parklet shall be no larger than two parking spaces and no smaller than one parking space, unless multiple adjacent businesses apply for a joint parklet, in which case a larger space may be approved by the planning department;
  - 3. Each parklet must be located directly in front of the applicant's business, preferably at the end of any parking lane, such as a corner or bump out;
  - 4. Parklets shall be constructed such that the floor of the parklet is level with the curb and sidewalk;
    - i. Where such parklets are elevated above the parking surface, a commercial alteration permit must be obtained prior to installation.
    - ii. Parklets elevated above the ground must have a fixed guardrail compliant with relevant building codes and accessibility standards and at least 36 inches in height. See figure 3.





**Figure 3 - Parklet base elevations**

5. Parklets constructed at grade must be surrounded by a decorative barrier element on all sides of between 30 inches to 42 inches in height;
6. Parklets must keep two-feet clear on all sides of the parklet not adjacent to the sidewalk. See figure 4;



**Figure 4 - Parklet plan setbacks**

7. Parklets must include an approved traffic barrier on all sides that face a public roadway or adjacent parking space or loading zone;
8. Parklets must be situated such that a minimum four-foot wide free and clear pedestrian path is maintained on the adjacent sidewalk.
9. Parklets constructed with a finished floor above the finished grade of the parking surface shall have a minimum design load of 100 pounds per sf.
10. Parklets may not be located in a parking space directly adjacent to a storm drain;
11. Parklets may not be located in front of a fire hydrant;
12. Parklets must have a portable fire extinguisher present during business operating hours;

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13. Parklets may not be located in a handicap accessible parking space or a designated loading zone space;
  14. Applicant must provide the insurance coverage required by city with the city named as an additional insured and a waiver of subrogation in favor of the city; and
  15. Alcohol service in any parklet must conform with those requirements established by the Texas Alcoholic Beverage Commission (TABC) and provide proof of TABC permitting, city permitting, and liquor liability insurance in favor of the city.
- (b) At the business owner's discretion, parklets may also include site furniture, planters, heaters that comply with current city Fire Code requirements (during business operating hours only), overhead lighting (subject to additional review and/or permitting), signage, umbrellas, and lighting, if appropriately placed.
  - (c) The following are prohibited at parklets:
    - (1) Tents, canopies, or screen enclosures above 42 inches as measured from the walking surface of the parklet; and
    - (2) Portable generators;
    - (3) Heaters and site furniture may not encroach into the sidewalk or adjacent parking spaces.
  - (d) It shall be the responsibility of the business owner to ensure that the parklet conforms to all local, state, and federal accessibility requirements, including those contained in the Americans with Disabilities Act (ADA) and shall be at all times solely liable for any such violations.

#### **Section 90-374-379, reserved**

#### **Section 90-380. Sidewalk Use Area, Sidewalk Café**

##### **I. Permitting and Licensing Requirements**

- (a) Except as otherwise prohibited herein, restaurants and food establishments operating in the Sidewalk Use Zone shown in Section 90-361, figure 1, as amended, may apply for a permit to utilize a limited portion of the public sidewalk as a sidewalk café.
- (b) Issuance of a sidewalk café permit along with all necessary construction and building permits shall be required prior to installation of a sidewalk café.
- (c) Contemporaneously with the issuance of a sidewalk café permit, the permit holder shall execute a license agreement with the City of McKinney stating, among other things, that the permit holder will (i) be responsible for the maintenance of the permitted area, (ii) defend, indemnify, and hold the City harmless against all damages, costs, and expenses resulting from any activity

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carried on under the terms of the permit, (iii) maintain general liability insurance coverage continuously during the term of the license agreement; and (iv) comply with all local, state and federal laws, including compliance with the Americans with Disabilities Act.

(d) Issuance of a fence permit if installing a fence.

## **II. Application Requirements and Terms**

(a) Application Requirements. A sidewalk café permit application shall include the following:

1. Plan or drawing showing:

- i. location of the proposed sidewalk café;
- ii. type and location of physical barriers proposed to delineate and visually separate the sidewalk use area and method by which they will be secured to the sidewalk;
- iii. layout and number of tables, chairs, and other furnishings;
- iv. distance between the sidewalk use area barrier(s) to the curb or permanent obstruction(s); and
- v. scaled elevations of proposed barriers.

2. Approved Certificate of Appropriateness or letter of suitability from the Historic Preservation Officer;

3. Valid food service establishment permit pursuant to Section 46-2(c) of the Code of Ordinances of the City of McKinney, Texas for which the primary function of the business is the sale and consumption of food;

4. Valid Texas Alcoholic Beverage Code and City of McKinney Alcoholic Beverage Service permits, if applicable; and

(b) Application and Renewal Fees. The fee for a sidewalk café permit and renewal permit required by this Section shall be as determined from time to time by the City Council and shall be paid prior to issuance of a permit.

(c) Term and Expiration Date. A sidewalk café permit shall be valid for two years and shall expire on the date indicated in the executed license agreement. Upon expiration of the permit and license agreement, all tables, chairs and other appurtenances associated with the sidewalk café shall be removed from

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the sidewalk use area unless a renewal permit is issued pursuant to the provisions of this Code.

- (d) Renewals. A sidewalk café permit may be renewed annually with the submittal of a renewal application by the owner and/or lessor at least 60 days prior to the expiration of the permit.

1. The renewal application must include:

- i. Valid T.A.B.C. and City of McKinney alcohol and/or food services permits;
- ii. Certificate of insurance compliant with the City's current insurance requirements; and
- iii. an executed license agreement for the new term.

### **III. Transferability, Revocation and Suspension**

- (a) A sidewalk café permit issued by the city shall not be transferable from one owner or owners to another.
- (b) The city reserves the right to revoke any permit issued under this section should the applicant violate the minimum requirements contained herein, or any other provision of the city's Code of Ordinances or other relevant law, in addition to all other remedies permitted by law, including the issuance of a citation.
- (c) Suspension. The city reserves the right to suspend any permit issued under this article should the business operating the sidewalk café close or cease operations.

### **IV. Minimum Design Standards, Sidewalk Cafés**

- (a) A physical barrier to delineate the space to be used by the permit holder shall be installed subject to the following requirements:
- (1) Barriers in the form of a fence, balustrade or other similar fencing material shall be installed at a height of no less than 36 inches and no taller than 42 inches.
  - (2) Barriers in the form of planters and benches shall reach a minimum of 20 inches in height but shall not exceed a total height of 60 inches inclusive of any plants and/or decorative materials.
  - (3) Living plant screens shall not be an acceptable barrier material.
  - (4) Plants and planters must be situated to retain adequate visibility into the licensed sidewalk use area and the adjacent businesses.

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- (b) The sidewalk cafe area shall be monitored by an employee at all times to ensure that no alcoholic beverages are removed from the sidewalk use permit area.
  - (c) Signage must be posted in the area indicating:
    - (1) The Permit Type and restrictions of the Sidewalk Use Area. Signage must indicate that alcoholic beverages may not be removed from the sidewalk café area.
    - (2) A sketch of the permitted area and exits.

## **Section 90-381. Sidewalk Use Area, Sidewalk Patios**

### **I. Permitting and Licensing Requirements**

- (a) Except as otherwise prohibited herein, retail establishments operating in the Sidewalk Use Zone shown in Section 90-361, figure 1, herein, as amended, may apply for a permit to utilize a limited portion of the public sidewalk as a sidewalk patio.
- (b) Issuance of a sidewalk patio permit along with all necessary construction and building permits shall be required prior to installation of a sidewalk patio.
- (c) Contemporaneously with the issuance of a sidewalk patio permit, the permit holder shall execute a license agreement with the City of McKinney stating, among other things, that the permit holder will (i) be responsible for the maintenance of the permitted area, (ii) defend, indemnify, and hold the City harmless against all damages, costs, and expenses resulting from any activity carried on under the terms of the permit, (iii) maintain general liability insurance coverage continuously during the term of the license agreement; and (iv) comply with all local, state and federal laws, including compliance with the Americans with Disabilities Act.
- (d) No food or beverage sales may occur within a sidewalk patio without a Special Events Permit.
- (e) Notwithstanding Section 90-363, the display or sale of retail goods shall not be permitted within sidewalk patios

### **II. Application Requirements and Terms**

- (a) Application Requirements. A sidewalk patio permit application shall include the following:

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1. Plan or drawing showing:
    - i. location of the proposed sidewalk patio;
    - ii. type and location of physical barriers proposed to delineate and visually separate the sidewalk use area and method by which they will be secured to the sidewalk;
    - iii. layout and number of tables, chairs, and other furnishings;
    - iv. distance(s) from the sidewalk use area barrier(s) to the curb or permanent obstruction; and
    - v. scaled elevations of all proposed barriers.
  2. Approved Certificate of Appropriateness or letter of suitability from the Historic Preservation Officer;
  3. Certificate of Occupancy for the associated business.
- (e) Application and Renewal Fees. The fee for a sidewalk patio permit and renewal permit required by this Section shall be as determined from time to time by the City Council and shall be paid prior to issuance of a permit.
- (f) Term and Expiration Date. A sidewalk patio permit shall be valid for two years and shall expire on the date indicated in the executed license agreement. Upon expiration of the permit and license agreement, all tables, chairs and other appurtenances associated with the sidewalk patio shall be removed from the sidewalk use area unless a renewal permit is issued pursuant to the provisions of this Code.
- (g) Renewals. A sidewalk patio permit may be renewed annually with the submittal of a renewal application by the owner and/or lessor at least 60 days prior to the expiration of the permit.
1. The renewal application must include:
    - i. Valid Certificate of Occupancy;
    - ii. Certificate of insurance compliant with the City's current insurance requirements; and
    - iii. an executed license agreement for the new term.

### **III. Transferability, Revocation and Suspension**

- (a) A sidewalk patio permit issued by the city shall not be transferable from one owner or owners to another.
- (b) The city reserves the right to revoke any permit issued under this section should the applicant violate the minimum requirements contained herein, or

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any other provision of the city's Code of Ordinances or other relevant law, in addition to all other remedies permitted by law, including the issuance of a citation.

- (c) The city reserves the right to suspend any permit issued under this article should the business operating the sidewalk patio close or cease operations.

#### **IV. Minimum Standards, Sidewalk Patios**

- (a) A physical barrier to delineate the space to be used by the permit holder shall be installed subject to the following requirements:
- (1) Barriers in the form of a fence, balustrade or other similar fencing material shall be installed at a height of no less than 36 inches and no taller than 42 inches.
  - (2) Barriers in the form of planters and benches shall reach a minimum of 20 inches in height but shall not exceed a total height of 60 inches inclusive of any plants and/or decorative materials.
  - (3) Living plant screens shall not be an acceptable barrier material.
  - (4) Plants and planters must be situated to retain adequate visibility into the licensed sidewalk use area and the adjacent businesses.
- (b) Signage must be posted in the area indicating:
- (1) The Permit Type and restrictions of the Sidewalk Use Area.
  - (2) A sketch of the permitted area and exits.

#### **Section 90-382. Clearances and Accessibility, All Sidewalk Use Areas**

- (a) Unless otherwise approved by the Director of Planning, all Sidewalk Use Areas shall maintain a minimum free and clear pedestrian path between the proposed sidewalk use area and the back of curb, pursuant to the distances identified in Table 1 below.

*Table 1 – Clear Pedestrian Path Requirements for Sidewalk Use Areas*

Sidewalk Width	Minimum Clear Pedestrian Path Required
< 8'	sidewalk use area not permitted
8' to 14'	5 feet

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15' to 19'	8 feet
20 to 24'	10 feet
25' and greater	13 feet
Corner Clips	as determined by the Director of Planning

*NOTE: Distances shall be measured from the closest point of the proposed barrier(s) to the back of curb or permanent obstruction. Measurements shall be rounded to the nearest whole number.*

- (b) In instances where the sidewalk includes a permanent obstruction such as a ramp, stairs, or city-owned planter, a clear pedestrian path between the sidewalk use area and the permanent obstruction must be maintained pursuant to the distance requirements in table 1. Public egress and access to the building's entrances must also be maintained.
- (c) Seating, tables, chairs, plants and other appurtenances may not encroach onto any adjacent property, or the minimum clear path. (d) It shall be the responsibility of the business owner to ensure that the sidewalk use area conforms to all local, state, and federal accessibility requirements, including those contained in the Americans with Disabilities Act (ADA) and shall be at all times solely liable for any such violations.

#### **Section 90-383. Prohibited Items, All Sidewalk Use Areas**

(a) The following is prohibited within all Sidewalk Use Areas:

- (1) Tents, or screen enclosures above 48 inches as measured from the walking surface of the sidewalk
- (2) Portable generators
- (3) Signage other than that required by this section.
- (4) Outdoor music without a special events permit.
- (5) Extension cords from inside the premises to the permitted area
- (6) Trash cans

#### **Section 90-383, Violations**



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- (a) Any person, firm, or corporation who violates any provision of this arti or fails to comply with any of the requirements thereof, or who shall build or alter any building, land, or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine in accordance with Section 1-18 of the McKinney Code, which may be amended from time to time by ordinance.

**Section 90-384-390, reserved**