

## **ORDINANCE NO. 184**

AN ORDINANCE REQUIRING NOTICE IN WRITING TO THE CITY SECRETARY OF ANY CLAIM TO BE FILED AGAINST THE CITY OF WILLOW PARK; REQUIRING THAT NOTICE BE VERIFIED IN WRITING FILED WITHIN THIRTY (30) DAYS WITH THE CITY SECRETARY AFTER OCCURRENCE OF THE ALLEGED ACT OR OMISSION BY THE CITY; SETTING FORTH THE CONTENTS OF SUCH NOTICE; ABATING ANY ACTION AT LAW OR IN EQUITY AGAINST THE CITY UNLESS NOTICE REQUIREMENTS HEREIN CONTAINED ARE MET; PROVIDING FOR A RESPONSE BY THE CITY WITHIN SIXTY (60) DAYS AFTER RECEIPT OF NOTICE; AND PROVIDING FOR THE EXTENSION OF THE STATUTE OF LIMITATIONS TO A PERIOD OF TWO (2) YEARS AFTER THE EXPIRATION OF THE SIXTY (60) DAYS; CONTAINING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WILLOW PARK, TEXAS:

### I.

The City of Willow Park, Texas, shall not be liable for any damage claim or suit for personal injury or damage to property unless and until the aggrieved party shall make notice to the City Secretary, in writing, verified, setting forth the nature of the claim, how the injury or damage was sustained, setting forth the names and addresses of all witnesses and other pertinent facts as may be required on the form provided for that purpose by the City Secretary.

### II.

An aggrieved party desiring to make claim against the City shall give such notice in writing as above set forth within thirty (30) days from the date of the alleged injury or damage.

### III.

The City of Willow Park, Texas, shall thereafter, and upon receipt of the notice in writing of the claim, have a period of sixty (60) days from that date in which to respond to the assertion of such claim and either admit or deny liability. No action at law or in equity shall be initiated or pursued against the City of Willow Park until notice has been made as set forth herein describing and outlining the nature of the claim and further, until the City of Willow Park has either made its response to such claim, or, alternatively, sixty (60) days from the date of such notice of claim has expired without a response from the City of Willow Park, Texas. From that point in time forward, the claimant shall have a

total of two (2) years in which to initiate through formal court action his or her claim against the City of Willow Park.

IV.

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

V.

Any person, firm or corporation that violates, disobeys, neglects or refuses to comply with, or that resists the enforcement of, any of the provisions of this ordinance shall be fined not less than TEN DOLLARS (\$10.00), nor more than TWO HUNDRED DOLLARS (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

The City of Willow Park may also bring suit for injunction against any person, firm, or corporation that shall violate or threaten to violate any of the provisions of this ordinance in order to prevent a continued violation of such threatened violation.

VI.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED, this 8<sup>TH</sup> day of August, 1983.

APPROVED:

By: Leslie A. Cooley

Mayor

Leslie A. Cooley

ATTEST:

By: Lynn E. Turley

City Secretary

Lynn E. Turley