

ORDINANCE NO. 330-92

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS OF THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO THE IMPOSITION OF PASS-THROUGH AND INTEREST CHARGES IN CERTAIN SITUATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

I.

Chapter 1, General Provisions, of the Code of Ordinances, City of Willow Park, Texas, is hereby amended by adding a new Section 18 which is to read as follows:

SECTION 18: PASS-THROUGH AND INTEREST CHARGES

A. PASS-THROUGH CHARGES

1. Extraordinary Expense. In certain circumstances, requests are made of the City in which it is necessary for the City to incur extraordinary, unusual or non-recurring expenses which are attributable only to the requests or activities of certain citizens or entities in the City of Willow Park. This hereby declares the policy of this City Council that such expenses should be recouped from those causing the City to incur same.
2. Notification. In any circumstance in which it appears to the City Administrator that costs, as defined above, will be incurred by the City, notice will be given to the party causing same to be incurred and to the Mayor and City Council. This notice will be in writing and delivered by any reasonable means and will inform the party who is to be charged with such costs that such will be incurred and will provide as much information as practical identifying the nature of such costs and the proposed amounts to be passed through to such party. If such costs are incurred as a result of any type of application process, they will be paid as promptly as possible by the party being charged and in no event shall be paid later than the time for granting of the application or thirty days from the date of billing.
3. Exemption. Any party incurring such costs and having been notified by the City Administrator, may request an exemption from such charges from the City Council of the City of Willow Park if they may show that such costs do not meet the criteria noted above.
4. Enforcement. Failure to pay such costs as required above will constitute grounds,

to the extent permissible by law, for denial of such application and will constitute a violation of the provisions of the City Code. The City of Willow Park will also be authorized to seek all other means for the collection of such charges.

B. INTEREST CHARGES

1. Except as provided elsewhere in this Code of ordinances, in any circumstances in which the City has imposed a fee or requires a charge for certain City services or activities, any person or entity charged with such amounts shall pay same within a period of thirty days after notification of such charge. In the event that such charge is not paid within thirty days, the City Administrator is hereby authorized to impose a charge of 1% per month simple interest on any such unpaid balances. These charges will then relate back to the date of the original imposition of the charge and will be billed and collected in the manner of all other such charges due to the City of Willow Park.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

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.

IV.

Wherever in this ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

V.

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 the 15th day of December, 1992.

APPROVED:

Sharon Riley Suarez
SHARON SUAREZ, Mayor

ATTEST:

Kathy Mitchell
City Secretary

APPROVED

Walter W. Leonard
WALTER W. LEONARD, City Attorney