

CITY OF FORNEY, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, AS AMENDED, BY AMENDING APPENDIX "A," ENTITLED "MASTER FEE SCHEDULE," AS ADOPTED IN SECTION 1.07.031 MASTER FEE SCHEDULE OF THE CODE OF ORDINANCES, BY AMENDING PERTINENT SECTIONS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION.

WHEREAS, the City of Forney, Texas (the "City"), a home-rule municipality, is authorized by state law and the Charter to adopt and implement necessary and reasonable ordinances in the best interests of its citizenry; and

WHEREAS, the City Council of the City of Forney, Texas ("City Council"), has previously adopted by ordinance a Master Fee Schedule as Appendix "A" to the Code of Ordinances, City of Forney, Texas ("Code"), setting forth the cost of all services provided to citizens and businesses of the Town by the City and removing the listing of such fees from within the text of the Code; and

WHEREAS, the City Council finds and determines that the current fees are not reflective of the costs of the respective services; and

WHEREAS, the City Council desires to adopt fees necessary for the City to provide good and efficient government for the benefit of the citizens of the City;

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF APPENDIX "A," "MASTER FEE SCHEDULE," ADOPTED PURSUANT TO SECTION 1.07.031, "MASTER FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, BY AMENDING PERTINENT SECTIONS AS SET FORTH ON EXHIBIT A

From and after the effective date of this Ordinance, the Master Fee Schedule is hereby amended by revising the fee and amounts charged for various services as set forth in **Exhibit A** attached and incorporated herein by reference for all purposes.

Section 3. PENALTY CLAUSE

Any person, firm, or corporation failing to pay the solid waste disposal fee as required by the provisions and terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation, or day that such violation continues or exists, shall be deemed a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. SAVINGS CLAUSE

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinance governing water and wastewater fees as of the effective date of this Ordinance; and any accrued violations, or pending litigation, both civil and criminal, whether pending in court or not under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section. 7. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 21st day of February, 2023.

ATTEST:

Amanda Lewis, Mayor

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jennifer Barnes Smith, City Attorney