

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY ADDING A NEW SUBSECTION (f), "PRORATION OF ANNUAL FEES," TO SECTION XX, "HEALTH AND SANITATION FEES"; ADDING LATE PAYMENT CHARGES TO THE FOREGOING NEW SUBSECTION; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that it is advisable to prorate all annual health and sanitation fees in 2022 so that all annual permit renewals will be due and owing on February 1, 2023, and every February 1 thereafter; and

WHEREAS, the Town Council has reviewed the proposed provision and concludes that requiring all annual health and sanitation fees to be due and owing on or before January 31, 2023, be prorated to expire on January 31, 2023, and beginning February 1, 2023, and every February 1 thereafter, all such annual fees shall become due and owing, will assist enforcement by providing for a uniform date when all such fees must be paid; and

WHEREAS, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interests of the citizens of Prosper to amend Section XX, "Health and Sanitation Fees," of Appendix A, "Fee Schedule," by adding thereto a new Subsection (f) providing for same, including late payment charges for those who fail to timely renew an annual permit.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Section XX, "Health and Sanitation Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby amended by adding thereto a new Subsection (f), "Proration of Annual Fees," to read as follows:

"Sec. XX Health and sanitation fees.

* * *

(f) *Proration of annual fees.*

(1) The cost of any annual fee referenced in subsection (a), "Food establishment permit and inspection fees," due and owing on or before January 31, 2023, shall be prorated to expire on January 31, 2023. On February 1, 2023, and every February 1 thereafter, all such annual fees shall be due and owing.

(2) Beginning on February 1, 2023, any annual fee referenced in subsection (a), "Food establishment permit and inspection fees," whose payment is 1 to 5 business days late shall be subject to a late payment penalty equal to fifty percent (50%) of the annual fee amount. Any such annual fee whose payment is more than five (5) business days late shall be subject to a late payment penalty equal to one hundred percent (100%) of the annual fee amount."

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 26TH DAY OF APRIL, 2022.

APPROVED:

Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney