

CITY OF SANGER, TEXAS

ORDINANCE #04-06-24

AN ORDINANCE OF THE CITY OF SANGER TEXAS, TO IMPOSE AN ADDITIONAL PENALTY FOR COLLECTION COSTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

WHEREAS, the Texas Property Tax Code, §33.07 provides that a taxing unit may impose an additional penalty to defray the costs of collection of delinquent property taxes that remain delinquent after July 1; and

WHEREAS, the Texas Property Tax Code, §33.08, provides that a taxing unit may provide that taxes that become delinquent on or after June 1, under §§ 26.07, 26.15, 31.03, 31.031, 31.032, 31.04, incur an additional penalty to defray the costs of collection; and

WHEREAS, , the Texas Property Tax Code, §33.11, provides that a taxing unit may provide that taxes assessed against tangible Personal Property incur an additional penalty to defray the costs of collection if not paid within sixty days after the date that the taxes become delinquent; and

WHEREAS, §§ 33.07, 33.08 and 33.11, provide that the amount of such additional penalty may not exceed the amount of compensation specified in the applicable contract with an attorney under §6.30 to be paid in connection with the collection of delinquent taxes; and

WHEREAS, Chapter 372, Texas Local Government Code provides for the creation of Public Improvement Districts (PID) by municipalities, and for the assessment and collection of Assessments by the municipality creating the PID; and

WHEREAS, Chapter 372, Texas Local Government Code provides that any delinquent PID assessments may be collected at the same time and in the same manner as a delinquent property taxes due to the municipality; and

WHEREAS, The City of Sanger may establish one or more PIDS in accordance with Chapter 372, Texas Local Government Code; and

WHEREAS, the City Council of the City of Sanger, Texas has determined that it is in the public interest to insure the prompt payment of delinquent taxes and any future delinquent PID assessments; and

WHEREAS, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

SECTION 1. There shall be imposed on delinquent property taxes and future delinquent PID assessments that become due or are delinquent on the dates described in §§ 33.07, 33.08 and 33.11, Texas Property Tax Code, in the amount of compensation specified in the most recent contract entered into under §6.30, Texas Property Tax Code by the City of Sanger, with McCreary, Veselka, Bragg & Allen, P.C. for the collection of delinquent property taxes and delinquent PID assessments. Taxes that remain delinquent on July 1st, incur an additional penalty of twenty percent (20%) of the amount of taxes, penalty, and interest due; such an additional penalty is to defray costs of collection due to the contract with the City's attorney. The execution of such a contract subsequent to this resolution shall amend this resolution to specify a penalty on such delinquent taxes and any future delinquent PID assessments in the amount of compensation specified in that contract, effective of even date with that contract.

SECTION 2. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance or any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provides.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this 15th day of April, 2024.

APPROVED:

ATTEST:

Thomas E. Muir, Mayor

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney