

**CITY OF BEEVILLE
ORDINANCE NO. 2449**

AN ORDINANCE OF THE CITY OF BEEVILLE, TEXAS AMENDING ORDINANCE 2063 ALONG WITH THE CODE OF ORDINANCES CHAPTER 2 (ENTITLED "ADMINISTRATION"); ARTICLE VI (ENTITLED "FINANCE"); SECTION 2-260 (ENTITLED "CREDIT CARD PAYMENTS; SERVICE CHARGE FOR DISHONORED PAYMENTS"); TO AMEND THE FEE FOR THE USE OF A CREDIT CARD FOR PAYMENT OF A CITY FINE, FEE, PENALTY, UTILITY CHARGE, COURT COSTS, AND/OR OTHER CITY RELATED CHARGES; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City incurs costs in the form of credit card surcharges when processing a City fine, fee, penalty, utility charge, court costs, and/or other City related charges made by credit cards; and

WHEREAS, Texas Local Government Code Section 132.002(b) provides that the City Council may authorize a municipal official who collects fees, fines, court costs, or other charges to: (1) accept payment by credit card of a fee, fine, court cost, and/or other charges; and (2) collect a reimbursement fee for processing the payment by credit card; and

WHEREAS, Texas Local Government Code Section 132.003(b) provides that in establishing a reimbursement fee the City Council shall set the reimbursement fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card; not to exceed five percent of the fee, fine, court cost, or other charge; and

WHEREAS, if, for any reason, a payment to the City by credit card is not honored by the credit card issuer, Texas Local Government Code Section 132.004 provides that the City Council may impose a service charge, equal to the service charge fee charged for the collection of a check drawn on an account with insufficient funds; and

WHEREAS, City Council deems it appropriate to impose the reimbursement charge and service charges authorized by Texas Local Government Code Chapter 132, to recoup the City's costs for processing payments by credit cards.

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

Section 1: The City Council hereby amends section 2 of Ordinance No. 2063 to read as follows: "The City of Beeville is authorized to charge a processing fee of 3% to a City fine, fee, penalty, utility charge, court costs, and/or other City related charges that are being paid by credit cards accepted by the City of Beeville."

Section 2: The City Council hereby adds that if the City uses a Point of Sale (POS) software and/or hardware to process credit cards, the City may choose to pass on the processing fees to the customer not to exceed the 3%.

Section 3 : The City Council hereby amends section 3 of Ordinance No. 2063 to read as follows: " The City of Beeville is authorized to charge a service charge if for any reason a payment by credit card is not honored by the credit card company on which the funds were drawn. This service charge is in addition to the original fee, fine, utility charge, court cost, and/or other charges and is for the collection of that original amount. The amount of the service charge is the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds (NSF Fee). The service charge will currently follow the NSF fee and is subject to change if there are amendments to NSF fees."

Section 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 5: This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 6: All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 7: If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 8: It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9: The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein.

Section 10: This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law. The fee will be implemented and effective on September 24, 2024.

APPROVED ON FIRST READING the 10th day of September 2024 by a vote of 3 "for" and 0 "against", and 1 "absent".

DULY PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this the 24th day of September 2024 by a vote of 4 "for" and 0 "against", and 0 "absent".

ATTEST:




Gabriela Hernandez, City Secretary

CITY OF BEEVILLE


Michael Willow II, Mayor

APPROVED AS TO FORM:



Frank W. Warner, City Attorney

**PUBLISHED AS REQUIRED BY
CHARTER ON: OCTOBER 3, 2024**