

ORDINANCE NO. 4396

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING A NEW SECTION 1-19 THEREBY AUTHORIZING THE ACCEPTANCE OF CREDIT CARDS FOR PAYMENT OF FEES, FINES, COURT COSTS AND OTHER CHARGES; PROVIDING FOR A PROCESSING FEE FOR PAYMENT OF FEES, FINES, COURT COSTS AND OTHER CHARGES BY CREDIT CARD; PROVIDING FOR A SERVICE CHARGE IF A PAYMENT BY CREDIT CARD IS NOT HONORED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, Chapter 132 of the Texas Local Government Code authorizes the governing body of a municipality to authorize a municipal official who collects fees, fines, court costs and other charges to accept payment by credit card and further authorizes the collection of a processing fee for use of a credit card and the collection of a service charge if a credit card is not honored by the credit card company; and

WHEREAS, the City Council of the City of Mesquite, Texas, finds and determines that allowing the use of credit cards will increase administrative efficiency and the public convenience and should be authorized; and

WHEREAS, the City Council of the City of Mesquite, Texas, further finds and determines that a processing fee equal to 2.35 percent of the fees, fines, court costs and other charges paid by credit card is reasonably related to the expense incurred for accepting payments by credit card.

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

SECTION 1. That the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. That Chapter 1 of the Code of the City of Mesquite, Texas ("City"), as amended, is hereby amended by adding a new Section 1-19 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 1-19. Credit card use authorized.

- (a) Each municipal official employed by the City who, as part of that employment, collects fees, fines, court costs or other charges payable to the City, is hereby authorized to accept payment by credit card of any fee, fine, court cost or other charge payable to the City and is further authorized to collect a fee for processing the payment by credit card.

- (b) The processing fee for payment by credit card shall be in an amount equal to 2.35 percent of the amount of the fee, fine, court cost or other charge being paid.
- (c) If a payment by credit card is not honored for any reason by the credit card company on which the funds are drawn, a service charge from the person who owes the fee, fine, court cost or other charge will be imposed. The service charge is in addition to the original fee, fine, court cost or other charge and is for the collection of that original amount. The amount of the service charge shall be the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 5. That the fees and service charges adopted by this ordinance shall become effective from and after November 1, 2015.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of October, 2015.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.A. Smith
City Attorney