

## ORDINANCE NO. 2024-31

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 1-6 (ENTITLED "PENALTIES, CREDIT CARD PROCESSING FEES AND BAD CHECK FEES") BY INCREASING THE FEE FOR THE USE OF A CREDIT CARD FOR PAYMENT OF A FEE, FINE, PENALTY, UTILITY CHARGE, GOLF COURSE PURCHASE OR OTHER CHARGE; 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 utility, fee, fine, or penalty payments made by credit cards; and

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

**WHEREAS**, Texas Local Government Code Section 132.003 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, except at the golf course.

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

**Section One. Code Amendment.** The Code of Ordinances, Chapter 1 (entitled "General Provisions") Section 1-6 (entitled "Penalties, Credit Card Processing Fees and Bad Check Fees") Subsection (b) *Credit Card Payment and Fees* is hereby amending as follows:

(b) *Credit Card Payment and Fees.*

- (1) *Establishment of Credit Card Processing Fee.* Whenever in this code or in any ordinance of the City a utility charge, fee, fine, penalty or other charge is established, the City may accept credit card payments for any and all utility

charges, fees, fines, or penalties owed to the City. A processing fee of **three percent (3%)** is hereby established each time a credit card is used to pay a bill for water, wastewater, electric, garbage and other utility services provided by the City; for purchase of goods or services at the municipal golf course; and all other municipal fees except as otherwise provided for herein. A processing fee of **five percent (5%)** is hereby established each time a credit card is used to pay Hotel Occupancy Taxes; all municipal court fines, fees and court costs; building permits and all development services fees; and all other similarly related charges.

- (2) *Establishment of Service Charge.* A service charge, in an amount equivalent to that charged for the collection of a check drawn on an account with insufficient funds, is hereby established to be charged if, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn.

Note to Editor: Subsection (a) *General Penalty for Violations of Code* and Subsection (c) *Bad Check Fees* remain unchanged.

**Section Two. Findings.** 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 Three. Cumulative.** 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 Four. Repealer.** 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 Five. Severability.** 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 Six. TOMA Compliance.** 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 Seven. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section Eight. Effective Date.** This Ordinance shall be effective immediately upon adoption hereof.


**PASSED, APPROVED, AND ADOPTED** on the 27<sup>th</sup> day of August, 2024



**CITY OF BURNET**

  
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Gary Wideman, Mayor

**ATTEST:**

  
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Maria Gonzales, City Secretary