

ORDINANCE NO: 19-08-22-29

AN ORDINANCE OF THE CITY COUNCIL OF CORINTH, TEXAS, AMENDING THE CODE OF ORDINANCES TO REVISE THE CREDIT CARD PAYMENT PROCESSING FEE; AMENDING THE MASTER FEE SCHEDULE TO REFLECT THE SAME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 132.002 of the Texas Local Government Code provides that the governing body of a municipality may authorize a municipal official who collects fees, fines, court costs or other charges to accept payment for these by credit card; and

WHEREAS, Section 132.002 also provides that the official may also collect a fee for processing the payment by credit card; and

WHEREAS, the City Council desires to amend the code of ordinances and the fee schedule to establish a credit card payment processing fee for fees, fines, court costs or other charges paid by credit card; and

WHEREAS, the City Council desires to set the credit card payment fee at an amount that is reasonably related to the expenses that are incurred by the City when municipal officials process the payment by credit card.

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

SECTION 1

That the existing Chapter 38 of the Code of Ordinances of the City of Corinth, Texas, entitled "City Policies and Fees" is hereby amended by adding a Section 38.21 to that Chapter to read as follows:

§ 38.21 PROCESSING FEES FOR PAYMENT BY CREDIT CARD

(A) A municipal official who is authorized to collect fees, fines, court costs or any other types of charges on behalf of the city may accept payment for any such fee, fine, court cost or other charge by credit card.

(B) A municipal official who collects payment of any fee, fine, court cost or other charge, excluding planning and development fees shall collect a processing

fee that is a flat fee of the fee, fine, court cost or other charge paid by credit card either on-line or by phone. The flat fee is set forth in the Master Fee Schedule, Section 39.01 of this Code, provided, however, that the processing fee shall not exceed \$3.95 per transaction.

(C) A municipal official who collects payment of any fee, fine, cost or other charges for planning and development fees shall collect a processing fee that is a percentage fee of the fee, fine, cost or other charge paid by credit card either in person, on-line or phone. The percentage fee is set forth in the Master Fee Schedule, Section 39.01 of this Code, provided, however, that the processing fee shall not exceed 2.00% per transaction.

(D) If, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn, the city shall collect a service charge from the person who owes the fee, fine, court cost or other charge in addition to the original fee, fine, court cost or other charge. The amount of the service charge shall equal the fee charged for the collection of a check drawn on an account with insufficient funds as set forth in Section 38.03 and the Master Fee Schedule, Section 39.01 of this Code.

(E) The municipal official collecting the processing fee or service charge under this chapter shall deposit the fee or charge in the general fund of the municipality.

SECTION 2

That the existing Chapter 39 of the Code of Ordinances of the City of Corinth, Texas, Section 39.01, entitled "Master Fee Schedule," is hereby amended by adding under the section of the table regarding "Miscellaneous Fees," the following:

Section Referenced	Category	Fee
§ 38.21	16. Credit Card Payments	\$3.95 per transaction for on-line or phone
§ 38.21	16.a Credit Card Payments – Planning & Development	2.00% per transaction for either face-to-face, on-line or phone.

SECTION 3

This Ordinance shall be cumulative of all provisions of the City of Corinth, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such

Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 4

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

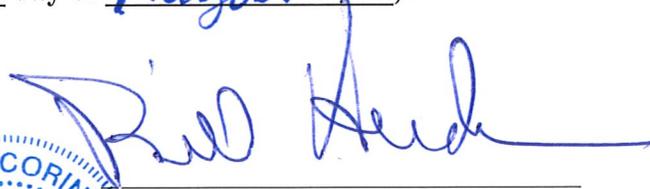
SECTION 5

All rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of any Ordinances affecting fees charged by the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

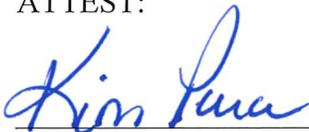
PASSED AND APPROVED THIS 20th day of August, 2019.



Bill Heidemann, Mayor



ATTEST:



Kim Pence, City Secretary

APPROVED AS TO FORM:

Patricia L. De

City Attorney