

ORDINANCE NO. 2020 - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS TO ESTABLISH A CREDIT CARD PROCESSING REIMBURSEMENT FEE FOR THE USE OF CREDIT AND DEBIT CARDS AS A FORM OF PAYMENT FOR FEES, FINES, COURT COSTS AND OTHER CHARGES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 132 of the Texas Local Government Code provides that the governing body of a municipality may authorize the collection of fees, fines, court costs and other charges by credit card or similar device; and

WHEREAS, the City Council and the City of New Braunfels, Texas finds that the acceptance of credit cards and similar devices is beneficial for the citizens by providing greater flexibility relating to payment options and promotes prompt payment of fees, court costs, and other charges; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to charge a Credit Card Processing Reimbursement Fee to offset the costs of providing this service as set forth below.

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

SECTION 1: Effective May 1, 2021, a per transaction fee shall be added to all payments made to the City using a credit or debit card. The exceptions to this will be Airport, Solid Waste, Civic/Convention Center, Golf Course, Library, Das Rec memberships, as well as any remittance of a regulatory fee imposed by the City and collected by a third party. The amount of the fee shall be at the average annual fee charged to the City, to be reevaluated and adjusted as needed.

SECTION 2: The City hereby approves the establishment of a credit and debit card per transaction fee equivalent to 2.75% of the total transaction, excluding any third-party payment processors which collect fees separately.

SECTION 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4: All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6: In accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7: This Ordinance shall become adopted upon its second reading, signature required by City Charter, filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this _____ day of _____, 2020.

PASSED AND APPROVED: Second reading this _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney