

ORDINANCE NO. 2016-198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHOREACRES, TEXAS, AUTHORIZING THE ACCEPTANCE OF PAYMENT OF UTILITY BILL CHARGES AND FEES BY CREDIT CARD OR DEBIT CARD; ESTABLISHING A CONVENIENCE OR PROCESSING FEE TO BE COLLECTED BY A UTILITY SOFTWARE VENDOR (NOT THE CITY OF SHOREACRES, TEXAS) AT THE POINT OF SALE FOR THE USE OF A CREDIT CARD OR DEBIT CARD TO PAY UTILITY BILL CHARGES AND FEES; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, Chapter 132 of the Local Government Code authorizes municipalities to accept payment by credit card of a municipal fee, fine, court cost or other charge and to collect a fee for the processing of a payment by credit card of a municipal fee, fine, court cost or other charge, said amount being reasonably related to the expense incurred in processing the credit card payment, not to exceed five percent (5%) of the amount of the fee, fine, court cost or other charge; and

WHEREAS, the City of Shoreaces, Texas ("City") has an existing relationship with a utility software vendor who offers a service to accept customers' payments of utility charges by credit card or debit card. The utility software vendor charges a convenience or processing fee to the customer's utility bill if the customer desires to pay the bill by credit card or debit card. The convenience or processing fee is paid directly to the utility software vendor. The convenience or processing fee is not a charge by the City and it is at no cost to the City; and

WHEREAS, the City Council of the City of Shoreacres, Texas has investigated and determined that the City receives many requests to pay for utility bill charges and fees by credit card or debit card; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to allow individuals to pay for utility bill charges and fees by credit card or debit card; and

WHEREAS, the City Council has further investigated and determined that allowing the payment of utility bill charges and fees by credit card or debit card requires the utility software vendor to incur additional expenses for offering this service; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to allow the utility software vendor to charge the convenience or processing fee to offset the cost of providing this service as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Acceptance of Payment by Credit Card Authorized. The City Administrator or his/her designee(s) is hereby authorized to accept payment by credit card or debit card of utility bill charges and fees imposed by the City.

SECTION 3: Establishment of Convenience or Processing Fee. A convenience or processing fee of five percent (5%) of the amount of the utility charge is hereby established and shall be charged by the utility software vendor at the point of sale each time a credit card or debit card is used to pay utility bill charges and fees imposed by the City. The convenience or processing fee shall be paid directly to the utility software vendor. The convenience or processing fee is not a charge by the City and it is at no cost to the City.

SECTION 4: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

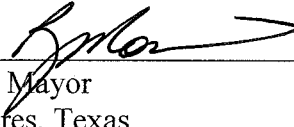
SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Shoreacres hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption.

PASSED AND APPROVED this the 8th day of February 2016.



ATTEST:


 RICK MOSES, Mayor
 City of Shoreacres, Texas

DAVID STALL, CFM, TEM
 City Administrator/City Secretary

M/2	Yea	Nay	N/V	Absent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. Adams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. McKown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N. Schnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed


 02.09.16
 David Stall, City Secretary - Date