

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, AUTHORIZING THE ACCEPTANCE OF PAYMENT OF UTILITY BILL CHARGES AND FEES BY CREDIT CARD; ESTABLISHING A PROCESSING FEE TO BE COLLECTED AT THE POINT OF SALE FOR THE USE OF A CREDIT CARD TO PAY UTILITY BILL CHARGES AND FEES; PROVIDING FOR THE COLLECTION OF A SERVICE CHARGE IF, FOR ANY REASON, A PAYMENT BY CREDIT CARD IS NOT HONORED BY THE CREDIT CARD COMPANY ON WHICH FUNDS ARE DRAWN; PROVIDING A PENALTY CLAUSE, 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 ("Fee"); and

WHEREAS, Chapter 132 of the Local Government Code further authorizes municipalities to collect a service charge if, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn, said amount being equivalent to that charged for the collection of a check drawn on an account with insufficient funds ("Service Charge"); and

WHEREAS, the City Council of the City of Melissa, Texas ("City Council") has investigated and determined that the City of Melissa, Texas ("City") receives many requests to pay for utility bill charges and fees by credit 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; and

WHEREAS, the City Council has further investigated and determined that allowing the payment of utility bill charges and fees by credit card requires the City 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 charge the Fee and Service Charge, if necessary, 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 MELISSA, 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 Manager or his/her designee(s) is hereby authorized to accept payment by credit card of utility bill charges and fees imposed by the City.

SECTION 3: Establishment of Processing Fee. A processing fee of two and eight tenths percent (2.8%) or one dollar (\$1), whichever is higher, is hereby established and shall be charged by the City at the point of sale each time a credit card is used to pay utility bill charges and fees imposed by the City. The City Council finds that said amount is reasonably related to the expense incurred by the City in processing the credit card payment.

SECTION 4: 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 and shall be charged by the City if, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn.

SECTION 5: 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 6: 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. Melissa 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 7: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding FIVE HUNDRED AND 00/100 DOLLARS (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.


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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MELISSA, TEXAS on this 23 day of June 2015.



Reed Greer, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
Linda Bannister, City Secretary

