

ORDINANCE NUMBER 10-02-08

AN ORDINANCE OF THE CITY COUNCIL OF MINEOLA, TEXAS, AUTHORIZING THE PAYMENT AND COLLECTION OF FEES, FINES, COURT COSTS OR OTHER CHARGES TO BE MADE BY CREDIT CARD; SETTING A FEE SCHEDULE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, Texas, is a general law municipality governed under the laws of the State of Texas;

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

WHEREAS, Section 132.002 of the Texas Local Government Code also provides that the official may also collect a fee for processing any such payment by credit card; and

WHEREAS, the City Council for the City of Mineola desires to authorize and establish procedures for the payment of fees, fines, court costs and other charges by way of credit card; and

WHEREAS, the City Council for the City of Mineola 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 COUNCIL OF THE CITY OF MINEOLA, TEXAS, THAT:

I.

A. A municipal official who is authorized to collect fees, fines, court costs or any other type 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 by credit card, shall collect a processing fee, with such fee not exceeding five (5%) percent of the amount of the fee, fine, court cost or other charge being paid.

C. 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 on 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 the City's Code of Ordinances.

D. The municipal official collecting the processing fee or service charge under this Ordinance shall deposit the fee or charge in the general fund of the municipality.

II.

This Ordinance shall be cumulative of all other ordinances of the City of Mineola, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinances, and which conflicting provisions of such ordinances are hereby repealed.

III.

It is hereby declared to be the intention of the City Council of Mineola, Texas, that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph, or section of this Ordinance should 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 the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

IV.

All rights and remedies of the City of Mineola 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.

V.

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

PASSED AND APPROVED by the City Council, City of Mineola, Texas, this 8 day of February, 2010.