

RECEIVED

9:31AM

JAN 16 2024

SYLVIA GUERRERO
CLERK CO COURT
HEMPHILL COUNTY TEXAS

SQ

**CITY OF CANADIAN
ORDINANCE NO. 761**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANADIAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 1, GENERAL PROVISIONS, BY CREATING ARTICLE 1.07 FINANCES, AND ADOPTING A REIMBURSEMENT FEE FOR CREDIT CARD PROCESSING FOR PAYMENTS MADE TO THE CITY BY CREDIT CARD; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Canadian, Texas, is authorized by Local Government Code Chapter 132 to accept payment of fees and costs by credit card or electronic means; and

WHEREAS, the City has adopted the practice of accepting payments via debit and credit cards (collectively referred to herein as "credit cards") for fees, fines, costs, and charges of all types made to the City; and

WHEREAS, credit card companies charge a processing fee to the City for each payment it receives via credit card; and

WHEREAS, the City Council desires to implement a reimbursement fee for credit card processing, as authorized by Local Government Code Section 132.003, in order to offset the processing fees charged by credit card companies.

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

SECTION 1

THAT, the facts set forth in the Ordinance preamble are hereby found to be true and correct.

THAT, the Code of Ordinances of the City of Canadian, Chapter 1 General Provisions, is hereby amended by the creation of **Article 1.07 Finances**, which shall read as follows:

ARTICLE 1.07 FINANCES

Sec. 1.07.001 Fiscal year

The fiscal year for the city shall begin on October first and end the following September thirtieth.

Received by Selian Guerrero 1/16/24 @ 9:31AM, by 'Sylvia, Clerk'

Sec. 1.07.002 Payment of fees, fines, costs and charges via credit card

Payment of any fees, fines, costs, utilities charges, golf course charges or other charges may be paid by credit or debit card. The municipal official who collects payment of the foregoing shall collect a fee in the amount of four percent (4%) of the payment amount as a reimbursement fee for processing the payment made by the credit or debit card. If for any reason a payment by credit card is not honored by the company on which the funds are drawn, a service charge shall be collected from the person who owes the fee, fine, cost, utility charge or other charges in addition to the original amount. The amount of the service charge will be the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds.

SECTION 2
REPEALER

That, this Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of said ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the ordinances or sections thereof that have been specifically repealed on the date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance or section thereof and for that purpose the ordinance or section thereof shall remain in full force and effect.

SECTION 4
SEVERABILITY

That, if any provision, section, subsection, sentence, clause or the application of the same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Canadian, Texas in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5
EFFECTIVE DATE

That, this ordinance shall become effective from and after its publication, as required by law.

PASSED, APPROVED, AND ADOPTED, on the 15th day of January, 2024, at a regular meeting of the City Council of the City of Canadian, Texas, which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq., at which meeting a quorum was present and voting.



Terrill Bartlett, Mayor

ATTEST:



Kimberly Sloat, City Secretary