

ORDINANCE NO XXXX-XX

AN ORDINANCE AMENDING APPENDIX “B” TO INCLUDE A “CREDIT CARD SURCHARGE,” TO THE CODE OF ORDINANCES OF THE CITY OF BAY CITY, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS the City Administration has determined that it has become burdensome for the City to incur the credit card surcharges charged by credit card processing companies for customers that utilize a credit card for payment to the City of Bay City for permit fees, utility bills, and other payments to the City;

WHEREAS, effective September 1, 2023, the Texas Business and Commerce Code provides that vendors may require customers to be responsible for credit card surcharges;

WHEREAS the City will not profit in any way from requiring customers to be responsible for credit card surcharges;

WHEREAS the surcharge will be the lesser of the amount of credit card surcharge charged by the credit card processing company or 3.5% of the charge;

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

SECTION 1: The section labeled “Miscellaneous Administrative Fees”, shall include a **“Credit Card Surcharge”** and applicable to all Chapters in Appendix “B” of the Code of Ordinances of the City of Bay City, Texas. Appendix “B” is hereby amended to read as follows:

Credit Card Surcharge per Transaction

E-Commerce Payments (Online)- \$4.00

Point Of Sale- 3.5%

Others (Phone, Text, E-Check)- \$2.00

SECTION 2: In no event shall the customer be charged more than the actual credit card surcharge charged by the credit card processing company. In no event shall a customer be required to pay a surcharge for use of a DEBIT card, whether use is by debit or credit, OR the use of a prepaid credit card.

SECTION 3: If any provisions, sections, exceptions, subsections, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 4: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5: This ordinance shall become effective January 2025.

APPROVED AND PASSED on this 12th day of November 2024.

CITY OF BAY CITY, TEXAS

ROBERT K. NELSON, Mayor

ATTEST:

JEANNA THOMPSON, City Secretary

APPROVED AS TO FORM:

ANNE MARIE ODEFY
City Attorney