

**CITY OF JOSHUA, TEXAS**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF JOSHUA, TEXAS, AMENDING APPENDIX A, “FEE SCHEDULE,” TO THE CITY’S CODE OF ORDINANCES BY AMENDING SECTION A4.001, “MISCELLANOUS PERMITS AND FEES,” OF ARTICLE A4.00, “MISCELLANEOUS PERMITS AND FEES,” BY AMENDING EXISTING SUBSECTION (b) AND ADDING A NEW SUBSECTION (dd), BOTH AMENDMENTS RELATIVE TO CREDIT CARD CHARGES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, Chapter 132 of the Texas 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 the 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 Texas 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 Joshua, Texas (“City Council”), has investigated and determined that the City of Joshua, Texas (“City”), receives many requests to pay for fees, fines, court costs and other charges by credit card; and

**WHEREAS**, the City Council has further investigated and determined that it is in the best interests of the City and its citizens to allow individuals to pay for fees, fines, court costs and other charges by credit card; and

**WHEREAS**, the City Council has further investigated and roughly eighty percent (80%) of payments are processed with a credit card which results in the City incurring additional expenses for offering this payment method; and

**WHEREAS**, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to amend Article A4.000, “Miscellaneous Permits and Fees,” of Appendix A, “Fee Schedule,” by amending Section A4.001, subsection (b) and adding a new subsection (dd), as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:**

**SECTION 1**

All of the foregoing premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

Section A4.001, “Miscellaneous Permits and Fees,” of Article A4000, “Miscellaneous Permits and Fees,” contained in Appendix A, “Fee Schedule,” to the City’s Code of Ordinances is hereby amended by adding to Section A4.001, “Miscellaneous permits and fees,” by amending Subsection (b) and adding a new Subsection (dd) to read as follows:

**“§ A4001. Miscellaneous Permits and Fees.**

\* \* \*

(b) Return check and credit card service charge: \$30.00.

\* \* \*

(dd) Credit card processing fee: 3.5% of fine, fee, court cost or other charge excluding animal control fees.”

**SECTION 3**

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 from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 4**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

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**SECTION 5**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Joshua, Texas.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS 16<sup>th</sup> DAY OF JANUARY, 2025.**

**APPROVED:**

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Scott Kimble, Mayor

**ATTEST:**

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Alice Holloway, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Terrence S. Welch, City Attorney

