

TOWN OF LITTLE ELM, TEXAS

ORDINANCE NO. 1756

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING CHAPTER 2, ARTICLE IV-FINANCE OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLE ELM, TEXAS BY REPEALING SECTION 2-101 ENTITLED, "CREDIT CARD PAYMENTS ACCEPTED FOR FEES FINES, COURT COSTS OR OTHER CHARGES." IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 2-101 ALSO ENTITLED, "CREDIT CARD PAYMENTS ACCEPTED FOR FEES, FINES, COURT COSTS OR OTHER CHARGES."; PROVIDING FOR THE COLLECTION OF RELATED PROCESSING FEES AND SERVICE CHARGES; AND PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, Chapter 132, Texas Local Government Code, authorizes the governing body of a municipality to authorize a municipal officer who collects fees, fines, court costs and other charges to accept payment by credit card and collect a fee for processing the payment by credit card; and

WHEREAS, the Town Council of the Town of Little Elm, Texas has determined that acceptance of credit cards is beneficial to the Town and the citizens of the Town in that it will provide greater flexibility in methods of payment and will promote prompt payment of fees, fines, court costs and other charges.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, THAT:

Section 1: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: From and after the effective date of this Ordinance, Section 2-101, entitled "Credit card payments accepted for fees, fines, court costs or other charges," of the Town's Code of Ordinances, is hereby amended to read as follows:

"Sec. 2-101. - Credit card payments accepted for fees, fines, court costs or other charges.

(a.) Each office employee by the Town of Little Elm who, as part of that employment, collects fees, fines, court costs, or other charges from members of the public that are due the town is authorized to accept credit cards as payments for such fees, fines, court costs and other charges.

(b.) For each fee, fine, court cost, or other charge that is paid by credit card, the office employee collecting same may also collect a processing fee not to exceed five percent (5%) of the amount of the fee, fine, court cost, or other charge, as authorized by V.T.C.A., Local Government Code § 132.003(b).

(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 officer shall collect from the member of the public who attempted to pay by credit card an additional service charge in an amount equal to the fee then being charged for the collection of a check drawn on an account with insufficient funds, as authorized by V.T.C.A., Local Government Code § 132.004.

(d.) Processing fees and service charges collected pursuant to this ordinance shall be deposited in the general fund of the Town, as provided by Section 132.006, Texas Local Government Code.

Section 3: Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional 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. Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 4. Effective Date, this Ordinance shall become effective from and after its adoption and publications as required by law.

PASSED AND APPROVED on this the 14th day of May, 2024.

Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

APPROVED AS TO FORM:

Town Attorney, Robert Brown