

**ORDINANCE NO. 2012-026**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, PROVIDING FOR PAYMENT OF FEES OR COSTS BY CREDIT CARD OR ELECTRONIC MEANS; AND PROVIDING FOR FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Wimberley (“City”) seeks to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, the City seeks to improve public service by providing for the payment of fees, fines, court costs or other charges by credit card and/or through the Internet; and

**WHEREAS**, Chapter 132 of the Texas Local Government Code authorizes the City to collect payment of fees or costs by credit card or electronic means and/or through the Internet;

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

**SECTION I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II. PAYMENT OF FEES OR COSTS BY CREDIT CARD OR ELECTRONIC MEANS**

A. The city administrator or the city administrator’s designee(s) is hereby authorized to accept payment by credit card of a fee, fine, court cost, or other charge.

B. 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 administrator or the city administrator’s designee(s) shall collect a service charge from the person who owes the fee, fine, court cost, or other charge in an amount that is the same as the fee charged by the City for the collection of a check drawn on an account with insufficient funds. The service charge is in addition to the original fee, fine, court cost, or other charge and is for the collection of that original amount.

**SECTION III. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by

virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

#### SECTION IV. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Wimberley in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

#### SECTION V. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

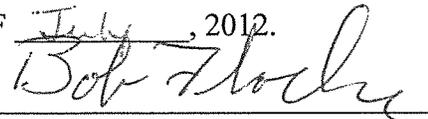
#### SECTION VI. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

#### SECTION VII. NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

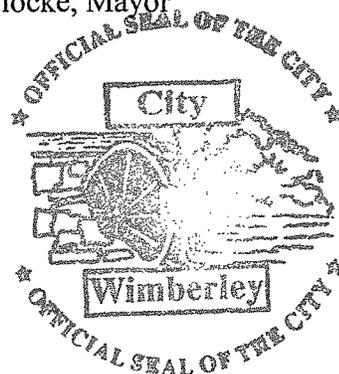
READ, PASSED, AND ADOPTED THIS 19<sup>th</sup> DAY OF July, 2012.



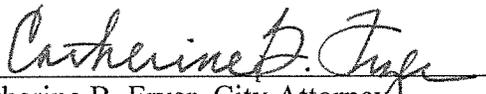
Bob Flocke, Mayor

ATTEST:

  
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Cara McPartland,  
City Secretary



**APPROVED AS TO FORM:**

  
Catherine B. Fryer, City Attorney