

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 1 (ENTITLED "GENERAL PROVISIONS"); SECTION 1-6 (ENTITLED "PENALTIES AND CREDIT CARD PROCESSING FEES") BY RENAMING AND RECODIFYING THE SECTION (TO BE ENTITLED "PENALTIES, CREDIT CARD PROCESSING FEES AND BAD CHECK FEES") AND ESTABLISHING A BAD CHECK FEE; PROVIDING FOR PENALTY, CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the city incurs costs processing checks written on accounts with insufficient funds (hereinafter sometimes a "bad check"); and

**WHEREAS**, city council deems it appropriate to impose a bad check fee to recoup the city's costs for processing checks drawn on accounts with nonsufficient funds or that are not honored by the drawee for other reasons; and

**WHEREAS**, city council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

**WHEREAS**, city council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

**Section one. Code Amendment.** The Code of Ordinances, Chapter 1 (entitled "*general provisions*") Section 1-6 (entitled "Penalties and Credit Card Processing Fees") is hereby amending by renaming the Section as ("Penalties, Credit Card Processing Fees and Bad Check Fees") and adding a new subsection (c) to read as follows:

**Sec. 1-6. Penalties, Credit Card Processing Fees and Bad Check Fees.**

- (c) *Bad check fees.* Whenever a check tendered to the City for payment of water, wastewater, electric, garbage or other utility service; or for payment for any other municipal fees, fines, court costs or other charges, is not honored by the drawee due to non-sufficient funds in the account on which the check is drawn, or for any other reason, a bad check fee in the amount of \$25.00 shall be charged against the drawer of the check.

**Section two. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section three. Penalty.** A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

**Section four. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

**Section five. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section six. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

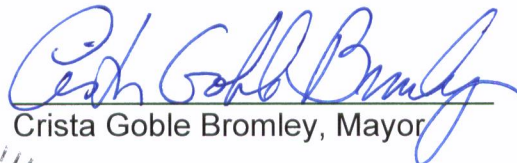
**Section seven. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section ten. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.


Passed and Approved on first reading on the 8<sup>th</sup> day of February, 2022.

Passed Approved and Adopted on the 22<sup>nd</sup> day of February, 2022.

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

