

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 10, SERIES 2024**

**AN ORDINANCE ADOPTING PROCEDURES TO ALLOW THE TOWN OF
TIMNATH TO COLLECT A CONVENIENCE FEE ON PAYMENTS SUBJECT TO
PROCESSING FEES**

WHEREAS, the Town of Timnath (the “**Town**”) is a home rule municipality operating under the Timnath Home Rule Charter, adopted on November 7, 2006 and amended on November 3, 2015, April 5, 2022, November 8, 2022, and June 27, 2023, (the “**Charter**”), and the Town’s Municipal Code (the “**Code**”). Pursuant to the Charter, the Code, and the authority given home rule municipalities by the Colorado Constitution, the Town may adopt and amend ordinances; and

WHEREAS, the Town’s Code does not contain processes or procedures that allow for the Town to collect a convenience fee on credit card purchases that have an associated processing fee; and

WHEREAS, state statutes on convenience fees, contained in Section 29-11.5-103, C.R.S., allow local governmental entities to impose a convenience fee on persons who use alternative forms of payment, if the fee does not exceed the actual additional cost incurred by the local government agency to process the transaction; and

WHEREAS, the Town Council would like to adopt an Ordinance to amend the Town Code to allow for the collection of a convenience fee; and

WHEREAS, the Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and/or property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

1. The Town Code shall be amended to add one row to the bottom of APPENDIX 4-A – Fee Schedule, 4-20. – Fee Schedule (a) Chapter 4, and shall appear as follows:

<i>Code Section</i>	<i>Description</i>	<i>Amount of Fee</i>
Appx. 4-40	Convenience fee for processing charges for credit card payment or other alternative form of payment	Equal to the credit card processing fee charged to the Town.

2. The Town Code is hereby amended to add Section 4-40 to Appendix 4-A of Chapter 4, Revenue and Finance, which will read in its entirety as follows:

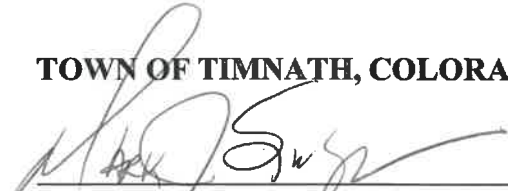
4-40 Convenience Fee.

A fee shall be assessed by the Town against any person who makes a payment to the Town by credit card, debit card, ACH, bank transfer or any other alternative form of payment, if the Town incurs a processing fee as a result of the payment. The fee collected by the Town shall be referred to as a “convenience fee.” The convenience fee shall be in the amount of the actual additional cost incurred by the Town to process the transaction by alternative form of payment and shall be clearly disclosed to the individual making the payment.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON MARCH 12, 2024, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6 P.M. ON MARCH 26, 2024, AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 12TH DAY OF MARCH 2024.


MOVED, SECONDED, AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH 26, 2024.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk

