

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20, “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS” OF THE CODE OF THE CITY OF FORT WORTH, ARTICLE XIII, “CREDIT ACCESS BUSINESSES”, TO AMEND THE DEFINITION OF A CREDIT ACCESS BUSINESSES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND NAMING AN EFFECTIVE DATE.

WHEREAS, on December 17, 2019, the City Council adopted Ordinance No. 23991-12-2019 to protect the welfare of the citizens of the City by monitoring credit access businesses (more commonly known as payday and auto title lenders) in an effort to reduce abusive and predatory lending practices; and

WHEREAS, the ordinance establishes a registration program for credit access businesses, provides definitions for certain terms, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses; and

WHEREAS, upon the adoption of the ordinance the City joined over forty municipalities across Texas who had adopted a uniform ordinance regulating credit access businesses; and

WHEREAS, the City Attorney’s Office recommends amending the definition of “credit access business” to more closely align with the uniform ordinance adopted by other municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Article XIII “Credit Access Businesses” to Chapter 20, “Licenses and Miscellaneous Business Regulations,” of the Code of Ordinances of Fort Worth, Texas (2015), is hereby amended to revise the definition of “credit access business” to read as follows:

ARTICLE XIII - CREDIT ACCESS BUSINESSES

Sec. 20-451- Definitions.

As used in this chapter:

- (4) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code. ~~This definition does not include a credit service organization as defined by Section 393.001 of the Texas Finance Code whose~~

~~principal operation of business occurs through on line transactions and does not operate physical locations that allow onsite credit applications and approval.~~

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

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

SECTION 5.

This ordinance shall take effect after adoption as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos, Sr. Assistant City Attorney Mary Kayser, City Secretary

Adopted: _____

Effective: _____