

ORDINANCE 2017-1002

AN ORDINANCE OF GENERAL AND PERMANENT NATURE ACCEPTING PAYMENTS BY CREDIT CARD

WHEREAS, the Town Council has determined it is in the best interest of the Town of Pisgah to accept payments by credit card or debit card for the payment of taxes, charges generated by the sale of water or garbage service, or other fees. Therefore, the purpose of this Ordinance is to authorize the Town of Pisgah or other appropriate municipal official to accept payments by credit card or debit card.

SECTION 1: DEFINITIONS

- A) *"Town" – Town of Pisgah, Alabama*
- B) *"Credit Card" –Means any instrument, whether known as a credit card, debit card or by any other name, which purports to evidence an undertaking to pay for goods/services rendered or furnished to or upon the order of a designated person or bearer.*
- C) *"Credit Card Processor" – The company or companies engaged by the Mayor and Clerk to provide credit card processing services, including but not limited to, authorization and settlement of various types of credit card payments, as well as daily processing and settlement of transactions with the Town.*
- D) *'Processing Agreement" – Agreement between the Town and Credit Card Processor governing collection of credit card payments, including but not limited to, any terms relating to the applicability of transactions processing fees, their amount, and the terms and method of remittance of funds to the Town.*

SECTION 2: PAYMENT AUTHORIZED:

Pursuant to statutory authority, the Town does hereby authorize its Clerks or other appropriate municipal officials to accept payment by credit cards for taxes, charges generated by the sale of water or garbage service, or other fees, subject to and governed by the terms of this ordinance.

SECTION 3: PROCESSING AGREEMENT:

The Mayor and Town Clerk are authorized to negotiate and execute a Processing Agreement with a Credit Card Processor or Processors. Said agreement(s) shall specify the scope of service to be provided and the terms of the agreement. The Mayor and Town Clerk shall periodically review, and as needed, revise said agreement, and where deemed in the best interest of the Town, the Town Council may terminate any such agreement.

SECTION 4: SERVICE CHARGES:

The Town shall impose a service charge to cover processing fees required under the Processing Agreement and any other actual costs for the use of the credit card service. The Council shall be authorized to act as agents of the Town to establish/amend service charges.

SECTION 5: HANDLING OF PAYMENTS:

The Council shall include in its internal control policies, procedures governing the collection, handling, and retention of receipts, statements and any other documentation generated from each credit card payment, whether the transaction is conducted over the counter or via the internet, to ensure all information collected from customers is safeguarded.

SECTION 6: POSTING OF ORDINANCE:

As per Section 11-45-3 the Town Clerk shall post the Ordinance in three (3) places within the Town – namely the Town Hall, the Post Office, and the local supermarket.

As per Section 11-45-8 (b)(2) of the Code of Alabama 1975 a copy of the Ordinance shall be available at the Town Hall in the Town Clerk's office during normal business hours.

SECTION 7: EFFECTIVE DATE/ENACTMENT:

Upon approval and adoption by the Council, and as per Section 11-45-3 five (5) days after the posting of the Ordinance in three (3) places the Ordinance shall become effective and remain in effect until repealed by the Town Council.

APPROVED AND ADOPTED on the 02 day of October, 2017.

Mayor: *Leamon Smith, Mayor*

Attest: *Cathy O'Shields*

CERTIFICATION:

I, Cathy O'Shields, as acting Town Clerk for the Town of Pisgah, Alabama, hereby certify that the above and foregoing copy of Ordinance 2017-1002 is a true and correct copy of such Ordinance that was duly adopted by the Town Council of the Town of Pisgah of the 02day of October, 2017 as same appears in the official records of said Town.

Cathy O'Shields