

**CITY OF DAPHNE, ALABAMA
ORDINANCE NUMBER 2017-44**

**AN ORDINANCE AUTHORIZING THE CITY OF DAPHNE
TO ACCEPT CREDIT CARDS**

WHEREAS, Sections 11-103-1 *et seq.*, Code of Alabama (1975), allow a municipal office, department, agency, board, or commission to accept credit card payments for municipal services if authorized by the municipal governing body; and

WHEREAS, the City of Daphne has determined that it is in the best interest of its citizens and the business community to accept credit card payments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA:

The Code of Ordinances of the City of Daphne is hereby amended by adding a new section, designated as Chapter 8, Section 4, as follows:

SECTION I: PAYMENTS BY CREDIT CARD

As authorized by Sections 11-103-1, *et seq.*, Code of Alabama (1975):

- (a) Any office, department, agency, board, or commission of the City is authorized to accept payment by credit card, charge card, and debit card (hereinafter referred to collectively as “credit card”) issued by any bank, foreign lender, domestic lender, or credit card bank as defined in the Alabama Credit Card Act, Sections 5-20-2 through 5-20-16, Code of Alabama (1975). Payment by credit card may be for, but is not limited to, taxes, license and registration fees, court fines, costs and penalties, building permits, filing fees, assessments against property, parks and recreation fees, rental expenses, event admissions, and garbage/trash/recycling collection fees.
- (b) A surcharge or convenience fee shall be added to any credit card payment in an amount not to exceed the transaction fee charged by the credit card issuer or processor. Payment of the surcharge or convenience fee is not refundable.
- (c) With the approval of the City Council, the Mayor is authorized to enter into appropriate agreements with one or more credit card issuers, credit card payment processors, or other appropriate parties as needed to facilitate the acceptance of credit card payments, without the need for competitive bidding to select such party or parties. Each agreement must provide that it may be canceled without penalty at any time by the City upon reasonable notice. No agreement shall exceed three (3) years in term.
- (d) No person or entity making payment by credit card shall be relieved of liability for the face amount of the payment except to the extent that the City realizes full and final payment of the underlying obligation in cash or its equivalent. If full and final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, the underlying obligation shall survive and the City shall retain all remedies for enforcement which would have applied if the credit card transaction had not occurred.

(e) A City employee who accepts a credit card payment in accordance with this section and any applicable policy, rule, or regulation of the City shall not thereby incur any personal liability for the final collection of such payments.

(f) The finance director is authorized to establish policies, rules, and regulations governing the acceptance of payment for municipal services by credit card and to disseminate them to all employees.

SECTION II: IDENTITY THEFT PREVENTION

1. In the event that credit card payments to the City that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

2. Account statements and receipts for covered accounts shall include only the last four (4) digits of the credit or debit card or the bank account used for payment of the covered account.

SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: REPEALER

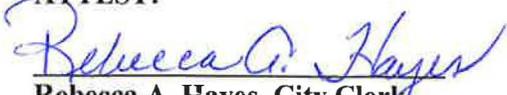
All City Ordinances or parts thereof in conflict with the provisions of this Ordinance, insofar as they conflict, are hereby repealed.

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE 5TH DAY OF JUNE, 2017.


Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk