

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Port Leyden

FILED
STATE RECORDS

DEC 13 2022

DEPARTMENT OF STATE

Local Law No. 4 of the year 20 22

A local law to establish a policy with respect to credit cards and electronic financial transactions
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Port Leyden as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Article 1. - Statement of Authority. The Board of Trustees of the Village of Port Leyden, pursuant to the authority granted it under Sections 5, 5-a and 5-b of the General Municipal Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2. - Statement of Findings and Purpose. The Board of Trustees of the Village of Port Leyden hereby finds that in certain circumstances, the allowance of payments by credit cards or other electronic means may be appropriate to further efficiency of governmental operations. It is the purpose of this local law to establish a policy for the same.

Article 3. - Enactment. The Board of Trustees of the Village of Port Leyden hereby enacts a new Chapter 6 of the Village Code and as follows:

Chapter 6. Credit Cards and Electronic Financial Transactions.

Section 6.1 Definitions

1. Definitions – Definitions under General Municipal Law Section 5 and Section 5(b) for terms of credit card issuer or financing agency are hereby incorporated by reference.

Section 6.2 Payment to Village by Credit Card

A. The Board of Trustees hereby authorizes the Village Clerk's Office to accept payment of taxes, fees, charges, special assessments, including penalties and interest by credit card.

B. All such transactions shall provide that the person making payment by credit card must process two transactions, one transaction for the fine, penalties, surcharges, taxes, fees, charges or special assessments for the Village of Port Leyden and one transaction for the fee to process the transaction. The transaction is not considered complete until the credit card has been credited for both.

Section 6.3 Electronic Payment to the Village

A. A Village Clerk's Office is authorized to collect taxes, fees, charges, special assessments, including penalties and interest by means of electronic payment via the internet provided, however, that the internet is not the sole method of payment. Such internet payments must comply with State Technology Law, Article 3 and at a minimum authenticate the identity of the sender and insure the security of the information transmitted.

Section 6.4 Payments Conditional

A. Payments by credit card or by electronic means shall be considered conditional and will not be considered final until the underlying obligation is satisfied. Payment shall be considered received at the time the transaction is completed and sent.

Section 6.5 Receipts

A. Any payment by credit card and/or by electronic means over the internet shall require the Village to provide a confirmation of such payment which will include the transaction date, the amount paid and a confirmation number.

Section 6.6 Contracts for Service

A. The provision of credit card services or electronic payment services shall be pursuant to contract in compliance with the Village's procurement policy.

Section 6.7 Use of Credit Cards by Village

- A. The Village Board by resolution may contract to have credit cards available for the purchase of goods and services by various Village Departments.
- B. The use of credit cards shall be limited to those officials/Department Heads designated by the Village Board by resolution to use the same.
- C. All credit card purchases must be audited before payment is made on the credit card. Such audit of bills should be done in a timely manner to avoid the late payment penalties.
- D. Unauthorized use of the credit card use shall subject the user to personal liability.
- E. Village credit cards shall be kept with the Village Clerk/Treasurer who shall provide them to authorized Municipal Officers and employees when necessary to comply with this policy.

Article 4. Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. Effective Date. This local law shall take effect upon filing with the New York State Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2022 of the (County)(City)(Town)(Village) of Port Leyden was duly passed by the Village Board on November 21 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Danielle H. Lewis

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11-22-2022

