

**AN ORDINANCE ADOPTING A CREDIT CARD POLICY WHICH SHALL BE
CODIFIED AS A TEXT AMENDMENT ADDING SECTION 1-9-3 CREDIT CARD
POLICY TO THE VILLAGE CODE**

WHEREAS, the Village of Barrington Hills ("Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village of Barrington Hills is authorized and empowered, under the Local Governmental Acceptance of Credit Cards Act ("Act"), 50 ILCS 345/1 *et seq.*, to accept the payment of funds to the Village for any purpose authorized by credit card; and

WHEREAS, for such purpose the Act requires that the local governmental entity first hold a public hearing, following proper legal notice, of its intent to allow payment by credit cards and that types of authorized obligations for which credit card payment will be allowed; and

WHEREAS, in compliance with the Act, the corporate authorities for the Village published notice of such public hearing, and held the requisite public hearing on November 20, 2017; and

WHEREAS, all required actions having been taken, it is reasonable and proper for the Village to adopt the Credit Card Policy set forth herein, which shall be codified as Section 1-9-3.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Kane, Lake and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That Title 1, Chapter 9 Municipal Revenue of the Village Municipal Code, shall be amended to add Section 1-9-3 as the Village's Credit Card Policy, which shall state as follows:

1-9-3: - CREDIT CARDS:

A. Definitions: For the purposes of this section, the following definitions shall apply:

<p>AUTHORIZED OBLIGATION:</p>	<p>Any fee, charge or cost imposed by, owing to or collected by or on behalf of the village, such items as: building permits, re-inspection fees, over weight permits, vehicle escort fee, extra details, document copy fees, accident report copy fees, raffle licenses, liquor licenses, target shooting permits, veterinary fees, surplus property sales. The list set forth herein is for purposes of example, and is not meant to be exhaustive or exclusive.</p>
<p>CREDIT</p>	<p>An instrument or device, whether known as a credit card, bankcard, charge card, debit</p>

CARD	card, authorized teller machine card, secured credit card, smart card, electronic purse, prepaid card, affinity card, issued with or without fee by an issuer for the use of the holder to obtain credit, money, goods, services or anything else of value.
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B. Acceptance Of Credit Cards: Credit cards will be accepted under the following conditions:

1. The village is authorized, but not required, to accept the payment of funds for any authorized obligation by credit card.

C. Fees:

1. As set forth herein, the village may, but is not required to, impose a convenience fee or surcharge upon a cardholder making payment by credit card in an amount to wholly or partially offset, but in no event exceed, the amount of any discount or processing fee incurred by the village. Such convenience fee or surcharge may be applied only when allowed under the operating rules and regulations of the credit card involved, or as applied by the service provider, such as Illinois e-pay and Oxcart. Such fees are not remitted in any part to the village. When a cardholder elects to make a payment by credit card and a convenience fee or surcharge is imposed, the payment of the convenience fee for surcharge shall be deemed voluntary by the cardholder and shall not be refundable.
2. No fee, or accumulation of fees, that exceeds the lesser of \$20 or 5% of the principal amount charged may be imposed in connection with the issuance of any license, sticker, or permit, or with respect to any other similar transaction. No fee, or accumulation of fees, that exceeds the lesser of 5% of %5 of the transaction involved may be imposed in connection with the payment of any fine. No fee, or accumulation of fees, in excess of the lesser of \$40 or 3% of the principal amount charged may be imposed in connection with the payment of any tax.
3. Notwithstanding the provisions of paragraph 2, (a) a minimum fee of \$1 may be imposed with respect to any transaction, (b) a fee may be imposed if the (i) fee is no greater than the fee charged by the financial institution or service provider accepting and processing credit card payments on behalf of the village, (ii) the financial institution or service providing accepting and processing the credit card payments was selected by competitive bid, and(iii) the village discloses the fee to the cardholder.

D. Relief From Underlying Obligation: A person who makes a payment by credit card to the village shall not be relieved from liability for the underlying obligation except to the extent that the village realizes final payment of the underlying obligation in cash or cash equivalency acceptable to the village. If final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, then the underlying obligation shall

survive and the village shall retain all remedies for enforcement that would have applied if the credit card transaction had not occurred. A person making payment by credit card is not liable for any discount or fee paid to a credit card issuer or other party by the village.

- E. **Liability Of Village Employees:** A village employee who accepts payment by credit card in accordance with this section and any applicable rules established by the village, shall not incur personal liability for the final collection of the payment.


SECTION THREE: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ayes: 5 Nays: 0 Absent: 2

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 20th day of November, 2017.

APPROVED:



Village President

ATTEST:



Village Clerk