

MAY 09 2023

LOCAL LAW FILING  
162 WASHINGTON AVENUE, ALBANY, NY 12231

NEW YORK STATE DEPARTMENT OF STATE  
DEPARTMENT OF STATE

(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.

Local Law 1 of 2023, Adoption of Provisions for Payment to the Town By Credit Card and/or Charge Card over the Internet.

Be it enacted by the Town Board of the Town of Naples, in the County of Ontario, as follows:

### **SECTION 1. SHORT TITLE**

This Local Law shall be known as the "Payment to the Town By Credit Card and/or Charge Card Local Law of 2023"

### **SECTION 2. LEGISLATIVE INTENT**

The Town Board finds that it is in the best interests of the public to permit payment to the Town by credit card or charge card, electronically via the Town's internet website the full range of payments authorized by General Municipal Law Sections 5 and 5-b. Payment by charge card or credit card may not be performed in person at the Town Office due to the requirements of State Law.

### **SECTION 3. LEGISLATIVE AUTHORITY**

This Local Law is adopted pursuant to §5 and §5-b of the General Municipal Law (GML) of the State of New York and the Municipal Home Rule Law (MHRL) of the State of New York, with the procedural provisions of the MHRL controlling.

### **SECTIONS 4. PROVISIONS**

The following is adopted and added as Article V "Payments to the Town Electronically and by Credit Card" of Chapter 120 "Taxation" of the Code of the Town of Naples:

#### **Article V Payment Electronically and By Credit Card**

**§120-12 Agreements with financing agencies and card issuers authorized; credit or charge card payments accepted via the internet.**

The Town Board of the Town of Naples hereby authorizes agreements with one or more financing agencies or card issuers to provide for acceptance by the Town Tax Collector, Town Clerk and any other authorized Town Officer or designee for collection and/or payment of fines, civil penalties, taxes, fees, charges, utility bills and other amounts, as a means of payment,

including penalties, special assessments or interest owed thereon via a municipal internet website for payment of such bills.

**§120-13 Conditions of payment.**

The agreements referred to herein shall govern the terms and conditions upon which a credit or charge card proffered as a means of payment of fines, civil penalties, taxes, fees, charges, utility bills and other amounts including penalties, special assessments or interest owed thereon, shall be accepted or declined and the manner in and conditions upon which the financing agency or card issuer shall pay to the Town of Naples the amounts of the fines, civil penalties, taxes, fees, charges, utility bills and other amounts, including penalties, special assessments or interest owed thereon, paid by means of a credit card or charge card via the internet pursuant to such agreement.

**§120-14 Service fee.**

The agreements referred to herein shall provide that as a condition for accepting payment by credit card or charge card, such person offering payment by credit card or charge card shall pay a service fee, not to exceed the actual costs generated in connection with implementation and operation of the credit or charge card payment via the internet transaction program.

**§120-15 Obligation satisfied upon receipt of payment from financing agency or card issuer.**

The underlying fines, civil penalties, taxes, fees, charges, utility bills and other amounts, including penalties, special assessments or interest owed thereon to the Town of Naples for which payment by credit or charge card is accepted by the Town of Naples shall not be expunged, canceled, released, discharged or , and any receipt or any other evidence of payment shall be deemed conditional, until the Town of Naples has received a final and unconditional payment of the full amount due from the financing agency or card issuer for such credit card transaction, on behalf of the payor of such amount due.

**§120-16 Payment of charges and other fees via Internet.**

A. When payment is made via the internet, the Town of Naples shall provide a confirmation page to the payor following the completion of the internet transaction. Such confirmation page shall include at least the following:

1. The date that the Internet transaction was completed and sent by the payor; and
2. A notice advising the payor to print out and retain the confirmation page as his or her receipt.

B. Payment received via the internet shall be considered received by the appropriate officer and paid at the time the internet transaction is completed and sent by payor.

C. The underlying fines, civil penalties, taxes, fees, charges, utility bills and other amounts including penalties, special assessments or interest owed thereon to the Town of Naples for which payment over the Internet is accepted by the Town of Naples shall not be expunged, canceled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the Town of Naples has received total and unconditional payment for the full amount due.

**Section 6. Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 7. EFFECTIVE DATE**

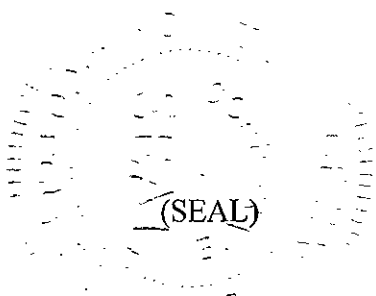
This Local Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York, subsequent to having been duly adopted by the Town Board of the Town of Naples.

(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. 1 of the year 2023, was duly passed by the Town Board of the Town of Naples March 14, 2023, in accordance with the applicable provisions of law.

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 1 above.




*Joanne Lincoln*  
Morgan Riesenberger, Town Clerk  
Joanne Lincoln Deputy  
Date: April 13, 2023

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality)

STATE OF NEW YORK)  
COUNTY ~~YATES~~ ) ss:

*Ontario*

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Edward Brockman, Attorney  
Town of Naples  
Date: April 13, 2023