



1 **“Merchant” a person engaged in the sale of goods and/or services.**

2 **“Surcharge” means any means of increasing the regular price of goods or**  
3 **services to a person paying for goods or services with a credit card which is not**  
4 **imposed upon customers paying by cash, check, or similar means.**

5 **Section 3. Required Disclosure by a Merchant of a Surcharge for Use of a Credit**  
6 **Card. A merchant may impose a surcharge for use of a credit card, unless**  
7 **otherwise prohibited by the card issuer or by law. This surcharge is a finance**  
8 **charge and must be disclosed in advance. The merchant must provide adequate**  
9 **notice of this surcharge orally or in writing before the person using the credit**  
10 **card becomes obligated to pay for the goods or services.**

11 **Section 4. Penalty. A violation of this Ordinance shall subject the violator to the**  
12 **general penalty provisions of Section 1-1-99 ROA 1994. This penalty shall be in**  
13 **addition to any other remedies that may be available.**

14 **SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
15 **clause, word or phrase of this ordinance is for any reason held to be invalid or**  
16 **unenforceable by any court of competent jurisdiction, such decision shall not**  
17 **affect the validity of the remaining provisions of this ordinance. The Council**  
18 **hereby declares that it would have passed this ordinance and each section,**  
19 **paragraph, sentence, clause, word or phrase thereof irrespective of any provision**  
20 **being declared unconstitutional or otherwise invalid.**

21 **SECTION 3. COMPILATION. This ordinance shall be incorporated in and**  
22 **made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.**

23 **SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days**  
24 **after publication by title and general summary.**