

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 22-**

**AN ORDINANCE REGULATING THIRD PARTY GIFT CARD PROCUREMENT  
WITHIN THE CITY OF WEST ST. PAUL**

The City Council of West St. Paul does ordain:

**SECTION 1. ENACTMENT.** West St. Paul City Code Chapter 133, Miscellaneous Provisions, is hereby amended to include a new Section 133.08, Third Party Gift Card Procurement, which shall be enacted as follows:

**SECTION 133.08  
THIRD PARTY GIFT CARD PROCUREMENT**

(A) *Purpose.* The fraudulent procurement of third party gift cards at retail establishments in the city has become a widespread problem. These incidents affect numerous victims and require considerable law enforcement resources to investigate. By adopting these provisions, the City Council desires to protect the health, safety, and welfare of all persons living in the city, visiting the city, and operating businesses within the city by deterring the fraudulent procurement of third party gift cards at retail establishments and conserving the limited amount of time, energy, and resources available to local law enforcement agencies when investigating said behavior

(B) *Definitions.* For the purpose of this section, the following definitions shall apply.

**FINANCIAL TRANSACTION CARD.** Any instrument or device, whether known as a credit card, credit plate, charge plate, courtesy card, bank services card, banking card, check guarantee card, debit card, electronic benefit system (EBS) card, electronic benefit transfer (EBT) card, assistance transaction card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining credit, money, goods, services, public assistance benefits, or anything else of value, and includes the account or identification number or symbol of a financial transaction card.

**THIRD PARTY GIFT CARD.** A reloadable or non-reloadable prepaid card sold at retail establishments and used to make purchases via any credit card, bank card, or other monetary card network, for which the value is decreased upon each purchase.

**RETAIL ESTABLISHMENT.** A physical place of business in which consumer merchandise is sold to the general public.

**PERSON.** An individual, partnership, limited partnership, limited liability company, corporation, or other legal entity.

**PROOF OF IDENTIFICATION.** A driver's license, Minnesota identification card, or other

identification document issued for identification purposes by any accredited college or university, or state, federal, or foreign government if the document includes the person's photograph, full name, birth date, and signature.

**SELL.** To transfer to another in exchange for monetary consideration through the use of a financial transaction card.

(C) *Identification Verification Required.* Any person that sells a third party gift card to an individual on behalf of a retail establishment, including an agent, employee, or other representative of the retail establishment, shall require that the individual purchasing the third party gift card display proof of identification and shall verify that said proof of identification matches the individual's form of payment.

(D) *Self-Checkout.* A retail establishment shall not allow the purchase of third party gift cards at self-checkout kiosks where customers themselves scan merchandise and pay without the assistance of an employee of the retail establishment.

(E) *Enforcement; Violations.* Penalties for violations shall be enforced against the retail establishment through the administrative citations process pursuant to City Code §10.98.

**SECTION 2. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

An ordinance to deter the fraudulent purchases of third party gift cards at retail establishments by requiring the individual purchasing the third party gift card to provide proof of identification.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted by the City Council of the City of West St. Paul this \_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
David J. Napier, Mayor

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Nicole Tillander, City Clerk