

## CHAPTER 18 NEGATIVE OPTION BILLING FOR SERVICES

### 3-18-1 DEFINITIONS

### 3-18-2 NEGATIVE OPTION BILLING FOR SERVICES PROHIBITED

### 3-18-3 VIOLATIONS; PENALTIES

3-18-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. “Negative Option Billing For Services” is when a seller proposes to send or provide services not actually ordered or requested by the recipients, orally or in writing, and the recipients receive and are billed for services as proposed unless by a date or time specified by the seller the recipients instruct the seller not to send or provide the identified services.

2. “Recipients” is any person who receives services from a seller of such services.

3. “Seller” means any person engaged in the sale of services in the City of Maquoketa, Iowa.

4. “Services” shall not include the sending or providing of goods.

3-18-2 NEGATIVE OPTION BILLING FOR SERVICES PROHIBITED. The use by sellers of “negative option billing for services” is prohibited in the City of Maquoketa, Iowa. Notwithstanding the foregoing, however, nothing herein shall prohibit the use of Negative Option Plans as defined and regulated by Federal Trade Commission rules and concerning use of Negative Option Plans by sellers in commerce.

3-18-3 VIOLATIONS; PENALTIES. If any person engages in the use of negative option billing for services, said person shall be punished as provided in Section 1-3-1 of this Code. Each billing of an individual recipient pursuant to any negative option billing shall be considered a separate violation of this Article.

(Ord. 757, 8-5-91)