

ORDINANCE NO. 2009-06

AN ORDINANCE BY THE TOWN OF NASHVILLE ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM, TO SET OUT DEFINITIONS, POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THE IDENTITY THEFT PREVENTION PROGRAM

WHEREAS, Federal Trade Commission adopted rules pertaining to an Identity Theft Prevention pursuant to the Red Flags Rule which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 which requires that creditors adopt an Identity Theft Prevention Program on or before May 1, 2009; and

WHEREAS, the Red Flags Rule defines creditor to include all utility companies and the Town of Nashville owns and provides utility services and/or accepts payments for municipal utility services and is therefore classified as a "creditor"; and

WHEREAS, the Town Clerk-Treasurer recommends the Identity Theft Prevention Program attached hereto and incorporated herein as Exhibit "A" ("Program"); and

WHEREAS, the Town Council has reviewed the Program and believes it fulfills, complies and implements the Red Flags Rule and other requirements outlined by the Federal Trade Commission; and

WHEREAS, the Town Council finds that it is in the public interest to approve the Program.

NOW, THEREFORE, BE IT ORDAINED BY THE NASHVILLE TOWN COUNCIL THAT:

Section 1. Amendment. The Code of Ordinances are hereby amended, by adding a new Ordinance 2009-06, entitled Identity Theft Prevention Program, as is more particularly set out in Exhibit A.

Section 2. Implementation. All procedures and requirements of The Identity Theft Prevention Program shall be implemented as outlined in the Exhibit A.

Section 3. All provisions of the Code of Ordinances of the Town of Nashville in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Ordinances of the Town of Nashville not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

PASSED AND APPROVED on this 16th day of April, 2009.

