

## CHAPTER 226

### PROHIBITING THE WRITING OF BAD CHECKS

[History: Ord 2001-19]

**226.01 Writing of Bad Checks Unlawful.** It shall be unlawful to issue any check or other order for the payment of money which, at the time of issuance, the issuer intends should not be paid.

**226.02 Evidence.** For Purposes of this ordinance, any of the following is prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

- a) Proof that, at the time of issuance, the person did not have an account with the drawee;
- b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of nonpayment or dishonor, to pay the check or other order;
- c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of nonpayment or dishonor, to pay the check or other order .

**226.03 Penalties for Violation.** Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit to Richland County, or to the City of Richland Center, whichever is prosecuting, not less than Twenty-five Dollars (\$25.00) nor more than Four Hundred (\$400.00) Dollars, as adjudged by the Court, plus the costs of prosecution as taxed and assessed by the Court, and in default of payment of said forfeiture and costs, may be imprisoned in the County Jail of Richland County for such period of time (but not to exceed ninety (90) days) as shall be adjudged by the Court, unless said forfeiture and costs are sooner paid.

**226.04 Enforcement.** The District Attorney of Richland County and/or the City Attorney for the City of Richland Center, and the Richland Center Police Department are hereby granted authority to issue citations for violations of this Ordinance.

**226.05 Jurisdiction.** This Ordinance shall be effective in the incorporated areas of the City of Richland Center

**226.06 Intent.** This Ordinance is intended to mirror Richland County Ordinance No. 79-7, as amended by Ordinance No.2001-10, to effectuate uniform enforcement.

This ordinance shall be in full force and effect from and after its passage and publication.

Date Passed: 2001