

ORDINANCE TO REGULATE THE ISSUANCE OF WORTHLESS CHECKS

The Board of Supervisors of Buffalo County hereby ordain as follows:

STATE LAW REGARDING ISSUANCE OF WORTHLESS CHECK ADOPTED

The statutory provisions describing and defining regulations with respect to the issuance of worthless checks in sec. 943.24, of the Wisconsin Statutes, exclusive of any provisions therein relating to penalties to be imposed by the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance, to wit:

Section 2.

943.24(1)

Whoever issues any check or other order for the payment of money which at the time of issuance, he or she intends shall not be paid is guilty of a forfeiture violation.

Section 3

943.24(3)

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; or,

(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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or,

(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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

Section 4.

943.24(4)

This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

Section 5.

943.24(5)

(a) In addition to the other penalties provided in violation of this section, a judge may order a violator to pay restitution.

PENALTIES

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than \$100 together with the costs of prosecution, and in default of payment of the forfeiture in costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding six months.

<u>Offense</u>	<u>Deposit</u>	<u>Penalty Assess- ment</u>	<u>Jail Assess- ment</u>	<u>Auto- mation Fee</u>	<u>Court Costs</u>	<u>Total</u>
\$ 25 or less	\$ 25.00	\$ 5.00	\$10.00	\$3.00	\$20.00	\$ 63.00
\$ 26 - \$100	\$ 50.00	\$10.00	\$10.00	\$3.00	\$20.00	\$ 93.00
\$101 - \$500	\$ 75.00	\$15.00	\$10.00	\$3.00	\$20.00	\$123.00
\$500 or more	\$100.00	\$20.00	\$10.00	\$3.00	\$20.00	\$153.00

Section 6.

CITATION OF VIOLATIONS

All provisions of this ordinance which are adopted and made a part of this ordinance, by reference from the Wisconsin Statutes, shall be cited as Section C followed by the number of the statute to which it corresponds.

Section 7.

REFERENCES TO STATUTES

The term "Wisconsin Statutes" wherever used in the ordinance shall mean the Wisconsin Statutes of 1989-1990 that were in effect at the time of passage of this ordinance as well as any subsequent amendments to said statutes.

Section 8.

SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the County Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid; the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 9.

EFFECTIVE DATE

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

Respectfully submitted this 8th day of May, 1992.

LAW ENFORCEMENT COMMITTEE

ABSENT

Vernon Martzke

Armin Piel

Armin Piel

Randy Schreiner

Randy Schreiner

Steve Weiss

Steve Weiss

Robert Wittig

Robert Wittig

10-10-1964

Dear Mr. [Name] - I am sorry that I cannot give you a more definite answer at this time.

I am sure that you will understand my position.

Sincerely,
[Signature]

Enclosed for you are two copies of the report which you requested.

I am sure that you will find it of interest.

Very truly yours,
[Signature]

Enclosed for you are two copies of the report which you requested.

I am sure that you will find it of interest.