

ORDINANCE NO. 5506

AN ORDINANCE TO INCREASE THE PENALTY FOR INSUFFICIENT FUNDS AND NO ACCOUNT CHECKS DELIVERED TO THE CITY OF RAPID CITY BY AMENDING SECTION 9.04.010 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted an ordinance prohibiting the presenting of insufficient funds and no account checks to the City of Rapid City; and

WHEREAS, the City of Rapid City has adopted an ordinance providing a penalty to be paid by any person who presents such instruments to the City of Rapid City; and

WHEREAS the Common Council of the City of Rapid City deems it to be in the best interests of the City of Rapid City to increase the penalty for presenting an insufficient funds or no account check to the City.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 9.04.010 of the Rapid City Municipal Code is hereby amended to read as follows:

9.04.010 Bad checks.

A. *Prohibited.* It is unlawful for any person to ~~make and deliver or draw and deliver, or utter or give, or present as payment~~ to the city, or to any ~~officer, employee, agent, agency, board, bureau or commission~~ thereof, ~~in payment of any license, fee, fine, penalty, assessment, tax, debt, obligation or other exaction, payment or amount of money which the city or such officer, employee, agent, agency, board, bureau or commission is lawfully authorized to receive or collect,~~ any check or draft upon any bank or banking association ~~with knowledge~~ that the maker or drawer thereof does not have sufficient funds in or credit with such bank or banking association for the payment of the same, or ~~with knowledge~~ that the maker or drawer thereof does not have an account in or with the bank or banking association subject to the check or draft. ~~The fact that payment of the check or draft, when presented in the usual course of business, shall be refused by the bank or banking association for lack of sufficient funds to the credit of the drawer or maker with which to pay the same, or because the drawer or maker has no account subject to the check or draft, shall be prima facie evidence that the same was made and delivered or drawn and delivered or uttered or given with the knowledge hereinbefore mentioned.~~

B. *Penalty.* ~~In addition to payment of all other amounts due and owing,~~ Any person who ~~makes and delivers, draws and delivers, utters or gives to the city or to any officer, agent, agency, board, bureau or commission thereof, any check or draft drawn upon any bank, banking association, or credit union, which check or draft, when presented in the usual course of business, is refused by the bank, or banking association or credit union,~~ violates Subsection A shall pay to the city's Finance Officer ~~a service charge the sum of twenty-five dollars (\$25).~~ The payment shall not relieve the person of any criminal liability.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective:

9.04.010 Bad checks.

A. *Prohibited.* It is unlawful for any person to deliver, give, or present as payment to the city, or to any agent thereof, any check or draft upon any bank or banking association that the maker or drawer thereof does not have sufficient funds in or credit with such bank or banking association for the payment of the same, or that the maker or drawer thereof does not have an account in or with the bank or banking association subject to the check or draft.

B. *Penalty.* In addition to payment of all other amounts due and owing, any person who violates Subsection A shall pay to the city's Finance Officer a service charge of twenty-five dollars (\$25). The payment shall not relieve the person of any criminal liability.