

ORDINANCE NO. 5807

**AN ORDINANCE TO REVISE THE TYPES OF CHECKS FOR WHICH SERVICE CHARGES APPLY BY AMENDING SECTION 9.04.010 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has enacted an ordinance that prohibits certain types of bad checks, which ordinance is codified in Section 9.04.010 of the Rapid City Municipal Code; and

WHEREAS, the ordinance currently provides a \$25 fee for insufficient funds checks and checks drawn on banks where the maker has no account; and

WHEREAS, the ordinance does not currently provide that a service charge may be assessed for checks that are dishonored for other reasons; and

WHEREAS, the Common Council finds it is in the best interests of the City of Rapid City to also assess a fee to cover the costs incurred by the City Finance Office for checks dishonored for other reasons.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 9.04.010 of the Rapid City Municipal Code be amended to read in its entirety as follows:

**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 of 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 \$25. The payment shall not relieve the person of any criminal liability.

C. *Handling fee.* If a check is dishonored for any other reason, including but not limited to stop payment orders, closed accounts, frozen accounts or other checks returned "refer to maker," the maker or drawer of the check shall pay to the Finance Officer a handling fee of \$25 in addition to all other amounts due and owing.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(seal)