

BILL NO. 2280ORDINANCE NO. 2104

AN ORDINANCE REPEALING ORDINANCE 814 CREATING A NEW ORDINANCE INCREASING THE AMOUNT CHARGABLE AS AN ORDINANCE VIOLATION FOR PASSING BAD CHECKS

WHEREAS, changes have occurred in accordance with state statutes, which allow the municipalities to consider as ordinance violation the passing of bad checks for an amount up to Five Hundred Dollars (\$500); and

WHEREAS, the increase in retail establishments as a result of the development of the Chesterfield Valley has increased the number of bad check violations, which have been presented to the Prosecuting Attorney for consideration; and

WHEREAS, in order to facilitate and assist the retail establishments with the collection of the amounts due, it is recommended that the Bad Check Ordinance No. 814 be amended to increase the aggregate amount for bad checks within a ten (10) day period to Five Hundred Dollars (\$500).

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Ordinance 814 of the City of Chesterfield, and Section Code 21-9, are hereby revoked and a new Bad Check Ordinance, which will be codified in Section 21-9, shall be substituted therefore and shall read as follows:

(a) A person commits the offense of passing a bad check when, with purpose to defraud, he/she issues or passes a check or other similar sight order for the payment of money, where the fact amount of the order or orders aggregated within any ten-day period is less than five hundred dollars (\$500.00), knowing that it will not be paid by the drawee, or that there is no such drawee.

If the issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, this fact shall be prima facie evidence of his/her purpose to defraud and of his/her knowledge that the check or order would not be paid.

(b) If the issuer has an account with the drawee, failure to pay the check or order within ten (10) days after notice in writing that it has not been honored because of insufficient funds or credit with the drawee is prima facie evidence of his/her purpose to defraud and of his/her knowledge that the check or order would not be paid.

(c) Notice in writing means notice deposited as first class mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check or to his/her last known address. The mailing of such written

notice so addressed shall constitute compliance with this provision for notice. Refusal to accept the written notice by addressee, or if addressee is not at such address, or if notice is not delivered for other cause, shall not constitute a defense of failure to notify the drawer or maker as required herein.

The written notice shall also contain a demand for payment. Failure on the part of the maker or drawer to redeem the check, draft or other form from the holder within ten (10) days of the mailing as provided herein shall be considered as a refusal to make payment by the drawer or maker.

(d) The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

(e) Violation of this section shall be a misdemeanor, punishable by fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

(f) In addition to all other costs and fees allowed by Ordinance, the City of Chesterfield shall collect from the issuer in bad check cases filed in Municipal Court, an administrative handling cost as follows:

- (1) Five dollars (\$5.00) for checks of less than ten dollars (\$10.00);
- (2) Ten dollars (\$10.00) for checks of ten dollars (\$10.00) but less than one hundred dollars (\$100.00);
- (3) Twenty-five dollars (\$25.00) for checks of one hundred dollars (\$100.00) or more.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 21st day of JUNE, 2004.


MAYOR

ATTEST:


CITY CLERK