

WORTHLESS CHECKS ORDINANCE

Section: 2-9 of the Town of Barnes Ordinances

- (1) Issuance of worthless checks: Whoever issues any check or other order for the payment of money, which, at the time of issuance, the person intends shall not be paid shall be subject to a forfeiture and the obligation to make restitution as provided in section (4) below.
- (2) 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 that it should not be paid.
 - (a) Proof that, at the time of issuance, the person did not have an account with 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 non payment or dishonor to pay the check or other order.
- (3) This ordinance does not apply to a postdated or to a check given for past consideration, except a payroll check.
- (4) Whoever violates this ordinance may be required to make restitution as provided in Section 800.093 of the Wisconsin Statutes and, in addition, shall be subject to a forfeiture of not less than \$50.00 and not more that \$400.00 together with the costs of prosecution.
- (5) This ordinance is intended to be in conformity with Section 943.24 of the Wisconsin Statutes and shall be interpreted consistent with that intent.

Gene F. Ratzel-Chairman

Dave Scharlau-Supervisor

Christine M. Webb-Supervisor

Dixie Lea Chermack-Supervisor

Jack Meinke-Supervisor

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Clerk

Attested:

Lucille J. Peet Barnes Town