

ORDINANCE NO. 50

WORTHLESS CHECKS

The Town Board of the Town of Geneva, Walworth County, Wisconsin, does ordain Town of Geneva Ordinance No. 50 as follows:

Section 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 shall be subject to a forfeiture as set forth in Section 4 below.

Section 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 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 3.

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

Section 4.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not more than One Thousand (\$1,000.00) Dollars and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. In addition to the above penalties, a judge may order a person convicted under this Ordinance to pay restitution pursuant to Wisconsin Statutes Section 973.20.

Section 5.

If any Section, Subsection, Sentence, Clause or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof.

The Town Chairman and Town Board of the Town of Geneva hereby declares that they would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 6.

This Ordinance shall be effective from and after its adoption by the Town Board and its posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted the 5th day of April, 1993.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

Richard Ploch, Chairman (Signature on File)

Kenneth W. Piantino, Supervisor (Signature on File)

ATTEST:

Phyllis Schinke, Clerk (Signature on File)