ORDINANCE NO. 581 Bill NO. 581

AN ORDINANCE PROVIDING FOR THE CRIME OF AND PENALTY FOR THE PASSING OF A BAD CHECK.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Ordinances of the City of Wood Heights, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION II

1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, he makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) He makes, issues, or passes a check or other similar sight order for the payment of money knowing that there are insufficient funds in his account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied by written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amount 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.

4. Passing bad checks is punishable by the following fines and/or jail time:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars ($150.00) or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, then

if convicted under subpart (1) or (2) above, the range of punishment shall be a minimum fine of fifty dollars ($ 50.00) and a maximum fine of five Hundred dollars ($ 500.00) and/or jail time not to exceed 60 days at the discretion of the judge.

(3) The face amount of the check or sight order is less than one hundred fifty dollars ($150.00) then

if convicted under subpart (3) the minimum fine for the offense is twenty-five dollars ($25.00) and/or jail time at the discretion of the judge.

SECTION III

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 1st day of June, 1993.

Melvin Carmichael Jr.
Mayor

ATTEST:

City Clerk

(Based upon state statute R.S.Mo. Section 570.120)