

## CHAPTER XXVIII.

### ISSUE OF WORTHLESS CHECKS

SECTION 28.00. Worthless Checks. No person shall issue any check or other order for the payment of money less than \$500.00 which, at the time of issuance, he or she intends shall not be paid.

SECTION 28.10. Evidence. 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 five 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 five days after receiving notice of nonpayment or dishonor to pay the check or other order.

SECTION 28.20. Postdated Check. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

SECTION 28.30. Restitution. In addition to any penalty or forfeiture ordered hereunder, any person convicted of violation of the provisions of this ordinance shall be ordered to make restitution to the payee of any worthless check.

28.40. Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction thereof, shall forfeit not less than \$50.00 nor more than \$500.00; and the costs of prosecution, and in default of payment, shall be imprisoned in the County Jail for not more than 90 days.

SECTION 28.50. Stipulation of No Contest Prior to Initial Appearance. If a person is issued a citation under the terms of this chapter, and has made full restitution to the payee of any worthless check, such person may make a stipulation of no contest and deposit the sum of \$100.00 with the Municipal Court at any time prior to the initial appearance.

28.51. The person who has made a stipulation and deposit may appear in court. In such case, the court shall allow the person to withdraw his or her plea of no contest.

28.52. The amount of the deposit set forth above may be modified by order of the Municipal Judge, but shall not be effective until approved by the Town Board.