

20. Prosecution of Worthless Checks

20.1 Stoughton Utilities will utilize the following ordinance to have the City of Stoughton prosecute customers who write worthless checks:

9.03 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

1) STATE LAWS ADOPTED BY REFERENCE.

9.43.24 (6) ISSUE OF WORTHLESS CHECKS

(a) Whoever issues any check or other order for the payment of money less than \$1000.00 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this ordinance and the penalties for such actions are set forth in Section 25.04(5).

(b) 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:

- 1. Proof that, at the time of issuance, the person did not have an account with the drawee; or*
- 2. 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 non-payment or dishonor to pay the check or other order; or*
- 3. Proof that, when presentation 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.*

20.2 In the event that a worthless check is presented to Stoughton Utilities, the Utilities Accounts Receivable Technician will file the necessary paperwork with the Stoughton Police Department, and send a certified letter to the drawee indicating that if the worthless check and service fee are not paid within five days of the receipt of notice, they will be prosecuted utilizing this ordinance.

Stoughton Utilities will be represented by the City Attorney in Municipal Court, when necessary testimony will be given by the Utilities Accounts Receivable Technician.

Effective: Tuesday, May 15, 2012

Brian R. Hoops

Utilities Office & Information Systems Supervisor