ORDINANCE NO. 95 - 05

AN ORDINANCE IMPOSING A SERVICE CHARGE FOR DISHONORED CHECKS RECEIVED BY THE CITY OF WENDOVER, TOOELE COUNTY, UTAH.

RECITALS

The City Council of Wendover, Tooele County, Utah hereby declares and finds it reasonable and necessary to adopt reasonable rules relating to service charges for dishonored checks received by the City.

BE IT ORDAINED BY THE WENDOVER, UTAH CITY COUNCIL:

SECTION 1. ORDINANCE ENACTED. There is hereby enacted an ordinance governing dishonored checks, to read in its entirety as follows:

1-101. Service Charge - Collection Procedures.

A. Any person, firm, corporation, partnership or business entity that tenders a check or other negotiable instrument to the city in consideration for any service, fee, assessment, or property of any kind, that is not honored by payor's bank when it is presented for payment, shall be charged fee of $30.00 for the additional handling of the dishonored instrument.

B. This provision shall be applicable in those instances where the collection of the sum is handled through extrajudicial means. In the event the City seeks to collect the debt represented by the dishonored instrument through judicial means, and in addition to the $30.00 fee above, the provisions of State law shall govern this section.

C. The City shall give its residents and others reasonable notice of this ordinance by pasting a notice in the City offices, and notification in its water services billings.

1-102. Costs and Attorney's Fees.

Any person firm, corporation, partnership or business entity that tenders a check or other negotiable instrument to the city in consideration for any service, fee, assessment, or property of any kind, that is not honored by payor's bank when it is presented for payment, shall be liable for payment of all costs and attorney's fees incurred by the City in connection with collection thereof. This section shall apply irrespective of whether judicial proceedings are instituted to collect the dishonored instrument.

1-103. Regulations Promulgated by Mayor.

The Mayor may promulgate written regulations dealing with checks tendered to and received by the City. Said regulations shall become effective upon approval by the City Council.

SECTION NO. 2. Severability Clause. The provisions of this Ordinance and all regulations thereunder, are severable. If any provision of this Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

SECTION 3. Effective Date. This ordinance shall be effective upon 20 days after publication or posting, or 30 days after passage by the City Council, whichever is sooner.

Passed and adopted by the Wendover City Council this 4 day of October, 1995.

MAYOR

ATTEST:

RECORDER

wendover/ordinances/checks