

CHAPTER 62

WORTHLESS CHECKS

SECTION 1.

No person shall issue any check or other order for the payment of money less than \$5000 which, at the time of issuance, he or she intends should not be paid.

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.

Refusal to accept or failure to receive notice of nonpayment or dishonor mailed by first class mail to such person's last known address or the address shown on the face of the check or other order shall not be a defense to the charge of issuance of a worthless check, contrary to Section 1 of this ordinance.

SECTION 4.

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

SECTION 5.

Any person who violates this ordinance shall, upon conviction, be subject to a forfeiture of not more than \$500 together with costs of prosecution and penalty assessment; and in default of payment of such forfeiture and costs, shall be subject to imprisonment in the County Jail until such forfeiture and costs be paid, but not to exceed 30 days.

SECTION 6.

This ordinance shall take effect and be in force from and after its proper passage and publication pursuant to Wisconsin Law.

Ordinance No. 49(81) - September, 1981