

file

ORDINANCE NO. 87.1

ORDINANCE ESTABLISHING COUNTY SERVICE CHARGE
ON DISHONORED CHECKS

WHEREAS, the Office of the Martin County Prosecuting Attorney has established a procedure for notice, pursuant to Indiana Code §35-43-5-5 to persons, entities, or corporations who have issued or delivered a check, draft, or order on a credit institution for payment of or to acquire money or other property, which check, draft, or order has been unpaid or dishonored, and

WHEREAS, such procedure established by the Office of the Martin County Prosecuting Attorney is a governmental service provided to those individuals or businesses which receive such unpaid or dishonored checks, drafts, or orders, and

WHEREAS, the Office of the Martin County Prosecuting Attorney provides a service not only to such payee or holder of the amount due, but also to the entire citizenry of Martin County, Indiana, in causing such unpaid and dishonored checks, drafts, or orders to be paid by the payor thereof, and

WHEREAS, such payor of the unpaid and dishonored checks, drafts, or orders should be required to pay a service charge reasonably related to the cost of the service provided by the Office of the Martin County Prosecuting Attorney, and

WHEREAS, such service charges, when collected by the Office of the Martin County Prosecuting Attorney should be paid over to the Martin County Auditor, as General Fund Miscellaneous Revenue, thereby reimbursing expenses paid, through the budget of the Office of the Martin County Prosecuting Attorney, for salaries, supplies, equipment, and other related expenses, and

WHEREAS, the Board of Commissioners of Martin County, Indiana is granted under the provisions of Indiana Code §36-1-3 all the powers that are needed for the effective operation of government as to local affairs.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Martin County, Indiana:

Section 1: The Office of the Martin County Prosecuting Attorney shall impose a service charge, to be paid by the payor of any unpaid and dishonored check, draft, or order for which notice is sent pursuant to the provisions of Indiana Code §35-43-5-5 in an amount not greater than \$15.00 to cover the costs of such service provided as well as a fee reasonably related to the administrative costs of exercising such regulatory power.

Section 2: The Office of the Martin County Prosecuting Attorney is further directed to impose a service charge or fee, to be paid by the payor of any unpaid and dishonored check, draft, or order, in an amount not greater than \$25.00, in the event that such check, draft, or order is not paid within the time period provided by Indiana Code §35-43-5-5(e) and criminal charges are filed based upon said unpaid check, draft, or order resulting in either deferred prosecution, the provisions of a suspended sentence, or the dismissal of the criminal charge wherein one of the conditions of such dismissal is the payment of such service charge.

Section 3: Such service charge or fee to be collected by the Office of the Martin County Prosecuting Attorney shall be in addition to the service fee or charge to be paid to the payee or holder of such check, draft, or order as provided Indiana Code §35-43-5-5(e). The Office of the Martin County Prosecuting Attorney shall have the discretion to waive collection of either fee if it finds that the circumstances warrant such action.

Section 4: The Office of the Martin County Prosecuting Attorney shall establish and maintain a public funds checking account (trust account) into which shall be deposited the collection proceeds of any such unpaid and dishonored check, draft, or order collected from an issuer thereof on behalf of the payee or holder. Checks from such account may be written to the payee or holder of the unpaid and dishonored check, draft, or order to whom the money is lawfully due without appropriation.

Section 5: All service charges or fees collected by the Office of the Martin County Prosecuting Attorney, as provided for by the Ordinance, shall be accounted for by the Office of the Martin County Prosecuting Attorney pursuant to procedures established and approved by the State Board of Accounts for the State of Indiana; such service charges and fees shall be remitted on a monthly basis to the Martin County Auditor to be paid into the General Fund of Martin County, Indiana, as Miscellaneous Revenue.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective immediately upon publication once each week for two consecutive weeks in a newspaper of general circulation in Martin County, Indiana.

DATED this 13th day of January, 1987.

Martin Tow
Martin Tow, Commissioner

Robert B. Greene
Robert B. Greene, Commissioner

Larry R. Harding
Larry R. Harding, Commissioner

ATTEST:

Vincent J. Williams
Vincent J. Williams, Auditor