

ORDINANCE NO. 617

AN ORDINANCE AMENDING CHAPTER 17, MUNICIPAL OFFENSES, OF THE BERTHOUD MUNICIPAL CODE WITH SECTION 17.18.1, ISSUANCE OF BAD CHECK.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO, THAT CHAPTER 17 OF THE BERTHOUD MUNICIPAL CODE IS HEREBY AMENDED WITH THE ADDITION OF THE FOLLOWING SECTION:

CHAPTER 17
MUNICIPAL OFFENSES

Section 1.

17.18.1 ISSUANCE OF BAD CHECK.

1. "Insufficient funds" means not having a sufficient balance in account with a bank or other drawee for the payment of a check or order when presented for payment within thirty (30) days after issue.

2. It is unlawful for a person to issue or pass a check or similar sight order for the payment of money, knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders outstanding at the time of issuance.

3. This section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence. However, for purposes of this section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order, if:

(a) He has no account with the bank or other drawee at the time he issues the check or order; or

(b) He has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue.

Section 2. Penalties

It shall be unlawful to violate any provision of this ordinance and upon conviction the guilty party may be sentenced to a \$300.00 fine, ninety (90) days in jail or both such fine and imprisonment.

Section 3. Effective Date

This ordinance was introduced and read and a public hearing set for January 26, 1988, by the Board of Trustees of the Town of Berthoud at its meeting held on this 12th day of January, 1988. After a public hearing, this ordinance was read, passed, and ordered published by the Board of Trustees at its meeting this 26th day of January, 1988.

ATTEST:

Orahbelle Patterson

Orahbelle Patterson
Town Clerk

TOWN OF BERTHOUD:

Tommy B. Fellows

Tommy Fellows - Mayor

Loveland Daily Reporter Herald
Published