

## Title 9 Chapter 2

### Non Sufficient Funds Checks

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#### Sec. 9-2-1 Title/Purpose

The Title of this Chapter is Non Sufficient Funds Checks. The purpose of this Chapter is to establish a fee for all checks that are returned non-sufficient funds.

#### Sec. 9-2-2 Authority

The Town Board of the Town of Arlington has the general authority under its Village powers to adopt this Chapter pursuant to Wis. Stats. §60.10, §60.22 and §61.34.

#### Sec. 9-2-3 Prohibition

No person shall issue any check or other order for the payment of money which, at the time of issuance, the issuer intends shall not be paid.

#### Sec. 9-2-4 Evidence

Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money, intended it should not be paid.

- (A) Lack of Account. Proof that, at the time of issuance, the person did not have an account with the drawee, or
- (B) Insufficient Funds. 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 five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
- (C) Failure to Pay. 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 five days after receiving notice of nonpayment or dishonor to pay the check or other order.

#### Sec. 9-2-5 Penalty

(A) Fee. Any person violating any provision of this Chapter shall be subject to a penalty as provided in Sec. 9-3-4 of this Code.

(B) Collection. If the fee is not paid it will be charged to the issuer on the issuer's tax bill.

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