

ORDINANCE #477

AN ORDINANCE ESTABLISHING A CHECK-HANDLING FEE TO BE COLLECTED FOR ALL DISHONORED CHECKS OR DRAFTS PAYABLE TO THE TOWN; AUTHORIZING AND DIRECTING THE TOWN CLERK/TREASURER TO COLLECT THE CHECK-HANDLING FEE; AND REPEALING ORDINANCE NUMBERS 254 AND 394.

WHEREAS, the Town of Yacolt, Washington, (hereafter the "Town"), experiences a number of checks or drafts presented in payment of obligations due and owing to the Town being dishonored by non-acceptance or non-payment by the drawee bank or institution;

WHEREAS, the processing of such dishonored checks or drafts requires additional time and effort by the Town's staff, and results in additional costs to the Town;

WHEREAS, the Town has the authority to collect a reasonable check handling fee for checks dishonored by non-acceptance or non-payment;

WHEREAS, the Town Council of the Town is in regular session this 22nd day of February, 2011; and,

WHEREAS, all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 - Check-Handling Fee Authorized: Whenever a check or draft presented to the Town is dishonored by non-acceptance or non-payment by the drawee bank or institution, the drawer or maker will be charged a check-handling fee of \$30.00, plus any charges assessed to the Town by the Town's financial institution for its handling of the check or draft. The Town Clerk/Treasurer of the Town, or his/her designee, is hereby authorized and directed to assess said check-handling fees in addition to, and as a part of, the payment or obligation due or made to the Town for which the dishonored check or draft was issued.

Section 2 - Effect of Dishonored Check or Draft: Any license, application, obligation or other service paid for with such check or draft shall be invalid; any obligation owing to the Town and paid with such dishonored check or draft shall be considered still outstanding; and any penalties, interest or fees specified in the Town's ordinances, resolutions or other lawful policies will continue to accrue, until the Town receives good funds for the amount of the check or draft, plus the check-handling fees described above.

Section 3 - Procedure Upon Dishonor of Check or Draft: The Town Clerk/Treasurer is authorized to inform the maker or drawer, by letter or other reasonable means, of the returned check or draft and the consequences of the dishonor.

Section 4 - Repeated Dishonor of Checks or Drafts: The Town Clerk/Treasurer is authorized to refuse checks as a form of payment from a maker or drawer if two checks have been returned for insufficient funds or dishonored for any other reason.

Section 5 - Repeal of Ordinance #254 and Ordinance #394: Ordinance #254 of the Town of Yacolt, adopted June 5, 1984, entitled "An Ordinance Allowing for a Ten Dollar (10.00) Service Charge to be Made on All Returned (NSF) Checks", is hereby repealed. Ordinance #394 of the Town of Yacolt, adopted April 17, 2000, entitled "An Ordinance Allowing for a Twenty Dollar (\$20.00) Service Charge to be Made on All Returned (NSF) Checks, Amending Ordinance #254", is hereby repealed.

Section 6 - Savings Clause: All terms of Ordinance #254 and Ordinance #394, as amended, shall remain in full force and effect until the effective date of this Ordinance #477.

Section 7 - Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 8 - Effective Date: This Ordinance shall take effect immediately upon adoption and publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #477

The Town Council of the Town of Yacolt adopted Ordinance #477 at its regularly scheduled Town Council meeting held on February 22, 2011. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE ESTABLISHING A CHECK-HANDLING FEE TO BE COLLECTED FOR ALL DISHONORED CHECKS OR DRAFTS PAYABLE TO THE TOWN; AUTHORIZING AND DIRECTING THE TOWN CLERK/TREASURER TO COLLECT THE CHECK-HANDLING FEE; AND REPEALING ORDINANCE NUMBERS 254 AND 394. The Ordinance increases the Town's check-handling fee to \$30.00 plus any charges assessed by the Town's bank. The effective date of the Ordinance is February 22, 2011.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

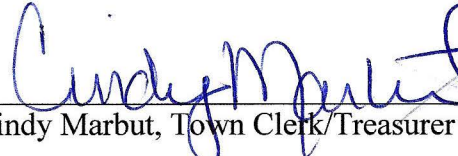
Published this 1st day of March, 2011.
Cindy Marbut, Town Clerk/Treasurer

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 22th day of February, 2011.

TOWN OF YACOLT


Joe Warren, Mayor

Attest:


Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

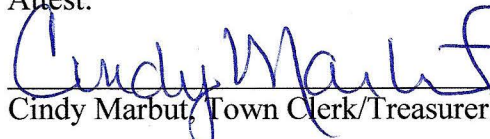
David W. Ridenour, Town Attorney

Ayes: Hancock, Ayers, Weldon, Halyk, Robertson
Nays: Ø
Absent: Ø
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #477 of the Town of Yacolt, Washington, entitled "An Ordinance Establishing a Check-Handling Fee to be Collected for All Dishonored Checks or Drafts Payable to the Town; Authorizing and Directing the Town Clerk/Treasurer to Collect the Check-Handling Fee; and Repealing Ordinance Numbers 254 and 394", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Cindy Marbut, Town Clerk/Treasurer

Published: 3/1/2011
Effective Date: 2/22/2011
Ordinance Number: #477