

AN ORDINANCE PROHIBITING KNOWINGLY MAKING, ISSUING, ETC. WORTHLESS CHECKS AND DRAFTS; OBTAINING PROPERTY IN RETURN FOR WORTHLESS CHECKS; PROVIDING CERTAIN EVIDENCE TO BE PRIMA FACIE EVIDENCE OF THE MAKING OR UTTERING, AND PROVIDING PENALTY AND PROVIDING EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD
IN BAY COUNTY, FLORIDA:

Section 1: The purpose of this section is to remedy the evil of giving checks, drafts, bills of exchange and other orders on a bank without first providing funds in or credit with the depository on which the same are made or drawn to pay and satisfy the same, which tends to create the circulation of worthless checks, drafts, bills of exchange and other orders on banks, bad banking, check kiting and a mischief to trade and commerce.

Section 2: A. It shall be unlawful for any person, firm or corporation to draw, make, utter, issue or deliver to another any check, draft, or other written order on any bank or depository for the payment of money or its equivalent, knowing at the time of the drawing, making, uttering, issuing or delivering such check or draft that the maker or drawer thereof has not sufficient funds on deposit in or credit with such bank or depository with which to pay the same on presentation; provided, that this section shall not apply to any check where the payee or holder knows or has been expressly notified prior to the drawing or uttering of same or has reason to believe that the drawer did not have on deposit or to his credit with the drawee sufficient funds to insure payment as aforesaid, nor shall this section apply to any post dated check.

B. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by fine, not to exceed \$ 100.00, or by imprisonment in the city jail for not more

than 30 days, or by both such fine and imprisonment.

Section 3: Payment of a dishonored check, draft, bill of exchange or other orders shall not constitute a defense or ground for dismissal of charges brought under this section.

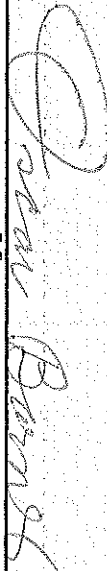
Section 4: The word "credit" as used herein shall be construed to mean an arrangement or understanding with the drawee for the payment of such check, draft or other written order.

Section 5: It shall be the duty of the drawee of any check, draft, or other written order, before refusing to pay the same to the holder thereof upon presentation, to cause to be written, printed, or stamped in plain language thereon or attached thereto, the reason for drawee's dishonor or refusal to pay same. In all prosecutions under this section, the introduction in evidence of any unpaid and dishonored check, draft or other written order, having the drawee's refusal to pay stamped or written thereon, or attached thereto, with the reason therefor as aforesaid, shall be prima facie evidence of the making or uttering of said check, draft or other written order, and the due presentation to the drawee for payment and the dishonor thereof, and that the same was properly dishonored for the reasons written, stamped or attached by the drawee on such dishonored checks, draft, or other written orders; and as against the maker or drawer thereof, the withdrawing from deposit with the drawee named in the check, draft or other written order, the funds on deposit with such drawee necessary to insure payment of said check, draft or other written order upon presentation within a reasonable time after negotiation; or the drawing, making, uttering or delivering of a check, draft or written order, payment of which is refused by the drawee, shall be prima facie evidence of knowledge of insufficient funds in or credit with such drawee; provided, however, if it is determined at the trial in a prosecution hereunder, that the payee of any such check, draft or written order at the time of accepting such check, draft or written order had knowledge of or reason to believe that the drawer of such check, draft or other written order did not have sufficient funds on deposit in or credit with such drawee, then the payee instituting such criminal prosecution shall be assessed all costs of court incurred in connection with such prosecution.

Section 6. Where prosecutions are initiated under this Ordinance, the party applying for the warrant shall be held liable for costs accruing in the event the case is dismissed for want of prosecution.

Section 7. This Ordinance shall take effect as provided by law.

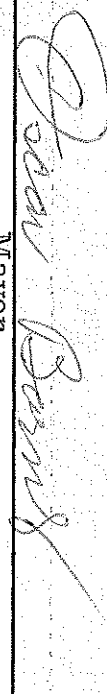
PASSED IN REGULAR SESSION of the City Commission this 4th day of DECEMBER, A. D. 1967.


Mayor

ATTEST:


City Clerk

APPROVED by me this 4th day of DECEMBER,
A. D. 1967.


Mayor

THIS ORDINANCE POSTED AT THE FOLLOWING PLACES ON THE FOLLOWING DATES:

CITY HALL 8 DECEMBER 1967
Place Date

MOSLEY'S SINCLAIR STATION 8 DECEMBER 1967
Place Date