

ORDINANCE NO. 2024 - 01

AN ORDINANCE ESTABLISHING A GENERAL NON-SUFFICIENT FUNDS FEE

WHEREAS, Ind. Code § 26-1-3.1-502.5 permits the imposition of a non-sufficient fund fee of Twenty and *Noll* 00 Dollars (\$20.00) plus an amount equal to the actual charge by the depository institution for negotiable instruments returned for insufficient funds;

WHEREAS, the Town of Monrovia ("Town") is charged by financial institutions and incurs administrative costs each time a person submits a negotiable instrument supported by insufficient funds;

WHEREAS, the Town has determined the need to establish a non-sufficient funds fee for the sanitary sewer utility and it has been recommended by the Town Clerk-Treasurer that a non-sufficient fund fee of at least Twenty and *Noll* 00 Dollars (\$20.00) be instituted in order to adequately cover the City's costs associated with negotiable instruments supported by insufficient funds;

WHEREAS, Ind. Code § 34-24-3-1 provides victims of check deception the ability to file a civil action for recovery for the amount due, the costs of the action, reasonable attorneys' fees and treble damages;

WHEREAS, Ind. Code § 36-1-8-13 requires political units that are unable to obtain payment for a dishonored check to refer the matter to the prosecuting attorney not later than ninety (90) days after the check was initially received;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROVIA, INDIANA, THAT:

NSF Fees. Payments made to the Town of Monrovia ("Town") by check or other negotiable instrument that are returned for non-sufficient funds may be subject to a non-sufficient funds (NSF) fee of \$20.00 plus an amount equal to the actual charge by the depository institution for negotiable instruments returned for insufficient funds. When an NSF fee is imposed under this section, the Town shall notify the maker or drawer, or the person for whose benefit the instrument was given, to inform him/her that the instrument was dishonored or returned unpaid and that the person has ten (10) days after the date the notice is mailed to pay the total amount due, including the NSF fee, in cash, certified check, or other guaranteed payment.

Collection. If the person fails to make payment within the ten (10) day period, the Town may file a civil action for the amount due, including the NSF fee, court costs, reasonable attorneys' fees, and treble damages. If payment is not received with respect to dishonored checks within ninety (90) days after the check is initially received, the matter will be referred to the Morgan County Prosecutor in accordance with Ind. Code § 36-1-8-13.

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This Ordinance shall be in full force and effect from and after its passage, approval by the Town Council, and publication according to law.

The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONROVIA, INDIANA, this 27th day of February, 2024.

“Aye”

“Nay”



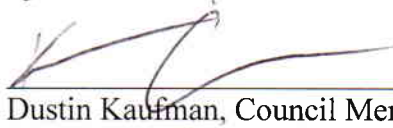
Kevin Collier, Council President

Kevin Collier, Council President



Carol Youngblood, Council VP

Carol Youngblood, Council VP



Dustin Kaufman, Council Member

Dustin Kaufman, Council Member




Philip L. Fowler, Council Member

Philip L. Fowler, Council Member



Loren Moore, Council Member

Loren Moore, Council Member

ATTEST:


Danny Chenault, Acting Monrovia Clerk-Treasurer