

1989-002

ORIGINAL

ORDINANCE NO 2015-D10  
ORDINANCE ESTABLISHING A CHARGE/FEE FOR A  
DISHONORED CHECK, DRAFT OR ORDER FOR PAYMENT

**WHEREAS**, the Delaware County Council previously passed Ordinance No. 1989-2, wherein the County Council established a service fee/charge of \$15.00 per returned check, draft or order for payment; and

**WHEREAS**, the Indiana Code § 26-1-3.1-502.5 provides that "a person to whom a check, a draft, an order, or like instrument is tendered may, if the instrument is dishonored or returned unpaid for any reason, charge and collect from the maker or drawer, or the person for whose benefit the instrument was given, an amount not to exceed twenty dollars (\$20.00) plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument. The charge shall not be considered an interest charge, a finance charge, a time price differential, or any charge of a similar nature"; and


**WHEREAS**, it is the intent of the Delaware County Council to repeal Ordinance No 1989-2, and replace it with this Ordinance, increasing the fee/charge for a returned or dishonored check, draft, an order, or like instrument.


**IT IS THEREFORE ORDAINED** by the Delaware County Council that:


1. Ordinance No. 1989-2 is repealed upon passage of this ordinance.
2. Pursuant to Indiana Code § 26-1-3.1-502.5, Delaware County shall charge a fee of twenty (\$20.00) plus an amount equal to the actual charge by the depository institution for each returned or dishonored check, draft, an order or like instrument tendered.

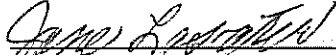
3. This ordinance shall be in full force and affect upon passage by the Delaware County Council.


PASSED AND ADOPTED BY THE BOARD OF COUNTY COUNCIL OF DELAWARE COUNTY, INDIANA, THIS THE 24<sup>th</sup> DAY OF March, 2015.

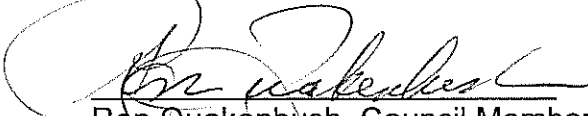
  
Kevin Nemyer, Council Member

  
Scott Alexander, Council Member

  
Mary Chambers, Council Member

  
Jane Lasater, Council Member

  
Mike Jones, Council Member

  
Ron Quakenbush, Council Member

  
Chris Matchett, Council President

  
Steven Craycraft, Auditor