

Brownsburg, Indiana  
Ordinance No. 2011-19  
Dated \_\_\_\_\_, 2011

AN ORDINANCE TO AMEND SECTION 40.21 OF THE BROWNSBURG TOWN CODE REGARDING RETURNED CHECK CHARGES FOR THE TOWN OF BROWNSBURG IN

WHEREAS, the Town Council for the Town of Brownsburg, Indiana (the "Town") previously set a fee of Thirty-Five Dollars (\$35.00) for each check returned due to non-payment for any reason, in addition to any charges assessed by any bank, which charges will be added to the fee charged by the Town; and

WHEREAS, I.C. 35-43-5-5(e) states that "it is a defense under subsection (a) if a person who: (1) Has an account with a credit institution but does not have sufficient funds in the accounts; and (2) issues or delivers a check, a draft or an order for payment on that credit institution; pays the payee or holder the amount due, together with protest fees and any service fee or charge, which may not exceed the greater of twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) [but not more than two hundred fifty dollars(\$250)] of the amount due, within ten (10) days after mailing notice to the person that the check has not been paid.

IT IS NOW THEREFORE RESOLVED that the fee for returned checks be and hereby is twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) [but not exceeding two hundred fifty dollars (\$250) according to I.C. 35-43-5-5(e). Additionally, any bank fees charged against the Town will be added to the NSF charges of the Town.

This Ordinance shall be in full force and effective from and after its publication as provided by law and in effect thereafter until amended or repealed by the Town Council.

PASSED AND ADOPTED by the Town Council of the Town of Brownsburg, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

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Matthew S. Bowles, President

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Jeanette M. Brickler, Clerk-Treasurer