

ORDINANCE NO. 2395

AN ORDINANCE amending Chapter 9.12.060 of the Camas Municipal Code by revising the language for fraud—insufficient funds check.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Section 9.12.060 of the Camas Municipal Code is hereby amended to provide as follows:

**9.12.060 - Unlawful Issuance of Bank Check.**

- (1) Any person who shall with intent to defraud, make, draw, or utter, or deliver to another person any check, or draft, on a bank or other such depository for payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds, or credit with said bank or other depository, to meet said check or draft in full upon its presentation, shall be guilty of Unlawful Issuance of Bank Check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft. Prima facie evidence of intent to defraud is established by the person uttering or delivering such a check or draft to another person without such funds or credit to meet the check or draft.
- (2) Unlawful Issuance of Bank Check in the amount of Two Hundred and Fifty NO/100 Dollars (\$250.00) or less is a gross misdemeanor and shall be punished as follows:
  - (a) The Court shall order defendant to make full restitution, and
  - (b) The defendant may be imprisoned, but the Court shall impose a minimum fine of Five Hundred and NO/100 Dollars (\$500.00). Of the fine imposed, at least \$50.00 shall not be suspended or deferred. Upon conviction of a second offense with any twelve month period, the court may suspend or defer only that portion of the fine in excess of Five Hundred and NO/100 Dollars (\$500.00).

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 10<sup>th</sup> day of

January, <sup>2005</sup> 2004.

SIGNED: Paul D. [Signature]  
Mayor

ATTEST: John M. [Signature]  
Clerk

APPROVED as to form:

[Signature]  
City Attorney