

ORDINANCE NO. 24-1426

AN ORDINANCE AMENDING WOODBURN MUNICIPAL CODE, TITLE III, CHAPTER 33, SECTION 33.10, TO ESTABLISH A GENERAL NON-SUFFICIENT FUNDS FEE

WHEREAS, the City of Woodburn ("City") is charged by financial institutions and vendors and incurs administrative costs each time a person submits a payment by a financial instrument supported by insufficient funds;

WHEREAS, the City has an existing non-sufficient funds fee for payments made by check, and the Clerk-Treasurer recommends imposition of a general non-sufficient fund fee that includes all other payment instruments received by the City, including all financial instruments expressly included in Ind. Code §36-1-11-8, to improve collection and standardize the City's fiscal policy regarding collection fee provisions;

WHEREAS, the Clerk-Treasurer recommends a non-sufficient fund fee of Ten and 00/100 Dollars (\$10.00) in order to adequately cover the City's costs associated with financial instruments supported by insufficient funds; and

WHEREAS, it is necessary to amend the portion of the Municipal Code regarding non-sufficient funds fee for payments made by check, to establish a general non-sufficient funds fee that includes all other payment instruments received by the City, including all financial instruments included in Ind. Code §36-1-11-8.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, THAT:

SECTION 1. Title III, Chapter 33, Section 33.10, of the Woodburn Municipal Code is hereby deleted in its entirety and replace as follows:

§ 33.10 SERVICE CHARGE FOR NSF PAYMENTS.

(A) The City shall charge and collect from the maker or drawer, or the person for whose benefit the financial instrument was given, a non-sufficient funds (NSF) fee of Ten and 00/100 Dollars (\$10.00), plus an amount equal to the actual charges and fees levied against or charged to the City by the depository institution or vendor, for financial instruments, including all financial instruments set forth in Ind. Code §36-1-11-8, that are returned for insufficient funds.

(B) When an NSF fee is imposed, the charge shall be added to the account of the person for whose benefit the financial instrument was given.

(C) The NSF fee may be recovered by the City by any remedy as provided by law.

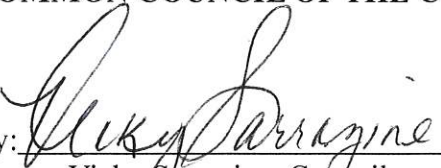
(D) Accounting and expenditure of all funds collected under this section shall be in compliance with the rules and regulations of the Indiana State Board of Accounts.

SECTION 2. No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

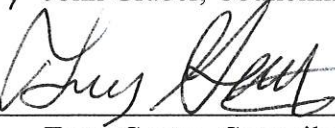
SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

Adopted and Ordinated this 18th day of November, 2024.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By:  YEA Nay ABS
Vicky Sarrazine, Councilwoman

By:  YEA Nay ABS
John Graber, Councilman

By:  YEA Nay ABS
Terry Gentz, Councilman

By:  YEA Nay ABS
Dean Gerig, Councilman

By:  YEA Nay ABS
Daniel Watts, Councilman

ATTEST:

By: 
Kevin Hileman, Clerk-Treasurer

The foregoing ordinance, passed by the Common Council, is signed and approved / not approved by me on the same date.

By: 
Joseph Kelsey, Mayor