

ORDINANCE NO. 2720

PROPOSED ORDINANCE AMENDING KIRKLAND MUNICIPAL CODE 11.56a.060 RELATING TO UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS, BY ADDING NEW SECTIONS THERETO.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Kirkland Municipal Code 11.56a.060 is hereby amended to read as follows:

"11.56a.060 - Unlawful Issuance of Checks or Drafts.

"(1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, 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, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud."

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor said check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing said check or draft shall be guilty of unlawful issuance of a bank check.

(3) Unlawful issuance of a bank check in an amount of two hundred fifty dollars or less is a serious crime and shall be punished as follows:

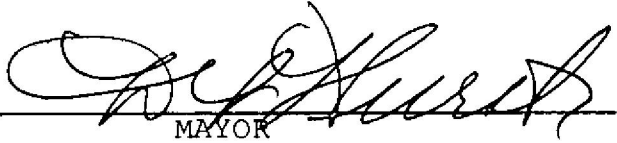
(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a minimum fine of


five hundred dollars. Of the fine imposed, at least fifty dollars shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may suspend or defer only that portion of the fine which is in excess of five hundred dollars.

THIS ORDINANCE shall be in force and take effect five (5) days from and after its passage and publication as required by law.


PASSED by majority vote of the Kirkland City Council on the 20th day of December, 1982.


MAYOR

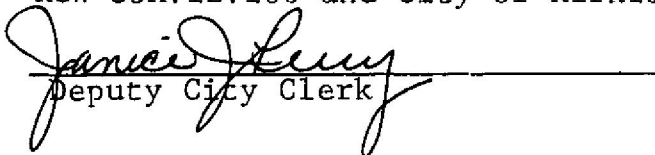
ATTEST:


Director of Administration &
Finance (ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 22nd day of December, 1982 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Deputy City Clerk