

STATE OF SOUTH CAROLINA

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CITY OF YORK

COUNTY OF YORK

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ORDINANCE 25-739

AN ORDINANCE TO REPEAL THE CITY OF YORK CODE OF ORDINANCES SEC. 28-73 AND SEC. 28-74 AS THEY ARE ALREADY ADDRESSED BY STATE LAW.

WHEREAS, it is essential for the City of York to periodically review ordinances to ensure that the language remains current and relevant; and

WHEREAS, the City Council of York, South Carolina has reviewed the provisions of Sections 28-73 and 28-74 of the Municipal Code; and

WHEREAS, it has been determined that the regulations in these sections are redundant and no longer necessary due to existing South Carolina state law governing these matters.

REPEALING Section 28-73. Uttering checks, drafts or orders without funds on deposit; and Section 28-74. Jurisdiction of municipal court in fraudulent check cases

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on the dates hereafter set forth, that Code of the City of York be amended as follows:

~~Sec. 28-73. Uttering checks, drafts or orders without funds on deposit. It shall be unlawful for any person, in his own name or in any other capacity whatsoever, to obtain money or other property of any kind or nature whatever with fraudulent intent, or to obtain credit with like intent, by means of a check, draft or order of which such person is the maker or drawer, or which, though he is not the maker or drawer, he, with like intent, utters or delivers or aids or abets another to utter or deliver, or to attempt to do so. If such check, draft or order is not paid by the drawee, the person making, drawing or uttering the same shall be guilty of a misdemeanor. The fact that such check, draft or order was not paid by the drawee because the maker or drawer did not have on deposit with the bank, person, firm or corporation upon which such draft, check or order was drawn, sufficient funds to pay the same in full when presented, and the further fact that the maker or drawer of such check, draft or order failed to pay the amount of the same within ten days after written notice sent to his last known address, shall, as against the maker or drawer of such check, draft or order, be prima facie evidence of fraudulent intent. The word "credit," as used in this section, shall be construed to mean securing further advances of money or goods by means of a check, draft or order given in whole or in part payment of a then existing account. (Code 1977, § 17-82; Ord. No. 02-370, 12-5-2002)~~

~~Sec. 28-74. Jurisdiction of municipal court in fraudulent check cases.~~

~~The provisions of S.C. Code tit. 34, ch. 11, as amended by Act 226 of 2000, are hereby adopted by reference. Offenses under tit. 34, ch. 11 involving instruments in the amount of \$1,000.00 or less shall be tried in municipal court. Convictions in municipal court are punishable as follows:~~

~~For a first conviction, if the amount of the instrument is \$500.00 or less, by a fine of not less than \$50.00 nor more than \$200.00 or by imprisonment for not more than 30 days;~~

~~(2) For a first conviction, if the amount of the instrument is more than \$500.00 but not greater than \$1000.00, by a fine of not less than \$300.00 nor more than \$500.00 or by imprisonment for not more than 30 days, or both;~~

~~(3) For a second or subsequent conviction, if the amount of the instrument is \$500.00 or less, by a fine of \$200.00 or by imprisonment for 30 days;~~

~~(4) For a second or subsequent conviction, if the amount of the instrument is more than \$500.00 but not greater than \$1000.00, by a fine of not less than \$500.00 or by imprisonment for not less than 30 days, or both.~~

~~(b) After a first offense conviction for drawing and uttering a fraudulent check or other instrument in violation of S.C. Code § 34-11-60 within its jurisdiction, the court shall, at the time of sentence, suspend the imposition or execution of a sentence upon a showing of satisfactory proof of restitution and payment by the defendant of court costs in the amount of \$41.00. For a second or subsequent conviction for a violation of S.C. Code § 34-11-60, the suspension of the imposition or execution of the sentence is discretionary with the court.~~

~~(c) After a conviction or plea for drawing and uttering a fraudulent check or other instrument in violation of S.C. Code § 34-11-60 and the defendant is charged or fined, he shall pay, in addition to the fine, court costs in the amount of \$41.00 and the service charge provided in S.C. Code § 34-11-70.~~

~~(d) After a conviction under this section on a first offense, after one year from the date of the conviction, the defendant or someone acting on his behalf may apply to the court for an order expunging the records of the arrest and conviction. This provision does not apply to any crime classified as a felony. If the defendant has had no other conviction during the one-year period following the conviction under this section, the court shall issue an order expunging the records. No person has any rights under this section more than one time.~~

~~(e) As used in this section, the term "conviction" shall include the entering of a guilty plea, the entering of a plea of nolo contendere, or the forfeiting of bail. Each instrument drawn or uttered in violation of S.C. Code tit. 34, ch. 11 shall constitute a separate offense.~~

~~(Ord. No. 02-370, 12-5-2002)~~

Secs. 28-73 – 28-74, 28-80-28-90. -Reserved.


MICHAEL D. FUESSER, MAYOR

ATTEST:

Amy M. Craig
Municipal Clerk

First Reading:

March 4, 2025

Public Hearing:

N/A

Second Reading:

April 1, 2025